

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

NATIONAL PARK SERVICE  
JONATHAN B. JARVIS, *Director*

**LAWS RELATING TO  
THE NATIONAL PARK SERVICE**

**SUPPLEMENT X**  
108th and 109th Congresses  
January 2003 to December 2006

*Compiled and Edited By*  
LaTonya R. Ward  
National Park Service

*Formatted By*  
Donna Krause  
Government Printing Office



WASHINGTON: 2012

## FOREWORD

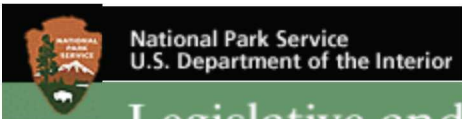
This is the tenth supplement to the publication, *Laws Relating to the National Park Service*, first printed in 1933 and supplemented in 1944, 1963, 1972, 1978, 2000, 2001, 2009 and 2010.

This volume contains laws relating to the National Park Service enacted by the 108th and 109th Congresses between January 2003 and December 2006. Similar to the last five volumes covering the 95th–107th Congresses, the text of each public law is the same version used in the *United States Statutes at Large (Statutes at Large)*.

In compiling this volume, a line of stars in the text denotes omitted material. We have made every effort to have as complete and accurate a text as possible. We encourage you to recheck the *Statutes at Large* if you have any doubt about the official text of any law.

We express our sincere thanks to LaTonya Ward for her sustained, excellent work in completing this project and to the staff of the Office of Legislative and Congressional Affairs for their editorial assistance. We also thank Donna Krause at the Government Printing Office for formatting this publication and digitizing the volume for Internet accessibility.

Donald J. Hellmann  
Assistant Director  
Legislative and Congressional Affairs



# Legislative and Congressional Affairs

## National Park Service Laws, Supplement X 108th - 109th Congresses January 2003 - December 2006

### Title Page

### Foreward

### Table of Contents

#### I. General Legislation

1. Commemorative Works Act Amendments .....	1
2. Competitive Sourcing .....	6
3. Concessions .....	12
4. Federal Employees .....	14
5. Federal Law Enforcement .....	33
6. Fee Authority .....	38
7. Historically Black Colleges and Universities .....	58
8. National Historic Lighthouse Preservation Program .....	60
9. National Historic Preservation Act .....	63
10. Land and Water Conservation Fund .....	83
11. National Park Service Organic Act .....	87
12. National Park System Advisory Board .....	88
13. National Park System General Authorities Act .....	89
14. Overflights of National Parks .....	90
15. Park Police .....	94
16. Surface Transportation Extension .....	98

#### II. Appropriations

1. Consolidated Appropriations Act for FY 2004 .....	227
2. Consolidated Appropriations Act for FY 2005 .....	235
3. Consolidated Appropriations Resolution for FY 2003 .....	295
4. Department of Agriculture Appropriations for FY 2006 .....	313
5. Department of Defense Appropriations Act for FY 2004 .....	315
6. Department of Defense Appropriations Act for FY 2006.....	317
7. Department of the Interior Appropriations for FY 2004 .....	319
8. Department of the Interior Appropriations for FY 2006 .....	347
9. Department of Transportation Appropriations for FY 2006 .....	360
10. District of Columbia Appropriations Act for FY 2005 .....	366
11. Emergency Supplemental Appropriations for FY 2005 .....	368
12. Emergency Supplemental Appropriations for FY 2006	

13. Energy and Water Development Appropriations Act for FY 2004

III. National Parks

- 1. Black Canyon of the Gunnison .....375
- 2. Channel Islands .....378
- 3. Congaree .....380
- 4. Everglades .....384
- 5. Glacier .....390
- 6. Grand Teton .....391
- 7. Great Basin .....396
- 8. Great Smoky Mountains .....399
- 9. Hawai'i Volcanoes .....408
- 10. Kenai Fjords .....409
- 11. Mount Ranier .....412
- 12. Petrified Forest .....416
- 13. Redwood .....419
- 14. Rocky Mountain .....421
- 15. Sequoia .....427
- 16. Shenandoah .....429
- 17. Wind Cave .....431
- 18. Yellowstone .....433
- 19. Yosemite .....436
- 20. Zion .....438

IV. National Parks and Preserves

- 1. Glacier Bay .....441

V. National Preserves

- 1. Big Cypress .....443
- 2. Mojave .....444
- 3. Tallgrass Prairie .....451
- 4. Timucuan Ecological and Historic .....452

VI. National Historical Parks

- 1. Chaco Culture .....453
- 2. Colonial .....455
- 3. Cumberland Gap .....456
- 4. Dayton Aviation Heritage .....459
- 5. Harper's Ferry .....461
- 6. Kalaupapa .....463
- 7. Kaloko-Honokohau .....464
- 8. Keweenaw .....465
- 9. Lewis and Clark .....467
- 10. Minute Man .....471
- 11. New Bedford Whaling .....473
- 12. Rosie the Riveter/World War II Home Front .....474

VII. National Battlefields

- 1. Fort Donelson .....475
- 2. Wilson's Creek .....477

VIII. National Military Parks

- 1. Chickamauga and Chattanooga .....479
- 2. Vicksburg .....482

IX. National Historic Sites

- 1. Allegheny Portage Railroad .....483
- 2. Carter G. Woodson Home .....484
- 3. Fort Vancouver .....486
- 4. Harry S. Truman .....488
- 5. John Muir .....489
- 6. Kate Mullany .....490
- 7. Lincoln Home .....492



8. Little Rock Central High School .....	493
9. Martin Luther King, Jr. ....	496
10. Sand Creek Massacre .....	497
<b>X. <u>National Memorials and Memorial Parks</u></b>	
1. Adams .....	501
2. Eisenhower .....	503
3. Jefferson National Expansion .....	504
4. Johnstown Flood .....	505
5. Lincoln .....	506
6. Martin Luther King, Jr. ....	507
7. Mt. Soledad Veterans .....	509
8. National Mall and Memorial Parks .....	511
9. Oklahoma City .....	512
10. Ukraine Famine .....	518
11. USS Arizona .....	519
12. Vietnam Veterans .....	521
<b>XI. <u>National Monuments</u></b>	
1. African Burial Ground .....	523
2. Aztec Ruins .....	527
3. Cape Krusenstern .....	529
4. Castillo de San Marcos .....	531
5. Fort Frederica .....	534
6. Governors Island .....	535
7. Montezuma Castle .....	545
8. Organ Pipe Cactus .....	549
<b>XII. <u>National Lakeshores</u></b>	
1. Apostle Islands .....	551
2. Sleeping Bear Dunes .....	555
<b>XIII. <u>National Seashores</u></b>	
1. Cape Lookout .....	557
2. Cumberland Island .....	558
3. Gulf Islands .....	561
4. Padre Island .....	565
<b>XIV. <u>National Recreation Areas</u></b>	
1. Boston Harbor Islands .....	567
2. Chickasaw .....	568
3. Delaware Water Gap .....	571
4. Glen Canyon .....	578
5. Golden Gate .....	579
6. Lake Roosevelt .....	585
<b>XV. <u>National Rivers</u></b>	
1. New River Gorge .....	587
<b>XVI. <u>National Parkways</u></b>	
1. Blue Ridge .....	589
2. John D. Rockefeller, Jr. ....	594
<b>XVII. <u>National Capital Parks</u></b>	
1. Anacostia .....	595
2. Federal and District of Columbia Real Property Conveyance .....	598
3. Jackson Place, Madison Place, and Pennsylvania Avenue .....	609
4. John F. Kennedy Center .....	611
5. Law Enforcement Officers Memorial .....	612
<b>XVIII. <u>National Trails System</u></b>	
1. Captain John Smith .....	613
2. El Comino Real de Tierra Adentro .....	617
3. Florida .....	619
4. Ice Age .....	620

5. Long Walk .....	621
6. Metacomet-Monadnock-Mattabesett .....	622
7. National Trails System Act .....	623
8. Star-Spangled Banner .....	624
9. Trail of Tears (study) .....	625
<b>XIX. <u>National Heritage Areas</u></b>	
1. Arabia Mountain .....	627
2. Atchafalaya .....	634
3. Blue Ridge .....	639
4. Champlain Valley .....	646
5. Crossroads of the American Revolution .....	652
6. Delaware and Lehigh .....	660
7. Freedom's Frontier .....	662
8. Great Basin .....	669
9. Gullah/Geechee .....	677
10. Illinois and Michigan Canal .....	684
11. John H. Chafee Blackstone River Valley .....	690
12. Lackawanna Valley .....	694
13. Mississippi Gulf Coast .....	695
14. Mormon Pioneer .....	700
15. National Aviation .....	708
16. National Coal .....	716
17. Northern Rio Grande .....	717
18. Oil Region .....	722
19. Southern Campaign of the Revolution (study) .....	729
20. St. Croix (study) .....	734
21. Upper Housatonic Valley .....	741
22. Yuma Crossing .....	744
<b>XX. <u>Wild and Scenic Rivers</u></b>	
1. Farmington River and Salmon Brook .....	745
2. Lower Delaware .....	746
3. Musconetcong .....	747
4. Wekiva River, Wekiwa Springs Run, Rock Springs Run and Black Water Creek .....	751
5. White Clay Creek .....	752
<b>XXI. <u>Miscellaneous Enactments</u></b>	
1. Abraham Lincoln Bicentennial Commission .....	753
2. American Revolution 225th Anniversary .....	754
3. Angel Island Immigration Station .....	757
4. Battle of Franklin. Tennessee (study) .....	759
5. Benjamin Franklin National Memorial .....	761
6. Brown Tree Snake Control and Eradication Act of 2004 .....	762
7. Buffalo Soldiers Memorial .....	768
8. Carl T. Curtis National Park Service Midwest Regional Headquarters Building .....	770
9. Castle Nugent Farms, St. Croix, Virgin Islands (study) .....	771
10. Coltsville, Connecticut (study) .....	772
11. California Missions Preservation .....	774
12. Capital Concerts .....	777
13. Constitution Day .....	778

14. Delaware National Coastal (study) .....	780
15. Energy Supplies and Energy Rights-of-Way .....	782
16. Fairbanks, Alaska Heritage Education Center .....	830
17. Fort Bayard National Historic Landmark, New Mexico .....	831
18. Harriet Tubman Sites, Maryland and New York (study) .....	832
19. Harriet Tubman Home, New York .....	834
20. Hibben Center, New Mexico .....	835
21. Highlands Regional Conservation, Connecticut, New Jersey, New York, and Pennsylvania .....	836
22. Jamestown Settlement 400th Anniversary Commemorative Coin .....	840
23. Japanese American Confinement Sites .....	844
24. Kris Eagle Memorial .....	846
25. Lewis and Clark Interpretive Center, Nebraska .....	848
26. Lewis and Clark National Historic Landmark Theme Study, Eastern Sites (study) .....	849
27. Lewis and Clark Expedition Bicentennial Commemorative Coin .....	851
28. Manhattan Project Sites, New Mexico, Washington, Tennessee (study) .....	852
29. Miami Circle, Florida (study) .....	854
30. Michigan Maritime Sites (study) .....	855
31. Migratory Birds .....	857
32. Mt. Soledad Veterans Memorial .....	859
33. National Museum of African American History .....	862
34. New Jersey Coastal Heritage Trail Route .....	864
35. Noxious Weed Control and Eradication .....	866
36. Nutria Eradication and Control, Maryland and Louisiana .....	871
37. Peleliu Battlefield 60th Anniversary Commemoration .....	873
38. Public Land Management Agency Foundations' Travel .....	875
39. River Raisin, Michigan (study) .....	876
40. San Gabriel River Watershed, California (study) .....	878
41. Sentinel Island Light Station Conveyance, Alaska .....	879
42. Service First Initiative .....	882
43. Ste. Genevieve County, Missouri (study) .....	884
44. Train to the Mountain Project, Washington .....	885
45. Veterans Memorial Preservation and Recognition Act of 2003 .....	887
46. Vicksburg Campaign Trail Battlefields (study) .....	889
47. Youth Conservation Corps .....	890

XXII. [Appendix I](#)

1. National Park System Technical Amendments Act of 2004



	.....895	
2. National Heritage Areas Act of 2006		.....899
XXIII. <u>Appendix II</u>		
1. Establishment of the Northwestern Hawaiian Islands Marine National Monument		.....979
XXIV. <u>Appendix III</u>		
1. Catoctin Mountain Park		.....993
2. Chopawamsic Recreational Demonstration Project		.....994
3. Frederick Douglass National Historic Site		.....995
4. Prince William Forest Park		.....996
XXV. <u>Executive Orders</u>		
1. No. 13285, 68 F.R. 5203, January 29, 2003, President's Council on Service and Civic Participation		.....999
2. No. 13287, 68 F.R. 10635, March 3, 2003, Preserve America		.....1001
3. No. 13316, 68 F.R. 55255, September 17, 2003, Continuance of Certain Federal Advisory Committees		.....1005
4. No. 13327, 69 F.R. 5897, February 4, 2004, Federal Real Property Asset Management		.....1007
5. No. 13330, 69 F.R. 9185, February 24, 2004, Human Service Transportation Coordination		.....1011
6. No. 13340, 69 F.R. 29043, May 18, 2004, Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes		.....1014
7. No. 13347, 69 F.R. 44573, July 22, 2004, Individuals with Disabilities in Emergency Preparedness		.....1017
8. No. 13352, 69 F.R. 52989, August 26, 2004, Facilitation of Cooperative Conservation		.....1019
9. No. 13366, 69 F.R. 76591, December 17, 2004, Committee on Ocean Policy		.....1021
10. No. 13371, 70 F.R. 5041, January 27, 2005, Amendments to Executive Order 13285, Relating to the President's Council on Service and Civic Participation		.....1024
11. No. 13385, 70 F.R. 57989, September 29, 2005, Continuance of Certain Federal Advisory Committees and Amendments to and Revocation of Other Executive Orders		.....1026
12. No. 13390, 70 F.R. 67327, November 1, 2005, Establishment of a Coordinator of Federal Support for the Recovery and Rebuilding and the Gulf Coast Region		.....1029
13. No. 13392, 70 F.R. 75373, December 14, 2005, Improving Agency Disclosure of Information		.....1031
14. No. 13401, 71 F.R. 25737, April 27, 2006, Responsibilities of Federal Departments and Agencies With Respect to Volunteer Community Service		.....1036
15. No. 13406, 71 F.R. 36973, June 23, 2006, Protecting the Property Rights of the American People		.....1038

I. GENERAL LEGISLATION

1. Commemorative Works Act Amendments

PUBLIC LAW 108-126—NOV. 17, 2003

117 STAT. 1348

Public Law 108-126  
108th Congress

An Act

To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

Nov. 17, 2003

[H.R. 1442]

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

\* \* \* \* \*

District of Columbia.

TITLE II—COMMEMORATIVE WORKS

117 STAT. 1349  
Commemorative Works Clarification and Revision Act of 2003.  
40 USC 101 note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Commemorative Works Clarification and Revision Act of 2003”.

SEC. 202. ESTABLISHMENT OF RESERVE.

40 USC 8901 note.

(a) FINDINGS.—Congress finds that—

(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.

(b) RESERVE.—Section 8908 of title 40, United States Code, is amended by adding at the end the following:

“(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.”.

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) PURPOSES.—Section 8901(2) of title 40, United States Code, is amended by striking “Columbia;” and inserting “Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;”.

117 STAT. 1350

(b) DEFINITIONS.—Section 8902 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this chapter:

“(1) **COMMEMORATIVE WORK.**—The term ‘commemorative work’ means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

“(2) **THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.**—The term ‘the District of Columbia and its environs’ means those

117 STAT. 1350

PUBLIC LAW 108-126—NOV. 17, 2003

lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.

“(3) RESERVE.—The term ‘Reserve’ means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

“(4) SPONSOR.—The term ‘sponsor’ means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.”.

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”; and

(B) by striking “the event” and inserting “such war or conflict”;

(2) in subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

(B) by striking “House Administration” and inserting “Resources”; and

(C) by inserting “Advisory” before “Commission”; and

(3) by striking subsection (e) and inserting the following:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

117 STAT. 1351



## PUBLIC LAW 108-126—NOV. 17, 2003

117 STAT. 1351

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended—

Government  
organization.

(1) in the heading, by inserting “**Advisory**” before “**Commission**”;

(2) in subsection (a), by striking “There is a National” and all that follows through “consists of” and inserting the following: “There is established the National Capital Memorial Advisory Commission, which shall be composed of”;

(3) in subsection (c)—

(A) by inserting “Advisory” before “Commission shall”;

and

(B) by striking “Services” and inserting “Services (as appropriate)”;

(4) in subsection (d) by inserting “Advisory” before “Commission”.

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “person” each place it appears and inserting “sponsor”;

(B) in paragraph (1)—

(i) by inserting “Advisory” before “Commission”;

and

(ii) by striking “designs” and inserting “design concepts”;

(2) in subsection (b)—

(A) by striking “Secretary, and Administrator” and inserting “and the Secretary or Administrator (as appropriate)”;

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended—

(1) in subsection (a)(3) and (a)(4) by striking “person” and inserting “sponsor”;

(2) by striking subsection (b) and inserting the following:

“(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVA-

TION.—

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

117 STAT. 1352

117 STAT. 1352

PUBLIC LAW 108–126—NOV. 17, 2003

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking “Secretary of the Interior and Administrator of General Services” and inserting “Secretary of the Interior or the Administrator of General Services (as appropriate)”; and

(2) by striking “numbered 869/86581, and dated May 1, 1986” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003”.

#### SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905(b) of title 40, United States Code (as amended by section 203(e)), is amended by adding at the end the following:

“(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

“(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.”.

117 STAT. 1353

40 USC 8901  
note.

#### SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title.

Deadline.

#### SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within 6 months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources

## PUBLIC LAW 108–126—NOV. 17, 2003

117 STAT. 1353

of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate, as soon as practicable after the date of enactment of this Act, the National Park Service's stable and maintenance facilities that are within the Reserve (as defined in section 8902 of title 40, United States Code).

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

Approved November 17, 2003.

---

LEGISLATIVE HISTORY—H.R. 1442:

HOUSE REPORTS: No. 108–295 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 15, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Nov. 6, House concurred in Senate amendment.

## 2. Competitive Sourcing

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

### Public Law 108–108 108th Congress

#### An Act

Nov. 10, 2003  
[H.R. 2691]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

\* \* \* \* \*

117 STAT. 1302

#### TITLE III—GENERAL PROVISIONS

\* \* \* \* \*

117 STAT. 1315  
31 USC 501 note.

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

Applicability.

(2) Paragraph (1) applies to programs, projects, and activities—  
(A) of the Department of the Interior for which funds are appropriated by this Act;  
(B) of the Forest Service; and  
(C) of the Department of Energy for which funds are appropriated by this Act.

Deadline.  
31 USC 501 note.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1315

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

117 STAT. 1316  
Deadline.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is \$500,000; and

(ii) with respect to the Department of the Interior is \$2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than \$5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

117 STAT. 1317

31 USC 501 note.

\* \* \* \* \*



PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54  
109th Congress

An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

\* \* \* \* \*

119 STAT. 549

TITLE IV—GENERAL PROVISIONS

\* \* \* \* \*

119 STAT. 554

SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than \$3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel,

## PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 554

consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires. 119 STAT. 555

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”. 119 STAT. 564

Approved August 2, 2005.

---

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**3. Concessions**

118 STAT. 2809

PUBLIC LAW 108-447—DEC. 8, 2004

Public Law 108-447  
108th Congress

**An Act**

Dec. 8, 2004  
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated  
Appropriations  
Act, 2005.

*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 “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.

**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005**

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

118 STAT. 3050

**ADMINISTRATIVE PROVISIONS**

Expiration date.  
Reports.

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3050

of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

118 STAT. 3051

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

Deadline.

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.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**4. Federal Employees**

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199  
108th Congress

**An Act**

Jan. 23, 2004  
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated  
Appropriations  
Act, 2004.

*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 “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

118 STAT. 4  
1 USC 1 note.

**SEC. 3. 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.

\* \* \* \* \*

118 STAT. 434  
7 USC 136a note.

(h) **EFFECTIVE DATE.**—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Miscellaneous  
Appropriations  
and Offsets Act,  
2004.

**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS**

\* \* \* \* \*

118 STAT. 445

**SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF 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—

(1) by redesignating subsection (c) as subsection (d); and  
(2) by inserting after subsection (b) the following:

“(c) **PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.**—

“(1) **DEFINITION OF IMMEDIATE FAMILY MEMBER.**—In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

“(2) **PAYMENTS.**—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

“(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected



## PUBLIC LAW 108–199—JAN. 23, 2004

118 STAT. 445

by the surviving head of household of the deceased employee;

“(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.”.

\* \* \* \* \*

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004” 118 STAT. 457

Approved January 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.  
 Nov. 5, 6, considered and passed Senate, amended.  
 Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):  
 Jan. 23, Presidential statement.

118 STAT. 2305

PUBLIC LAW 108–411—OCT. 30, 2004

Public Law 108–411  
108th Congress

An Act

Oct. 30, 2004  
[S. 129]

To provide for reform relating to Federal employment, and for other purposes.

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

Federal  
Workforce  
Flexibility Act of  
2004.

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

5 USC 101 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Workforce Flexibility Act of 2004”.

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

Sec. 1. Short title; table of contents.

**TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL  
MANAGEMENT**

Sec. 101. Recruitment, relocation, and retention bonuses.

Sec. 102. Streamlined critical pay authority.

**TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER  
DEVELOPMENT AND BENEFITS**

Sec. 201. Agency training.

Sec. 202. Annual leave enhancements.

Sec. 203. Compensatory time off for travel.

**TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION**

Sec. 301. Corrections relating to pay administration.

Sec. 302. Technical corrections.

**TITLE I—REFORMS RELATING TO FED-  
ERAL HUMAN CAPITAL MANAGEMENT**

**SEC. 101. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.**

(a) **BONUSES.**—

(1) **IN GENERAL.**—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

**“§ 5753. Recruitment and relocation bonuses**

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2306

“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a bonus under this section to an individual only if—

“(1) the position to which such individual is appointed (as described in paragraph (2)(A)) or to which such individual moves or must relocate (as described in paragraph (2)(B)) is likely to be difficult to fill in the absence of such a bonus; and

“(2) the individual—

“(A) is newly appointed as an employee of the Federal Government; or

“(B)(i) is currently employed by the Federal Government; and

“(ii)(I) moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

“(II) must relocate to accept a position in a different geographic area.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not longer than 4 years. The Office may, by regulation, prescribe a minimum service period for purposes of this section.

Contracts.

“(2)(A) The agreement shall include—

“(i) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(C) The required service period shall commence upon the commencement of service with the agency or movement to a new position or geographic area, as applicable, unless the service agreement provides for a later commencement date in circumstances and to the extent allowable under regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of

basic pay of the employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year, as determined under regulations of the Office) in the required service period of the employee involved.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full period of service required by the agreement, or in a combination of these forms of payment.

“(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

“(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

“(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the maximum bonus allowable shall—

“(1) be equal to the maximum that would be determined if subsection (d)(1) were applied by substituting ‘50’ for ‘25’; but

“(2) in no event exceed 100 percent of the annual rate of basic pay of the employee at the beginning of the service period.

Nothing in this subsection shall be considered to permit the waiver of any requirement under subsection (c).

“(f) The Office shall require that an agency establish a plan for the payment of recruitment bonuses before paying any such bonuses, and a plan for the payment of relocation bonuses before paying any such bonuses, subject to regulations prescribed by the Office.

“(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a bonus under this section in appropriate circumstances when the agreed-upon service period has not been completed.

#### “§ 5754. Retention bonuses

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee if—

## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2308

“(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee’s services makes it essential to retain the employee; and

“(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

“(A) the Federal service; or

“(B) for a different position in the Federal service under conditions described in regulations of the Office.

“(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

“(d)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

Contracts.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

“(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

Notices.

“(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

“(e)(1) Except as provided in subsection (f), a retention bonus, which shall be stated as a percentage of the employee’s basic pay for the service period associated with the bonus, may not exceed—

“(A) 25 percent of the employee’s basic pay if paid under subsection (b); or

“(B) 10 percent of an employee’s basic pay if paid under subsection (c).

“(2)(A) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single

lump sum at the end of the full period of service required by the agreement.

“(B) An installment payment is derived by multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee.

“(C) If the installment payment percentage established for the employee is less than the bonus percentage rate established for the employee, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

“(D) For purposes of this paragraph, the bonus percentage rate established for an employee means the bonus percentage rate established for such employee in accordance with paragraph (1) or subsection (f), as the case may be.

“(3) A retention bonus is not part of the basic pay of an employee for any purpose.

“(f) Upon the request of the head of an agency, the Office may waive the limit established under subsection (e)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

“(g) The Office shall require that, before paying any bonuses under this section, an agency shall establish a plan for the payment of any such bonuses, subject to regulations prescribed by the Office.

“(h) The Office may prescribe regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following: “5754. Retention bonuses.”.

(3) SENSE OF CONGRESS.—It is the sense of the Congress that the Director of the Office of Personnel Management—

(A) should, each time a bonus is paid under the amendment made by paragraph (1) to recruit or relocate a Federal employee from one Government agency to another within the same geographic area or to retain a Federal employee who might otherwise leave one Government agency for another within the same geographic area, be notified of that payment within 60 days after the date on which such bonus is paid; and

(B) should monitor the payment of such bonuses (in the circumstances described in subparagraph (A)) to ensure that they are an effective use of the Federal Government’s funds and have not adversely affected the ability of those Government agencies that lost employees to other Government agencies (in such circumstances) to carry out their mission.

(b) RELOCATION PAYMENTS.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) REPORTS.—

(1) RECRUITMENT AND RELOCATION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform



## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2310

of the House of Representatives annually, for each of the first 5 years during which section 5753 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency and each type of bonus under such section—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to individuals who moved between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

(2) RETENTION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives annually, for each of the first 5 years during which section 5754 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to prevent individuals from moving between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to

5 USC 5753 note.

118 STAT. 2311

PUBLIC LAW 108-411—OCT. 30, 2004

be subject to such section as in effect on the day before such effective date.

(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to such section as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

**SEC. 102. STREAMLINED CRITICAL PAY AUTHORITY.**

Section 5377 of title 5, United States Code, is amended—

(1) by striking “Office of Personnel Management” each place it appears and inserting “Office of Management and Budget”;

(2) by striking “Office of Management and Budget” each place it appears and inserting “Office of Personnel Management”;

(3) in subsection (g), by striking “prescribing regulations under this section or”; and

(4) in subsection (h), by striking “Committee on Post Office and Civil Service” and inserting “Committee on Government Reform”.

**TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS**

**SEC. 201. AGENCY TRAINING.**

(a) TRAINING TO ACCOMPLISH PERFORMANCE PLANS AND STRATEGIC GOALS.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

“(c) The head of each agency shall, on a regular basis—

“(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

“(2) modify such program or plan as needed to accomplish such plans and goals.”.

(b) SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4120 the following:

**“§ 4121. Specific training programs**

“In consultation with the Office of Personnel Management, the head of each agency shall establish—

“(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

“(A) relating to employees with unacceptable performance;

“(B) mentoring employees and improving employee performance and productivity; and

“(C) conducting employee performance appraisals.”.

## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2312

(2) CLERICAL AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

“4121. Specific training programs.”.

**SEC. 202. ANNUAL LEAVE ENHANCEMENTS.**

(a) CREDITABILITY OF PRIOR NONGOVERNMENTAL SERVICE FOR PURPOSES OF DETERMINING RATE OF LEAVE ACCRUAL.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

“(e)(1) Not later than 180 days after the date of the enactment of this subsection, the Office of Personnel Management shall prescribe regulations under which, for purposes of determining years of service under subsection (a), credit shall, in the case of a newly appointed employee, be given for any prior service of such employee that would not otherwise be creditable for such purposes, if—

Deadline.  
Regulations.

“(A) such service—

“(i) was performed in a position the duties of which directly relate to the duties of the position to which such employee is so appointed; and

“(ii) meets such other requirements as the Office may prescribe; and

“(B) in the judgment of the head of the appointing agency, the application of this subsection is necessary in order to achieve an important agency mission or performance goal.

“(2) Service described in paragraph (1)—

“(A) shall be creditable, for the purposes described in paragraph (1), as of the effective date of the employee’s appointment; and

“(B) shall not thereafter cease to be so creditable, unless the employee fails to complete a full year of continuous service with the agency.

“(3) An employee shall not be eligible for the application of paragraph (1) on the basis of any appointment if, within 90 days before the effective date of such appointment, such employee has held any position in the civil service.”.

(2) CONFORMING AMENDMENT.—The second sentence of section 6303(a) of title 5, United States Code, is amended by striking the period and inserting “, and for all service which is creditable by virtue of subsection (e).”.

(b) OTHER ANNUAL LEAVE ENHANCEMENTS.—Section 6303 of title 5, United States Code, is amended by adding after subsection (e) (as added by subsection (a)) the following:

“(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who holds a position which is subject to—

“(1) section 5376 or 5383; or

“(2) a pay system equivalent to either of the foregoing, as determined by the Office of Personnel Management.”.

(c) APPLICABILITY.—None of the amendments made by subsection (a) shall apply in the case of any employee holding a position pursuant to an appointment made before the effective date of the regulations implementing such amendments.

5 USC 6303 note.

**SEC. 203. COMPENSATORY TIME OFF FOR TRAVEL.**

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

**“§ 5550b. Compensatory time off for travel**

“(a) Notwithstanding section 5542(b)(2), each hour spent by an employee in travel status away from the official duty station of the employee, that is not otherwise compensable, shall be treated as an hour of work or employment for purposes of calculating compensatory time off.

“(b) An employee who has any hours treated as hours of work or employment for purposes of calculating compensatory time under subsection (a), shall not be entitled to payment for any such hours that are unused as compensatory time.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5550a the following:

“5550b. Compensatory time off for travel.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

5 USC 5550b  
note.

### TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION

**SEC. 301. CORRECTIONS RELATING TO PAY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5302, by striking paragraph (8) and inserting the following:

“(8) the term ‘rates of pay under the General Schedule’, ‘rates of pay for the General Schedule’, or ‘scheduled rates of basic pay’ means the rates of basic pay under the General Schedule as established by section 5332, excluding pay under section 5304 and any other additional pay of any kind; and”;

(2) in section 5305—

(A) by striking subsection (a) and inserting the following:

“(a)(1) Whenever the Office of Personnel Management finds that the Government’s recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped due to any of the circumstances described in subsection (b), the Office may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 or similar provision of law) for the grade or level by

## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2314

more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule. In the case of individuals not subject to the provisions of this title governing appointment in the competitive service, the President may designate another agency to authorize special rates under this section.

“(2) The head of an agency may determine that a category of employees of the agency will not be covered by a special rate authorization established under this section. The head of an agency shall provide written notice to the Office of Personnel Management (or other agency designated by the President to authorize special rates under the last sentence of paragraph (1)) which identifies the specific category or categories of employees that will not be covered by special rates authorized under this section. If the head of an agency removes a category of employees from coverage under a special rate authorization after that authorization takes effect, the loss of coverage will take effect on the first day of the first pay period after the date of the notice.”;

Notification.

Effective date.

(B) in subsection (b), by striking paragraph (4) and inserting the following:

“(4) any other circumstances which the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) considers appropriate.”;

(C) in subsection (d)—

(i) by striking “President” and inserting “Office of Personnel Management”; and

(ii) by striking “or by such agency as he may designate” and inserting “(or by such other agency as the President may designate under the last sentence of subsection (a)(1))”;

(D) in subsection (e), by striking “basic pay” and inserting “pay”;

(E) by striking subsection (f) and inserting the following:

“(f) When a schedule of special rates established under this section is adjusted under subsection (d), a covered employee’s special rate will be adjusted in accordance with conversion rules prescribed by the Office of Personnel Management (or by such other agency as the President may under the last sentence of subsection (a)(1) designate).”;

(F) in subsection (g)(1)—

(i) by striking “basic pay” and inserting “pay”; and

(ii) by striking “President (or his designated agency)” and inserting “Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate)”;

(G) by striking subsection (h) and inserting the following:

“(h) An employee shall not for any purpose be considered to be entitled to a rate of pay established under this section with respect to any period for which such employee is entitled to a higher rate of basic pay under any other provision of law. For purposes of this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 or similar provision of law.”; and

(H) by adding at the end the following:

“(i) If an employee who is receiving a rate of pay under this section becomes subject, by virtue of moving to a new official duty station, to a different pay schedule, such employee’s new rate of pay shall be initially established under conversion rules prescribed by the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) in conformance with the following:

“(1) First, determine the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move.

“(2) Then, if (in addition to the change in pay schedule) the move also involves any personnel action or other change requiring a rate adjustment under any other provision of law, rule, or regulation, apply the applicable rate adjustment provisions, treating the rate determined under paragraph (1) as if it were the rate last received by the employee before the rate adjustment.

“(j) A rate determined under a schedule of special rates established under this section shall be considered to be part of basic pay for purposes of subchapter III of chapter 83, chapter 84, chapter 87, subchapter V of chapter 55, and section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.”;

(3) in section 5334—

(A) in subsection (b), by adding at the end the following: “If an employee’s rate after promotion or transfer is greater than the maximum rate of basic pay for the employee’s grade, that rate shall be treated as a retained rate under section 5363. The Office of Personnel Management shall prescribe by regulation the circumstances under which and the extent to which special rates under section 5305 (or similar provision of law) or locality-adjusted rates under section 5304 (or similar provision of law) are considered to be basic pay in applying this subsection.”; and

(B) by adding at the end the following:

“(g) In the case of an employee who—

“(1) moves to a new official duty station, and

“(2) by virtue of such move, becomes subject to a different pay schedule,

any rate adjustment under the preceding provisions of this section, with respect to such employee in connection with such move, shall be made—

“(A) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move, and

“(B) then, by applying the provisions of this section that would otherwise apply (if any), treating the rate determined under subparagraph (A) as if it were the rate last received by the employee before the rate adjustment.”;

(4) in section 5361—

(A) by amending paragraph (4) to read as follows:

“(4) ‘rate of basic pay’ means—

“(A) the rate of basic pay payable to an employee under law or regulations before any deductions or additions of any kind, but including—

Regulations.

PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2316

“(i) any applicable locality-based comparability payment under section 5304 or similar provision of law;

“(ii) any applicable special pay under section 5305 or similar provision of law; and

“(iii) subject to such regulations as the Office of Personnel Management may prescribe, any applicable existing retained rate of pay established under section 5363 or similar provision of law; and

“(B) in the case of a prevailing rate employee, the scheduled rate of pay determined under section 5343;”;

(B) in paragraph (6), by striking “and” at the end;

(C) in paragraph (7), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(8) ‘retained rate’ means the rate of basic pay to which an employee is entitled under section 5363(b)(2).”;

(5) in section 5363—

(A) in subsection (a), by striking the matter following paragraph (4) and inserting the following:

“is entitled to a rate of basic pay in accordance with regulations prescribed by the Office of Personnel Management in conformity with the provisions of this section.”; and

(B) by striking subsections (b) and (c) and inserting the following:

“(b)(1)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is less than or equal to the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at the lowest rate of basic pay payable for such grade that equals or exceeds such former rate of basic pay.

“(B) This section shall cease to apply to an employee to whom subparagraph (A) applies once the appropriate rate of basic pay has been determined for such employee under this paragraph.

“(2)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is greater than the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at a rate equal to the lesser of—

“(i) the employee’s former rate of basic pay; or

“(ii) 150 percent of the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved,

as adjusted by subparagraph (B).

“(B) A rate to which an employee is entitled under this paragraph shall be increased at the time of any increase in the maximum rate of basic pay payable for the grade of the employee’s position by 50 percent of the dollar amount of each such increase.

“(3) For purposes of this subsection, the term ‘former rate of basic pay’, as used with respect to an employee in connection with an event described in subsection (a), means the rate of basic pay last received by such employee before the occurrence of such event.

“(c)(1) Notwithstanding any other provision of this section, in the case of an employee who—

118 STAT. 2317

PUBLIC LAW 108-411—OCT. 30, 2004

“(A) moves to a new official duty station, and

“(B) in conjunction with such move, becomes subject to both a different pay schedule and (disregarding this subsection) the preceding provisions of this section, this section shall be applied—

“(i) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the pay range) before the move, and

“(ii) then, by applying the provisions of this section that would apply (if any), treating the rate determined under clause (i) as if it were the rate last received by the employee before the application of this section.

“(2) A reduction in an employee’s rate of basic pay resulting from a determination under paragraph (1)(ii) is not a basis for an entitlement under this section.

“(3) The rate of basic pay for an employee who is receiving a retained rate at the time of moving to a new official duty station at which different pay schedules apply shall be subject to regulations prescribed by the Office of Personnel Management consistent with the purposes of this section.

“(d) A retained rate shall be considered part of basic pay for purposes of this subchapter and for purposes of subchapter III of chapter 83, chapters 84 and 87, subchapter V of chapter 55, section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe. The Office shall, for any purpose other than any of the purposes referred to in the preceding sentence, prescribe by regulation what constitutes basic pay for employees receiving a retained rate.

Regulations.

“(e) This section shall not apply, or shall cease to apply, to an employee who—

“(1) has a break in service of 1 workday or more;

“(2) is entitled, by operation of this subchapter, chapter 51 or 53, or any other provision of law, to a rate of basic pay which is equal to or higher than, or declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than, the retained rate to which the employee would otherwise be entitled; or

“(3) is demoted for personal cause or at the employee’s request.”; and

(6) in section 5365(b), by inserting after “provisions of this subchapter” the following: “(subject to any conditions or limitations the Office may establish)”.

(b) SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS.—Section 403(c) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note) is amended by striking all after “provision of law” and inserting “and shall be basic pay for all purposes. The rates shall be adjusted at the time of adjustments in the General Schedule to maintain the step linkage set forth in subsection (b)(2).”.

(c) REPEAL.—Section 4505a(a)(2) of title 5, United States Code, is amended—

(1) by striking “(2)(A)” and inserting “(2)”; and

(2) by striking subparagraph (B).

(d) EFFECTIVE DATE; CONVERSION RULES.—

5 USC 5363 note.



## PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2318

(1) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) **CONVERSION RULES.**—

(A) **INDIVIDUALS RECEIVING A RETAINED RATE OR A RATE GREATER THAN THE MAXIMUM RATE FOR THE GRADE.**—Subject to any regulations the Office of Personnel Management may prescribe, an employee under a covered pay schedule who, on the day before the effective date of this section, is receiving a retained rate under section 5363 of title 5, United States Code, or is receiving under similar authority a rate of basic pay that is greater than the maximum rate of basic pay payable for the grade of the employee's position shall have that rate converted as of the effective date of this section, and the employee shall be considered to be receiving a retained rate under section 5363 of such title (as amended by this section). The newly applicable retained rate shall equal the formerly applicable retained rate as adjusted to include any applicable locality-based payment under section 5304 of title 5, United States Code, or similar provision of law.

(B) **DEFINITION.**—For purposes of this paragraph, the term “covered pay schedule” has the meaning given such term by section 5361 of title 5, United States Code.

**SEC. 302. TECHNICAL CORRECTIONS.**

(a)(1) Section 5304 of title 5, United States Code, as amended by section 1125 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), is amended—

(A) in subsection (g)(2)(A), by striking “(A)–(D)” and inserting “(A)–(C)”; and

(B) in subsection (h)(2)(B)(i), by striking “or (vii)” and inserting “or (vi)”.

(2) The amendments made by this subsection shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

Effective date.  
5 USC 5304 note.

118 STAT. 2319

PUBLIC LAW 108-411—OCT. 30, 2004

(b) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Administrator of the Office of Electronic Government.”.

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—S. 129:**

HOUSE REPORTS: No. 108-733 (Comm. on Government Reform).

SENATE REPORTS: No. 108-223 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Apr. 8, considered and passed Senate.

Oct. 6, considered and passed House, amended.

Oct. 11, Senate concurred in House amendment.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

SEC. 3. REFERENCES.

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

DIVISION J—OTHER MATTERS

118 STAT. 3341

TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

Miscellaneous  
Appropriations  
and Offsets Act,  
2005.

\* \* \* \* \*

SEC. 111. (a) The head of each Federal agency or department shall—

118 STAT. 3344  
Government  
employees.  
36 USC 106 note.

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code, is amended—

118 STAT. 3345

(1) in section 106—

(A) in the heading, by inserting “Constitution Day and” before “Citizenship Day”;

(B) in subsection (a), by striking “is Citizenship Day.” and inserting “is designated as Constitution Day and Citizenship Day.”;

(C) in subsection (b)—

(i) by inserting “Constitution Day and” before “Citizenship Day”;

(ii) by striking “commemorates” and inserting “commemorate”; and

118 STAT. 3345

## PUBLIC LAW 108-447—DEC. 8, 2004

(iii) by striking “recognizes” and inserting “recognize”;

(D) in subsection (c), by inserting “Constitution Day and” before “Citizenship Day” both places such term appears; and

(E) in subsection (d), by inserting “Constitution Day and” before “Citizenship Day”; and

(2) in the item relating to section 106 of the table of contents, by inserting “Constitution Day and” before “Citizenship Day”.

(d) This section shall be without fiscal year limitation.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**5. Federal Law Enforcement**

PUBLIC LAW 108–196—DEC. 19, 2003

117 STAT. 2896

Public Law 108–196  
108th Congress**An Act**

To provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

Dec. 19, 2003  
[S. 1683]

*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 “Federal Law Enforcement Pay and Benefits Parity Act of 2003”.

Federal Law  
Enforcement Pay  
and Benefits  
Parity Act of  
2003.  
Inter-  
governmental  
relations.  
5 USC 101 note.

**SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.**

(a) DEFINITION.—In this section, the term “law enforcement officer” means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

Deadline.

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

**SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.**

5 USC 3371 note.

(a) DEFINITIONS.—In this section—

(1) the term “employing agency” means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term “participating employee” means an employee who is participating in the Program; and

(3) the term “Program” means the employee exchange program established under subsection (b).

117 STAT. 2897

PUBLIC LAW 108–196—DEC. 19, 2003

President.

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(e) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

Approved December 19, 2003.

---

LEGISLATIVE HISTORY—S. 1683:

SENATE REPORTS: No. 108–207 (Comm. on Governmental Affairs).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Nov. 25, considered and passed Senate.

Dec. 8, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 19, Presidential statement.

PUBLIC LAW 108–277—JULY 22, 2004

118 STAT. 865

Public Law 108–277  
108th Congress

An Act

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

July 22, 2004  
[H.R. 218]

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

Law Enforcement  
Officers Safety  
Act of 2004.  
18 USC 921 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Law Enforcement Officers Safety Act of 2004”.

**SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

**“§ 926B. Carrying of concealed firearms by qualified law enforcement officers**

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency;

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

“(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

**SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

**“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers**

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;



## PUBLIC LAW 108-277—JULY 22, 2004

118 STAT. 867

“(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

“(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(7) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is—

“(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

“(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

“(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

Approved July 22, 2004.

---

LEGISLATIVE HISTORY—H.R. 218 (S. 253):

HOUSE REPORTS: No. 108-560 (Comm. on the Judiciary).

SENATE REPORTS: No. 108-29 accompanying S. 253 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 23, considered and passed House.

July 7, considered and passed Senate.

**6. Fee Authority**

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

**Public Law 108–108  
108th Congress****An Act**Nov. 10, 2003  
[H.R. 2691]Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2004, and for other purposes.Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.*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 Department of the Interior  
and related agencies for the fiscal year ending September 30, 2004,  
and for other purposes, namely:

\* \* \* \* \*

117 STAT. 1302

**TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

117 STAT. 1309

**SEC. 332.** Section 315(f) of the Department of the Interior  
and Related Agencies Appropriations Act, 1996 (as contained in  
section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C.  
4601–6a note), is amended—

- (1) by striking “September 30, 2004” and inserting  
“December 31, 2005”; and
- (2) by striking “2007” and inserting “2008”.

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior  
and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

**LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):****HOUSE REPORTS:** Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm.  
of Conference).**SENATE REPORTS:** No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
**CONGRESSIONAL RECORD,** Vol. 149 (2003):July 16, 17, considered and passed House.  
Sept. 17, 18, 22, 23, considered and passed Senate, amended.  
Oct. 30, House agreed to conference report.  
Nov. 3, Senate agreed to conference report.**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 39 (2003):  
Nov. 10, Presidential statement.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

DIVISION J—OTHER MATTERS

118 STAT. 3341

\* \* \* \* \*

VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

118 STAT. 3377  
Federal Lands  
Recreation  
Enhancement  
Act.  
16 USC 6801  
note.

**SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.
- Sec. 812. Enforcement and protection of receipts.
- Sec. 813. Repeal of superseded admission and use fee authorities.
- Sec. 814. Relation to other laws and fee collection authorities.
- Sec. 815. Limitation on use of fees for employee bonuses.

**SEC. 802. DEFINITIONS.**

16 USC 6801.

In this Act:

(1) **STANDARD AMENITY RECREATION FEE.**—The term “standard amenity recreation fee” means the recreation fee authorized by section 3(f).

118 STAT. 3377

PUBLIC LAW 108-447—DEC. 8, 2004

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by section 3(g).

(3) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

118 STAT. 3378

(5) **FEDERAL RECREATIONAL LANDS AND WATERS.**—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 5.

(7) **PASSHOLDER.**—The term “passholder” means the person who is issued a recreation pass.

(8) **RECREATION FEE.**—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) **RECREATION PASS.**—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 5.

(10) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

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

(11) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) **SPECIAL ACCOUNT.**—The term “special account” means the special account established in the Treasury under section 7 for a Federal land management agency.

(13) **SPECIAL RECREATION PERMIT FEE.**—The term “special recreation permit fee” means the fee authorized by section 3(h).

16 USC 6802.

**SEC. 803. RECREATION FEE AUTHORITY.**

(a) **AUTHORITY OF SECRETARY.**—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) **BASIS FOR RECREATION FEES.**—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3378

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs. 118 STAT. 3379

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar

118 STAT. 3379

PUBLIC LAW 108-447—DEC. 8, 2004

permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

118 STAT. 3380

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3380

- (1) A National Conservation Area.
- (2) A National Volcanic Monument.
- (3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.
- (4) An area—
  - (A) that provides significant opportunities for outdoor recreation;
  - (B) that has substantial Federal investments;
  - (C) where fees can be efficiently collected; and
  - (D) that contains all of the following amenities:
    - (i) Designated developed parking.
    - (ii) A permanent toilet facility.
    - (iii) A permanent trash receptacle.
    - (iv) Interpretive sign, exhibit, or kiosk.
    - (v) Picnic tables.
    - (vi) Security services.

118 STAT. 3381

## (g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
  - (i) Tent or trailer spaces.
  - (ii) Picnic tables.
  - (iii) Drinking water.
  - (iv) Access roads.
  - (v) The collection of the fee by an employee or agent of the Federal land management agency.
  - (vi) Reasonable visitor protection.
  - (vii) Refuse containers.
  - (viii) Toilet facilities.
  - (ix) Simple devices for containing a campfire.
- (B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.
- (C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.
- (D) Use of hookups for electricity, cable, or sewer.
- (E) Use of sanitary dump stations.
- (F) Participation in an enhanced interpretive program or special tour.

118 STAT. 3381

PUBLIC LAW 108-447—DEC. 8, 2004

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets.

(ii) Refuse containers.

(iii) Picnic areas.

(iv) Paved parking.

(v) Attendants, including lifeguards.

(vi) Floats encompassing the swimming area.

(vii) Swimming deck.

118 STAT. 3382

(h) **SPECIAL RECREATION PERMIT FEE.**—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

16 USC 6803.

**SEC. 804. PUBLIC PARTICIPATION.**

(a) **IN GENERAL.**—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act.

Federal Register,  
publication.

(b) **ADVANCE NOTICE.**—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

(c) **PUBLIC INVOLVEMENT.**—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

Guidelines.

(1) establishing guidelines for public involvement;

(2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and

(3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

Federal Register,  
publication.(d) **RECREATION RESOURCE ADVISORY COMMITTEE.**—(1) **ESTABLISHMENT.**—

(A) **AUTHORITY TO ESTABLISH.**—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) **NUMBER OF COMMITTEES.**—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act.



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3382

(C) EXCEPTION.—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) USE OF OTHER ENTITIES.—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

118 STAT. 3383

(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

Deadline.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

118 STAT. 3383

PUBLIC LAW 108-447—DEC. 8, 2004

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

(V) Hunting and fishing.

(ii) Three persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) TERM.—

(A) LENGTH OF TERM.—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) EFFECT OF UNEXPECTED VACANCY.—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) QUORUM.—Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) APPROVAL PROCEDURES.—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

118 STAT. 3384

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3384

(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

(A) NOTICE OF MEETINGS.—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

Newspaper,  
publication.  
Federal Register,  
publication.

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

Public  
information.

(12) FEDERAL ADVISORY COMMITTEE ACT.—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

118 STAT. 3385

(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.

**SEC. 805. RECREATION PASSES.**

16 USC 6804.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

Federal Register,  
publication.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

118 STAT. 3385

PUBLIC LAW 108-447—DEC. 8, 2004

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section 6.

118 STAT. 3386

(C) MARKETING.—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) ADMINISTRATIVE GUIDELINES.—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) PROHIBITION ON OTHER NATIONAL RECREATION PASSES.—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) DISCOUNTED PASSES.—

(1) AGE DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) SITE-SPECIFIC AGENCY PASSES.—The Secretary may establish and charge a fee for a site-specific pass that will cover the

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3386

entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

## (d) REGIONAL MULTIENTITY PASSES.—

(1) PASSES AUTHORIZED.—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) REGIONAL MULTIENTITY PASS AGREEMENT.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

118 STAT. 3387

(e) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

## (f) EFFECT ON EXISTING PASSPORTS AND PERMITS.—

(1) EXISTING PASSPORTS.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

**SEC. 806. COOPERATIVE AGREEMENTS.**

16 USC 6805.

(a) FEE MANAGEMENT AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

118 STAT. 3387

PUBLIC LAW 108-447—DEC. 8, 2004

(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) REVENUE SHARING.—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) COUNTY PROPOSALS.—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

118 STAT. 3388  
16 USC 6806.

**SEC. 807. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.**

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) DEPOSITS.—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) DISTRIBUTION OF RECREATION FEES AND SINGLE-SITE AGENCY PASS REVENUES.—

(1) LOCAL DISTRIBUTION OF FUNDS.—

(A) RETENTION OF REVENUES.—Not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) REDUCTION.—The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) AGENCY-WIDE DISTRIBUTION OF FUNDS.—The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) OTHER AMOUNTS.—Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) DISTRIBUTION OF NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS REVENUES.—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3388

shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

(e) **DISTRIBUTION OF REGIONAL MULTIENTITY PASS REVENUES.**—Revenues collected from the sale of a regional multientity pass authorized under section 5(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

**SEC. 808. EXPENDITURES.**

16 USC 6807.

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected; 118 STAT. 3389

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under section 6(a) or a visitor reservation service.

(b) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section 5(a)(7); and

(2) a regional multientity pass authorized section 5(d) during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

**SEC. 809. REPORTS.**

16 USC 6808.

Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees,

118 STAT. 3389

PUBLIC LAW 108-447—DEC. 8, 2004

and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.

16 USC 6809.

**SEC. 810. SUNSET PROVISION.**

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.

16 USC 6810.

**SEC. 811. VOLUNTEERS.**

(a) **AUTHORITY TO USE VOLUNTEERS.**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

118 STAT. 3390

(b) **WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 5(c).

(c) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—In accordance with the guidelines issued under section 5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) **REGIONAL MULTIENTITY PASSES.**—The Secretary may issue a regional multientity pass authorized under section 5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

16 USC 6811.

**SEC. 812. ENFORCEMENT AND PROTECTION OF RECEIPTS.**

(a) **ENFORCEMENT AUTHORITY.**—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

(b) **EVIDENCE OF NONPAYMENT.**—If the display of proof of payment of a recreation fee, or the payment of a recreation fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) **JOINT LIABILITY.**—The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) **LIMITATION ON PENALTIES.**—The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18, United States Code.

16 USC 6812.

**SEC. 813. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.**Federal Register,  
publication.

16 USC 4601-6a.

(a) **LAND AND WATER CONSERVATION FUND ACT.**—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section 5(a)(3) is published in the Federal Register regarding the



## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3390

establishment of the National Parks and Federal Recreational Lands Pass.

(b) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), is repealed.

16 USC 4601-6a.

(c) ADMISSION PERMITS FOR REFUGE UNITS.—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

Effective date.

118 STAT. 3391

(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982).

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995).

(e) TREATMENT OF UNOBLIGATED FUNDS.—

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS.—Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT.—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS.—Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available

118 STAT. 3391

PUBLIC LAW 108-447—DEC. 8, 2004

as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

118 STAT. 3392  
16 USC 6813.

**SEC. 814. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.**

(a) FEDERAL AND STATE LAWS UNAFFECTED.—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) RELATION TO REVENUE ALLOCATION LAWS.—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500).

(2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).

(3) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

(6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869-4).

(7) Chapter 69 of title 31, United States Code.

(8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

(10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 4601-12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3392

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106-298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) CONSIDERATION OF OTHER FUNDS COLLECTED.—Amounts collected under any other law may not be disbursed under this Act.

(d) SOLE RECREATION FEE AUTHORITY.—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law. 118 STAT. 3393

(e) FEES CHARGED BY THIRD PARTIES.—Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) MIGRATORY BIRD HUNTING STAMP ACT.—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

**SEC. 815. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.** 16 USC 6814.

Notwithstanding any other provision of law, fees collected under the authorities of the Act may not be used for employee bonuses.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54  
109th Congress

An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 520

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 526  
16 USC 460l–6a,  
6812.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

Applicability.  
16 USC 460l–6a  
note.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

Effective date.  
16 USC 460l–6a  
note.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

\* \* \* \* \*

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

PUBLIC LAW 109-131—DEC. 20, 2005

119 STAT. 2566

Public Law 109-131  
109th Congress

An Act

To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

Dec. 20, 2005  
[S. 136]

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

\* \* \* \* \*

TITLE I—YOSEMITE NATIONAL PARK  
AUTHORIZED PAYMENTS

\* \* \* \* \*

**SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.**

119 STAT. 2567

\* \* \* \* \*

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking “service contract” and inserting “service contract, cooperative agreement, or other contractual arrangement”.

119 STAT. 2568

\* \* \* \* \*

Approved December 20, 2005.

119 STAT. 2569

---

LEGISLATIVE HISTORY—S. 136:  
SENATE REPORTS: No. 109-63 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):  
July 26, considered and passed Senate.  
Dec. 6, considered and passed House.

## 7. Historically Black Colleges and Universities

117 STAT. 11

PUBLIC LAW 108–7—FEB. 20, 2003

Public Law 108–7  
108th Congress

### Joint Resolution

Feb. 20, 2003  
[H.J. Res. 2]

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Consolidated  
Appropriations  
Resolution, 2003.

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.

#### SEC. 3. REFERENCES.

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

\* \* \* \* \*

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

### DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

#### JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.  
That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

117 STAT. 237

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

117 STAT. 245

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.  
(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the  
Omnibus Parks and Public Lands Management Act of 1996 (16  
U.S.C. 470a note) is amended—

- (1) by striking “(1) Except” and inserting the following:  
“(1) IN GENERAL.—Except”;
- (2) by striking “paragraph (2)” and inserting “paragraphs  
(2) and (3)”;
- (3) by striking “(2) The Secretary” and inserting the fol-  
lowing:  
“(2) WAIVER.—The Secretary”;
- (4) by striking “paragraph (1)” and inserting “paragraphs  
(1) and (3)”;

## PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 245

(5) by adding at the end the following:

“(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “Pursuant to” and inserting the following:

“(1) IN GENERAL.—Under”; and

(2) by adding at the end the following:

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008.”.

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

## 8. National Historic Lighthouse Preservation Program

118 STAT. 1028

PUBLIC LAW 108–293—AUG. 9, 2004

### Public Law 108–293 108th Congress

#### An Act

Aug. 9, 2004  
[H.R. 2443]

An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

Coast Guard and  
Maritime  
Transportation  
Act of 2004.  
14 USC 1 note.

*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 referred to as the “Coast Guard and Maritime Transportation Act of 2004”.

\* \* \* \* \*

118 STAT. 1050

#### TITLE VI—MISCELLANEOUS

\* \* \* \* \*

118 STAT. 1066

#### SEC. 627. CONVEYANCE OF LIGHT STATIONS.

Section 308(c) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)) is amended by adding at the end the following:

“(4) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by an owner who—

“(A) received from the Federal Government under authority other than this Act an historic light station in which the United States retains a reversionary or other interest; and

“(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.”.

\* \* \* \* \*

118 STAT. 3382

Approved August 9, 2004.

#### LEGISLATIVE HISTORY—H.R. 2443 (S. 733):

HOUSE REPORTS: Nos. 108–233 (Comm. on Transportation and Infrastructure) and 108–617 (Comm. of Conference).

SENATE REPORTS: No. 108–202 accompanying S. 733 (Comm. on Commerce, Science, and Transportation).

#### CONGRESSIONAL RECORD:

Vol. 149 (2003): Nov. 5, considered and passed House.

Vol. 150 (2004): Mar. 30, considered and passed Senate, amended.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Aug. 9, Presidential statement.



PUBLIC LAW 109-241—JULY 11, 2006

120 STAT. 516

Public Law 109-241  
109th Congress

An Act

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

July 11, 2006  
[H.R. 889]

*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 “Coast Guard and Maritime Transportation Act of 2006”.

Coast Guard and  
Maritime  
Transportation  
Act of 2006.  
14 USC 1 note.

\* \* \* \* \*

TITLE V—LIGHTHOUSES

120 STAT. 548

**SEC. 501. TRANSFER.**

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

Alaska.

(b) AREAS REFERRED TO.—The areas of lands referred to in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—The area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—The area described in the December 30, 1975, listing of the Eldred Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—The area described as the remaining National Forest System uplands in the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

120 STAT. 549

(4) CAPE HINCHINBROOK LIGHT STATION.—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.

(c) MAPS.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating by subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be considered to be transferred from, and no longer part of, the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

120 STAT. 549

PUBLIC LAW 109-241—JULY 11, 2006

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer without consideration to the Secretary of Agriculture any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System if—

Deadline.

(A) the Secretary of the Interior cannot identify and select an eligible entity for such land and improvements in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) not later than 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—

Deadline.

The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) not later than 90 days after the date of receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

120 STAT. 550

(g) PRIORITY.—In selecting an eligible entity to which to convey under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)) land referred to in subsection (b), the Secretary of the Interior shall give priority to an eligible entity (as defined in section 308(e) of that Act) that is the local government of the community in which the land is located.

\* \* \* \* \*

120 STAT. 569

Approved July 11, 2006.

LEGISLATIVE HISTORY—H.R. 889 (S. 1280):

HOUSE REPORTS: Nos. 109-204, Pt. 1 (Comm. on Transportation and Infrastructure) and 109-413 (Comm. of Conference).

SENATE REPORTS: No. 109-114 accompanying S. 1280 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Sep. 15, considered and passed House.

Oct. 27, considered and passed Senate, amended.

Vol. 152 (2006): June 26, House considered conference report.

June 27, House and Senate agreed to conference report.

Senate vitiated agreement on conference report.

June 28, Senate agreed to conference report, pursuant to the order of June 22.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

July 11, Presidential statement.

**9. National Historic Preservation Act**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 13. NATIONAL HISTORIC PRESERVATION ACT.**

118 STAT. 1397

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (Public Law 106-208; 114 Stat. 319) is amended by striking “section 110(1)” and inserting “section 110(1)”.

16 USC 470h-2.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

---

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

119 STAT. 2577

PUBLIC LAW 109–135—DEC. 21, 2005

Public Law 109–135  
109th Congress

An Act

Dec. 21, 2005  
[H.R. 4440]

To amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Gulf Opportunity  
Zone Act of 2005.

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

**SECTION 1. SHORT TITLE; ETC.**

26 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Gulf Opportunity Zone Act of 2005”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

\* \* \* \* \*

119 STAT. 2578

**TITLE I—ESTABLISHMENT OF GULF  
OPPORTUNITY ZONE**

**SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.**

(a) **IN GENERAL.**—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

**“PART II—TAX BENEFITS FOR GO ZONES**

“Sec. 1400M. Definitions.

“Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

**“SEC. 1400M. DEFINITIONS.**

“For purposes of this part—

“(1) **GULF OPPORTUNITY ZONE.**—The terms ‘Gulf Opportunity Zone’ and ‘GO Zone’ mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

“(2) **HURRICANE KATRINA DISASTER AREA.**—The term ‘Hurricane Katrina disaster area’ means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

“(3) **RITA GO ZONE.**—The term ‘Rita GO Zone’ means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

“(4) **HURRICANE RITA DISASTER AREA.**—The term ‘Hurricane Rita disaster area’ means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

“(5) **WILMA GO ZONE.**—The term ‘Wilma GO Zone’ means that portion of the Hurricane Wilma disaster area determined

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2578

by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

“(6) HURRICANE WILMA DISASTER AREA.—The term ‘Hurricane Wilma disaster area’ means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

119 STAT. 2579

**“SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.**

“(a) TAX-EXEMPT BOND FINANCING.—

“(1) IN GENERAL.—For purposes of this title—

“(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

“(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

“(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone Bond’ means any bond issued as part of an issue if—

“(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

“(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

“(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

“(C) such bond is designated for purposes of this section by—

“(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

“(ii) in the case of any other bond, the Governor of such State,

“(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

“(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

“(3) LIMITATIONS ON BONDS.—

“(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of \$2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

“(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ‘qualified project costs’ means—

119 STAT. 2579

PUBLIC LAW 109-135—DEC. 21, 2005

“(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

“(B) the cost of acquisition, construction, reconstruction, and renovation of—

119 STAT. 2580

“(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

“(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

Applicability.

“(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

“(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

“(i) by substituting ‘60 percent’ for ‘50 percent’ in subparagraph (A) thereof, and

“(ii) by substituting ‘70 percent’ for ‘60 percent’ in subparagraph (B) thereof.

“(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans’ mortgage bond) shall be applied—

“(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

“(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

“(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

“(iv) by substituting ‘\$150,000’ for ‘\$15,000’ in subsection (k)(4) thereof.

“(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

“(D) Section 146 (relating to volume cap) shall not apply.

“(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting ‘50 percent’ for ‘15 percent’ each place it appears.

“(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

“(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

“(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

“(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

“(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2580

“(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

“(B) the requirements of paragraph (5) are met.

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

119 STAT. 2581

“(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

“(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(A) \$4,500,000,000 in the case of the State of Louisiana,

“(B) \$2,250,000,000 in the case of the State of Mississippi, and

“(C) \$1,125,000,000 in the case of the State of Alabama.

“(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

“(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

“(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

“(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

“(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(c) LOW-INCOME HOUSING CREDIT.—

“(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

“(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

“(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

“(ii) the Gulf Opportunity housing amount for such State for such calendar year.

“(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term ‘Gulf Opportunity housing amount’ means, for any calendar year, the amount equal to the product of \$18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census

119 STAT. 2581

PUBLIC LAW 109-135—DEC. 21, 2005

estimate of resident population released by the Bureau of Census before August 28, 2005).

119 STAT. 2582

“(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

“(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by \$3,500,000.

“(3) DIFFICULT DEVELOPMENT AREA.—

“(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

“(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

“(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

“(B) APPLICATION.—Subparagraph (A) shall apply only to—

“(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

“(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

“(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

“(A) during 2006, 2007, or 2008,

“(B) in the Gulf Opportunity Zone, and

“(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting ‘national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))’ for ‘area median gross income’ in subparagraphs (A) and (B) of section 42(g)(1).

“(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

“(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

“(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of



## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2582

such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified Gulf Opportunity Zone property’ means property—

119 STAT. 2583

“(i)(I) which is described in section 168(k)(2)(A)(i), or

“(II) which is nonresidential real property or residential rental property,

“(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

“(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

“(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

“(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

“(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

“(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

“(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

Applicability.

“(A) by substituting ‘August 27, 2005’ for ‘September 10, 2001’ each place it appears therein,

“(B) by substituting ‘January 1, 2008’ for ‘January 1, 2005’ in clause (i) thereof, and

“(C) by substituting ‘qualified Gulf Opportunity Zone property’ for ‘qualified property’ in clause (iv) thereof.

“(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

Applicability.

119 STAT. 2583

PUBLIC LAW 109-135—DEC. 21, 2005

Applicability.

“(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

“(e) INCREASE IN EXPENSING UNDER SECTION 179.—

119 STAT. 2584

“(1) IN GENERAL.—For purposes of section 179—

“(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

“(i) \$100,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

“(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

“(i) \$600,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

“(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term ‘qualified section 179 Gulf Opportunity Zone property’ means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

“(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

Applicability.

“(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

“(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

“(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

“(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone clean-up cost’ means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

“(A) held by the taxpayer for use in a trade or business or for the production of income, or

“(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2584

“(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

119 STAT. 2585

“(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting ‘December 31, 2007’ for the date contained in section 198(h), and

“(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

“(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

“(1) by substituting ‘13 percent’ for ‘10 percent’ in paragraph (1) thereof, and

“(2) by substituting ‘26 percent’ for ‘20 percent’ in paragraph (2) thereof.

“(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

“(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

“(A) the limitation which would (but for this subsection) apply under such subparagraph, or

“(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

“(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

“(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

“(A) is a corporation the stock of which is publicly traded on an established securities market, or

“(B) is a real estate investment trust.

“(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

“(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of

119 STAT. 2585

PUBLIC LAW 109-135—DEC. 21, 2005

qualified timber property at any time during the taxable year.

“(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

“(i) such property was held by the taxpayer—

119 STAT. 2586

“(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

“(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

“(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

“(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED PORTION.—

“(i) IN GENERAL.—The term ‘specified portion’ means—

“(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

“(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

“(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

“(ii) TERMINATION DATE.—The term ‘termination date’ means—

“(I) for purposes of paragraph (1), January 1, 2008, and

“(II) for purposes of paragraph (2), January 1, 2007.

“(B) QUALIFIED TIMBER PROPERTY.—The term ‘qualified timber property’ has the meaning given such term in section 194(c)(1).

“(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

“(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2586

“(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term ‘Gulf Opportunity Zone public utility casualty loss’ means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

“(A) such loss is allowed as a deduction under section 165 for the taxable year, 119 STAT. 2587

“(B) such loss is by reason of Hurricane Katrina, and

“(C) the taxpayer elects the application of this subsection with respect to such loss.

“(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

“(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

“(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

“(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

“(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

Applicability.

“(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

“(i) by substituting ‘5 taxable years’ for ‘2 taxable years’ in subparagraph (A)(i), and

“(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

“(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

“(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term ‘qualified Gulf Opportunity Zone loss’ means the lesser of—

“(A) the excess of—

“(i) the net operating loss for such taxable year, over

“(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

“(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

119 STAT. 2587

PUBLIC LAW 109-135—DEC. 21, 2005

“(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

119 STAT. 2588

“(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

“(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

“(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

“(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term ‘moving expenses’ has the meaning given such term by section 217(b), except that the taxpayer’s former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

“(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

“(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof) for the taxable year such property is placed in service.

“(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

“(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

“(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

“(i) such loss is allowed as a deduction under section 165 for the taxable year, and

“(ii) such loss is by reason of Hurricane Katrina.

“(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2588

“(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

“(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

119 STAT. 2589  
Applicability.

“(1) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

“(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

“(2) AMOUNT OF CREDIT.—

“(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

“(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

“(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

“(ii) the outstanding face amount of the bond.

“(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary’s designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

“(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term ‘credit allowance date’ means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

“(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

119 STAT. 2589

PUBLIC LAW 109-135—DEC. 21, 2005

“(4) GULF TAX CREDIT BOND.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘Gulf tax credit bond’ means any bond issued as part of an issue if—

119 STAT. 2590

“(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

“(ii) 95 percent or more of the proceeds of such issue are to be used to—

“(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

“(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

“(iii) the Governor of such State designates such bond for purposes of this subsection,

“(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

“(v) the maturity of such bond does not exceed 2 years, and

“(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

“(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

“(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

“(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

“(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(i) \$200,000,000 in the case of the State of Louisiana,

“(ii) \$100,000,000 in the case of the State of Mississippi, and

“(iii) \$50,000,000 in the case of the State of Alabama.

“(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which



## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2590

the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

“(5) QUALIFIED BOND.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified bond’ means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

119 STAT. 2591

“(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

“(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

“(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

“(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) BOND.—The term ‘bond’ includes any obligation.

“(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

Applicability.

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

Regulations.

“(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

“(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

Procedures.

“(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

“(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

“(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

“(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity

119 STAT. 2591

PUBLIC LAW 109-135—DEC. 21, 2005

is the recovery and redevelopment of the Gulf Opportunity Zone,

“(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

119 STAT. 2592

“(A) \$300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

“(B) \$400,000,000 for 2007, to be so allocated, and

“(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

“(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual’s income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual’s tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

“(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

“(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

“(A) section 165(i) shall be applied by substituting ‘the fifth taxable year immediately preceding’ for ‘the taxable year immediately preceding’,

“(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

“(C) section 6611 shall not apply to any overpayment attributable to such loss.

“(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible public utility property loss’ means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

“(B) PUBLIC UTILITY PROPERTY.—The term ‘public utility property’ has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

“(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

“(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

## PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2592

“(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term ‘qualified Gulf Opportunity Zone property’ shall not include any property described in paragraph (3).

“(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ shall not include any loss with respect to any property described in paragraph (3). 119 STAT. 2593

“(3) PROPERTY DESCRIBED.—

“(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

“(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

“(ii) any gambling or animal racing property.

“(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The term ‘gambling or animal racing property’ means—

“(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

“(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

“(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting “, section 1400N(1),” after “subpart C”. 26 USC 54.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting “or 1400N(1)(6)” after “section 54(g)”, and

(B) by inserting “or 1400N(1)(2)(D), as the case may be” after “section 54(b)(4)”.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

“Subchapter Y—Short-Term Regional Benefits

“PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

“PART II—TAX BENEFITS FOR GO ZONES

“PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

“Sec. 1400L. Tax benefits for New York Liberty Zone.”.

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

“SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS”.

119 STAT. 2593

PUBLIC LAW 109–135—DEC. 21, 2005

26 USC 1400N  
note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

119 STAT. 2594

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

\* \* \* \* \*

119 STAT. 2642

Approved December 21, 2005.

---

LEGISLATIVE HISTORY—H.R. 4440:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 7, considered and passed House.

Dec. 16, considered and passed Senate, amended. House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Dec. 21, Presidential remarks.

PUBLIC LAW 109-453—DEC. 22, 2006

120 STAT. 3367

Public Law 109-453  
109th Congress

An Act

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Dec. 22, 2006  
[S. 1378]

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

**SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Historic Preservation Act Amendments Act of 2006”.

(b) **REFERENCE.**—A reference in this Act to “the Act” shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) **HISTORIC PRESERVATION FUND.**—Section 108 of the Act (16 U.S.C. 470h) is amended by striking “2005” and inserting “2015”.

(d) **MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.**—

(1) **ADDITIONAL MEMBERS.**—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking “four” and inserting “seven”.

(2) **ALLOWING DESIGNEE FOR GOVERNOR MEMBER.**—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking “(5) and”.

(3) **QUORUM.**—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking “Nine” and inserting “12”.

(e) **FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.**—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

“(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.”

National Historic  
Preservation Act  
Amendments Act  
of 2006.  
16 USC 470 note.

Applicability.

120 STAT. 3368

PUBLIC LAW 109-453—DEC. 22, 2006

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking “for purposes of this title not to exceed \$4,000,000 for each fiscal year 1997 through 2005” and inserting “such amounts as may be necessary to carry out this title”.

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

16 USC 470v-2. **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.**

“(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program’s statutory authorization and purpose.

“(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

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

“(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

“(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”.

Approved December 22, 2006.

---

**LEGISLATIVE HISTORY—S. 1378:**

SENATE REPORTS: No. 109-235 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 152 (2006):

Sept. 29, considered and passed Senate.

Dec. 8, considered and passed House.

**10. Land and Water Conservation Fund**

PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 2922

Public Law 109-432  
109th Congress

**An Act**

To amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

Dec. 20, 2006  
[H.R. 6111]

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

Tax Relief and Health Care Act of 2006.  
26 USC 1 note.

**SECTION 1. SHORT TITLE, ETC.**

(a) **SHORT TITLE.**—This Act may be cited as the “Tax Relief and Health Care Act of 2006”.

\* \* \* \* \*

**DIVISION C—OTHER PROVISIONS**

120 STAT. 3000

**TITLE I—GULF OF MEXICO ENERGY SECURITY**

Gulf of Mexico Energy Security Act of 2006.

\* \* \* \* \*

**SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO.**

120 STAT. 3004  
43 USC 1331 note.

(a) **IN GENERAL.**—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5).

(b) **ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.**—

(1) **ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State

Regulations.  
Effective dates.

120 STAT. 3004

PUBLIC LAW 109-432—DEC. 20, 2006

that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

Effective dates.  
Regulations.

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter—

(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

120 STAT. 3005

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

Effective dates.  
Termination  
dates.

(C) HISTORICAL LEASE SITES.—

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).



## PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 3005

(c) **TIMING.**—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) **AUTHORIZED USES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section. 120 STAT. 3006

(2) **LIMITATION.**—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) **ADMINISTRATION.**—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); or

(C) any other provision of law.

(f) **LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed \$500,000,000 for each of fiscal years 2016 through 2055.

(2) **EXPENDITURES.**—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) **PRO RATA REDUCTIONS.**—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

120 STAT. 3006

PUBLIC LAW 109-432—DEC. 20, 2006

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

\* \* \* \* \*

120 STAT. 3195

Approved December 20, 2006.

---

LEGISLATIVE HISTORY—H.R. 6111:

CONGRESSIONAL RECORD, Vol. 152 (2006):

Dec. 5, considered and passed House.

Dec. 7, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Dec. 20, Presidential remarks and statement.

**11. National Park Service Organic Act**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 10. SHORT TITLES.**

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.) is amended by adding at the end the following:

118 STAT. 1397  
16 USC 1 note.

**“SEC. 5. SHORT TITLE.**

“This Act may be cited as the ‘National Park Service Organic Act’.”.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**12. National Park System Advisory Board**

119 STAT. 2946

PUBLIC LAW 109–156—DEC. 30, 2005

Public Law 109–156  
109th Congress

**An Act**

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

Dec. 30, 2005  
[S. 1310]

Delaware Water  
Gap National  
Recreation Area  
Improvement  
Act.  
16 USC 461 note.

*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 “Delaware Water Gap National Recreation Area Improvement Act”.

\* \* \* \* \*

119 STAT. 2948  
16 USC 463 note.

**SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.**

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking “2006” and inserting “2007”.

Approved December 30, 2005.

**LEGISLATIVE HISTORY—S. 1310 (H.R. 3124):**

HOUSE REPORTS: No. 109–334 accompanying H.R. 3124 (Comm. on Resources).

SENATE REPORTS: No. 109–194 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 16, considered and passed Senate.

Dec. 18, considered and passed House.

**13. National Park System General Authorities Act**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 10. SHORT TITLES.**

118 STAT. 1397

\* \* \* \* \*

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.— Public Law 91-383 (commonly known as the “National Park System General Authorities Act”) (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following:

16 USC 1 note.

**“SEC. 14. SHORT TITLE.**

“This Act may be cited as the ‘National Park System General Authorities Act’.”.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

## 14. Overflights of National Parks

117 STAT. 2490

PUBLIC LAW 108–176—DEC. 12, 2003

### Public Law 108–176 108th Congress

#### An Act

Dec. 12, 2003  
[H.R. 2115]

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

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

Vision 100—  
Century of  
Aviation  
Reauthorization  
Act.  
49 USC 40101  
note.

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

(a) SHORT TITLE.—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

\* \* \* \* \*

117 STAT. 2493

#### SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

#### SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

\* \* \* \* \*

117 STAT. 2533  
Aviation  
Streamlining  
Approval Process  
Act of 2003.

### TITLE III—ENVIRONMENTAL PROCESS

#### SUBTITLE A—AVIATION DEVELOPMENT STREAMLINING

49 USC 40101  
note.

#### SEC. 301. SHORT TITLE.

This title may be cited as “Aviation Streamlining Approval Process Act of 2003”.

\* \* \* \* \*

117 STAT. 2540

#### SUBTITLE B—MISCELLANEOUS

\* \* \* \* \*

117 STAT. 2541

#### SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.

(a) IN GENERAL.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting “, as defined by this section,” after “lands” the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting “over a national park” after “operations”;

(3) in subsection (b)(3)(C) by inserting “over a national park that are also” after “operations”;

(4) in subsection (b)(3)(D) by striking “at the park” and inserting “over a national park”;

(5) in subsection (b)(3)(E) by inserting “over a national park” after “operations” the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting “over a national park” after “operations”;

## PUBLIC LAW 108-176—DEC. 12, 2003

117 STAT. 2541

(7) in subsection (f)(1) by inserting “over a national park” after “operation”;

(8) in subsection (f)(4)(A)—

(A) by striking “commercial air tour operation” and inserting “commercial air tour operation over a national park”; and

(B) by striking “park, or over tribal lands,” and inserting “park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),”;

(9) in subsection (f)(4)(B) by inserting “over a national park” after “operation”; and

(10) in the heading for paragraph (4) of subsection (f) by inserting “OVER A NATIONAL PARK” after “OPERATION”.

(b) QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.—

49 USC 40128  
note.

(1) DEADLINE FOR RULE.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) RESOLUTION OF DISPUTES.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quiet technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

\* \* \* \* \*

Approved December 12, 2003.

117 STAT. 2598

---

LEGISLATIVE HISTORY—H.R. 2115 (S. 824):

HOUSE REPORTS: Nos. 108-143 (Comm. on Transportation and Infrastructure) and 108-240 and 108-334 (both from Comm. of Conference).

SENATE REPORTS: No. 108-41 accompanying S. 824 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 824.

Oct. 28, House recommitted conference report pursuant to H. Res. 337.

Oct. 30, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 12, Presidential statement.

119 STAT. 2396

PUBLIC LAW 109–115—NOV. 30, 2005

Public Law 109–115  
109th Congress

An Act

Nov. 30, 2005  
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

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

Transportation,  
Treasury,  
Housing and  
Urban  
Development, the  
Judiciary, the  
District of  
Columbia, and  
Independent  
Agencies  
Appropriations  
Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND  
URBAN DEVELOPMENT, THE JUDICIARY, AND INDE-  
PENDENT AGENCIES APPROPRIATIONS ACT, 2006

Transportation,  
Treasury,  
Housing and  
Urban  
Development, the  
Judiciary, and  
Independent  
Agencies  
Appropriations  
Act, 2006.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

\* \* \* \* \*

Department of  
Transportation  
Appropriations  
Act, 2006.

119 STAT. 2424

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

\* \* \* \* \*

119 STAT. 2427

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”. Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

49 USC 40128  
note.

\* \* \* \* \*



PUBLIC LAW 109–115—NOV. 30, 2005

119 STAT. 2523

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006”.

Approved November 30, 2005.

---

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109–153 (Comm. on Appropriations) and 109–307 (Comm. of Conference).

SENATE REPORTS: Nos. 109–106 accompanying S. 1446 and 109–109 (both from Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17–20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 30, Presidential statement.

**15. Park Police**

117 STAT. 1386

PUBLIC LAW 108–133—NOV. 22, 2003

**Public Law 108–133  
108th Congress****An Act**Nov. 22, 2003  
[H.R. 3054]

To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

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

District of  
Columbia  
Military  
Retirement  
Equity Act of  
2003.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Military Retirement Equity Act of 2003".

**SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY SERVICE AS CREDITABLE SERVICE FOR CERTAIN DISTRICT OF COLUMBIA RETIREES.**

Subsection (c)(8) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–704(h), D.C. Official Code) is amended—

(1) by striking "(8) Notwithstanding" and inserting "(8)(A) Except as provided in subparagraph (B), notwithstanding"; and

(2) by adding at the end the following new subparagraph:

"(B)(i)(I) Except as provided in subclause (II), and subject to clause (iv), each member or former member who has performed military service before the date of the separation on which the entitlement to any annuity under this Act is based may elect to retain credit for the service by paying (in accordance with such regulations as the Mayor shall issue) to the office by which the member is employed (or, in the case of a former member, to the appropriate benefits administrator) an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37, United States Code, to the member for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the member may provide, or, if the Mayor determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Mayor under clause (iii). Payment of such amount by an active member must be completed prior to the member's date of retirement or October 1, 2006, whichever is later, for the member to retain credit for the service.

"(II) In any case where military service interrupts creditable service under this subsection and reemployment pursuant to chapter 43 of title 38, United States Code, occurs on or after August 1, 1990, the deposit payable under this clause may not

## PUBLIC LAW 108-133—NOV. 22, 2003

117 STAT. 1387

exceed the amount that would have been deducted and withheld under this Act from basic pay during the period of creditable service if the member had not performed the period of military service.

“(ii) Any deposit made under clause (i) more than 2 years after the later of—

“(I) October 1, 2004; or

“(II) the date on which the member making the deposit first becomes a member following the period of military service for which such deposit is due,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under paragraph (5)(B).

“(iii) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Mayor as the Mayor may determine to be necessary for the administration of this subsection.

“(iv) Effective with respect to any period of military service after November 10, 1996, the percentage of basic pay under section 204 of title 37, United States Code, payable under clause (i) shall be equal to the same percentage as would be applicable under subsection (d) of this section for that same period for service as a member subject to clause (i)(II).”

Effective date.

**SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO CERTAIN POLICE AND FIRE RETIREES TO TAKE MILITARY SERVICE ADJUSTMENT INTO ACCOUNT.**

(a) **IN GENERAL.**—Section 11012 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 1-803.02, D.C. Official Code) is amended by adding at the end the following new subsection:

“(f) **TREATMENT OF MILITARY SERVICE CREDIT PURCHASED BY CERTAIN POLICE AND FIRE RETIREES.**—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.”

(b) **CONFORMING AMENDMENT.**—Section 11003(5) of such Act (sec. 1-801.02(5), D.C. Official Code) is amended by inserting “and (f)” after “section 11012(e)”.

117 STAT. 1388

PUBLIC LAW 108-133—NOV. 22, 2003

Applicability.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

Approved November 22, 2003.

---

LEGISLATIVE HISTORY—H.R. 3054:  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Oct. 8, considered and passed House.  
Nov. 11, considered and passed Senate.

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 11. PARK POLICE INDEMNIFICATION.**

118 STAT. 1397

Section 2(b) of Public Law 106-437 (114 Stat. 1921) is amended by striking “the Act” and inserting “of the Act”.

16 USC 1a-6.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

## 16. Surface Transportation Extension

118 STAT. 478

PUBLIC LAW 108–202—FEB. 29, 2004

Public Law 108–202  
108th Congress

### An Act

Feb. 29, 2004  
[H.R. 3850]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface  
Transportation  
Extension Act of  
2004.  
23 USC 101 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2004”.

#### SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110) is amended by inserting “and the Surface Transportation Extension Act of 2004” after “as amended by this Act”.

##### (b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (117 Stat. 1110) is amended by striking “the amendment made under subsection (d)” and inserting “section 1101(c) of the Transportation Equity Act for the 21st Century”.

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking “\$1,166,666,667” and inserting “\$1,633,333,333”.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking “February 29” inserting “April 30”.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111) is amended by striking “\$13,483,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,876,841,666 for the period of October 1, 2003, through April 30, 2004”.

23 USC 104 note.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended to read as follows:

##### “(e) LIMITATION ON OBLIGATIONS.—

“(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2003, through April 30, 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) in accordance with section 110 of such Act; except that

## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 479

the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), 110(a)(5), and 110(g) of such Act shall equal the greater of—

“(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act); or

“(B)  $\frac{7}{12}$  of the funding provided for or limitation set on such program, project, or activity in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108-199).

“(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2003, through April 30, 2004, shall not exceed \$19,741,750,000; except that this limitation shall not apply to \$372,750,000 in obligations for minimum guarantee for such period.

“(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After April 30, 2004, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

“(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.”

**SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.**

Section 3 of the Surface Transportation Extension Act of 2003 (117 Stat. 1112-1113) is amended by adding at the end the following:

“(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

“(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

“(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.”

**SEC. 4. ADMINISTRATIVE EXPENSES.**

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113) is amended by striking “\$187,500,000” and inserting “\$262,500,000”.

**SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113) is amended—

(i) in the first sentence by striking “\$114,583,333 for the period of October 1, 2003, through February

29, 2004” and inserting “\$160,416,667 for the period of October 1, 2003, through April 30, 2004”; and

(ii) in the second sentence by striking “\$5,416,667” and inserting “\$7,583,333”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$102,500,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$143,500,000 for the period of October 1, 2003, through April 30, 2004”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,667 for the period of October 1, 2003, through April 30, 2004”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114) is amended by striking “\$58,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$81,666,667 for the period of October 1, 2003, through April 30, 2004”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$15,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$22,166,667 for the period of October 1, 2003, through April 30, 2004”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114) is amended—

(i) in clause (i) by striking “\$4,166,667” and inserting “\$5,833,333”;

(ii) in clause (ii) by striking “\$2,083,333” and inserting “\$2,916,667”; and

(iii) in clause (iii) by striking “\$2,083,333” and inserting “\$2,916,667”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$11,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$16,041,666 for the period of October 1, 2003, through April 30, 2004”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$4,583,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$6,416,667 for the period of October 1, 2003, through April 30, 2004”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$2,083,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,916,667 for the period of October 1, 2003, through April 30, 2004”.



## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 481

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$45,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$64,166,667 for the period of October 1, 2003, through April 30, 2004”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114) is amended by striking “\$10,416,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$14,583,333 for the period of October 1, 2003, through April 30, 2004”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

“(F) \$81,666,666 for the period of October 1, 2003, through April 30, 2004.”;

(B) in subsection (a)(2) by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$1,166,667 for the period of October 1, 2003, through April 30, 2004”; and

(C) in the item relating to fiscal year 2004 in table contained in subsection (c) by striking “\$1,083,333,333” and inserting “\$1,516,666,667”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$43,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$61,250,000 for the period of October 1, 2003, through April 30, 2004”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$22,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$32,083,334 for the period of October 1, 2003, through April 30, 2004”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$8,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$12,250,000 for the period of October 1, 2003, through April 30, 2004”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$12,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,083,333 for the period of October 1, 2003, through April 30, 2004”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$47,916,667 for the period of October 1, 2003, through February 29, 2004” and

inserting “\$67,083,334 for the period of October 1, 2003, through April 30, 2004”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$51,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$72,333,334 for the period of October 1, 2003, through April 30, 2004”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$11,250,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$15,750,000 for the period of October 1, 2003, through April 30, 2004”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116) is amended by striking “\$100,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$140,000,000 for the period of October 1, 2003, through April 30, 2004”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116) is amended by striking “\$15,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$21,233,333 for the period of October 1, 2003, through April 30, 2004”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116) is amended by striking “\$7,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$10,966,666 for the period of October 1, 2003, through April 30, 2004”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”;

and

(2) by striking “February 29” and inserting “April 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”;

and

(2) by striking “February 29” and inserting “April 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117) is amended by striking “\$312,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$437,500 for the period of October 1, 2003, through April 30, 2004”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118) is amended—

(1) by striking “\$2,187,500” and inserting “\$3,062,500”;

(2) by striking “\$104,167” and inserting “\$145,833”;

(3) by striking “February 29” each place it appears and inserting “April 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118) is amended—

(1) in paragraph (1) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting

## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 483

“\$5,833,333 for the period of October 1, 2003, through April 30, 2004”; and

(2) in paragraph (2) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$5,833,333 for the period of October 1, 2003, through April 30, 2004”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 4(a)(1) of such Act” before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 5 of such Act”; and

(4) by inserting “and by section 5 of such Act” before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119) is amended by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section”.

**SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$46,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$65,333,333 for the period of October 1, 2003, through April 30, 2004”.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$50,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$70,000,000 for the period of October 1, 2003, through April 30, 2004”.

**SEC. 7. SPORT FISHING AND BOATING SAFETY.**

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

“(6) \$5,833,333 for the period of October 1, 2003, through April 30, 2004.”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 7 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through April 30, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$47,833,333, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$5,833,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$4,666,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$2,083,333” and inserting “\$2,916,667”; and
- (2) by striking “\$833,333” and inserting “\$1,166,667”.

#### SEC. 8. TECHNICAL AMENDMENTS.

(a) HIGHWAY SAFETY GRANTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by inserting before the period at the end of the matter under the heading “NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HIGHWAY TRAFFIC SAFETY GRANTS” the following: “: *Provided further*, That not to exceed \$2,600,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed \$2,600,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 24, 2004.

(b) FEDERAL HIGHWAY ADMINISTRATION.—Section 110(g) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by adding at the end the following: “Obligation authority shall be available until used and in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.”.

#### SEC. 9. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(B) in subparagraph (A), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$699,642,775 will be available” after “modernization”;

(C) in subparagraph (B), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$767,657,109 will be available” before the semicolon; and

(D) in subparagraph (C), by inserting “, except for the period beginning on October 1, 2003 and ending on

*Ante*, p. 299.

*Ante*, p. 293.

## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 485

April 30, 2004, during which \$352,110,220 will be available” after “facilities”;

(2) by amending paragraph (2)(B)(iii) to read as follows:

“(iii) OCTOBER 1, 2003 THROUGH APRIL 30, 2004.—

Of the amounts made available under paragraph (1)(B), \$6,066,667 shall be available for the period beginning on October 1, 2003, and ending on April 30, 2004, for capital projects described in clause (i).”;

(3) in paragraph (3)(B)—

(A) by striking “\$1,250,000” and inserting “\$1,750,000”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in paragraph (3)(C)—

(A) by striking “\$20,833,334 shall be available” and inserting “\$28,994,583 shall be transferred to and administered under section 5309 for buses and bus facilities”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(b) APPOINTMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking “February 29, 2004” and inserting “April 30, 2004”.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in paragraph (2)(A)(vi)—

(A) by striking “\$1,292,948,344” and inserting “\$1,780,963,287”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in paragraph (2)(B)(vi)—

(A) by striking “\$323,459,169” and inserting “\$445,240,822”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in paragraph (2)(C) by striking “February 29, 2004” and inserting “April 30, 2004”.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (117 Stat. 1122) is amended to read as follows:

“(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

“(1) \$ 2,812,446 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

“(2) \$28,994,583 shall be available for bus and bus facilities grants under section 5309 of such title;

“(3) \$52,568,804 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

“(4) \$139,526,367 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

“(5) \$4,030,247 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

“(6) \$1,998,271,661 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.”.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$1,022,503,342” and inserting “\$1,819,410,104”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$255,801,669” and inserting “\$363,882,021”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,636,667” and inserting “\$33,981,652”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,100,000” and inserting “\$8,350,440”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$16,536,667” and inserting “\$24,471,428”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)(vi)—

(A) by striking “\$4,095,000” and inserting “\$6,262,830”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in subparagraph (C) by striking “February 29, 2004” and inserting “April 30, 2004”.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the funds made available by or

## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 487

appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

“(1) not less than \$3,044,431 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

“(2) not less than \$4,784,106 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

“(3) not less than \$4,784,106 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$579,892 to carry out section 5315(a)(16) of such title; and

“(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.”.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)—

(A) by striking “\$2,020,833” and inserting “\$2,783,480”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)—

(A) by striking “\$505,833” and inserting “\$695,870”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(4) in subparagraph (C) by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

“(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through April 30, 2004—

“(A) \$994,100 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

“(B) \$994,100 shall be available for the center identified in section 5505(j)(4)(F) of such title.

“(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through April 30, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by striking “February 29, 2004” and inserting “April 30, 2004”.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

117 Stat 1124.

49 USC 5338 note.

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,585,834” and inserting “\$35,025,457”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,150,833” and inserting “\$8,756,364”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking “\$50,519,167” and inserting “\$57,989,167”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(2) in paragraph (1)(B)(vi)—

(A) by striking “\$12,638,833” and inserting “\$14,497,292”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in paragraph (2) by striking “February 29, 2004, \$4,166,667” and inserting “April 30, 2004, \$5,798,917”; and

(4) by adding at the end the following:

“(4) TRANSFER IN FISCAL YEAR 2004.—Of the funds made available or appropriated under paragraph (1) for fiscal year 2004, prior to the allocation under paragraph (3), \$11,597,833 shall be administered under the provisions of section 5309 of title 49, United States Code.”.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1)(F)—

(A) by striking “\$2,187,500” and inserting “\$3,044,431”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) in paragraph (2)—

(A) by striking “\$708,333” and inserting “\$985,816”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”; and

(2) in subparagraph (A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(o) OBLIGATION CEILING.—Section 3040(6) of the Federal Transit Act of 1998 (112 Stat. 394) is amended—

(1) by striking “\$3,042,501,691” and inserting “\$4,238,428,192”; and



## PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 489

(2) by striking “February 29, 2004” and inserting “April 30, 2004”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal Transit Act of 1998 (112 Stat. 361) is amended—

(1) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) by striking “\$2,020,833” and inserting “\$2,812,475”.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note) is amended—

23 USC 322 note.

(1) by striking “February 29, 2004,” and inserting “April 30, 2004”; and

(2) by striking “\$2,083,333” and inserting “\$2,812,475”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note) is amended—

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

“(1) IN GENERAL.—Amounts”;

(2) by inserting “and by section 9 of the Surface Transportation Extension Act of 2004” after “this section”; and

(3) by adding at the end the following:

“(2) TRANSFERS.—Funds authorized by or made available under this section shall be transferred in accordance with the Consolidated Appropriations Act, 2004, except that only  $\frac{7}{12}$  of the total amount to be transferred shall be available.”.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note) is amended by inserting “and for the period of October 1, 2003 through April 30, 2004,” after “2003,”.

**SEC. 10. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.**

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking “, and \$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “, and \$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “\$30,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$42,000,000 for the period of October 1, 2003, through April 30, 2004”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,700 for the period of October 1, 2003, through April 30, 2004”.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat.

1120) is amended by striking “\$16,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$23,333,300 for the period of October 1, 2003, through April 30, 2004”.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,100,000 for the period of October 1, 2003, through April 30, 2004”.

**SEC. 11. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.**

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by striking “\$71,487,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$102,467,000 for the period October 1, 2003 through April 30, 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

“(5) \$11,639,000 for the period of October 1, 2003, through April 30, 2004.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking “February 29,” and inserting “April 30,”; and

(B) by striking “\$416,667” and inserting “\$582,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking “\$416,667” and inserting “\$582,000”; and

(2) by striking “February 29” and inserting “April 30”.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended—

(A) by striking “Fund and to” in the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, MOTOR CARRIER SAFETY, LIMITATION ON ADMINISTRATIVE EXPENSES” and inserting “Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall”; and

(B) by inserting before the period at the end of the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, NATIONAL MOTOR CARRIER SAFETY PROGRAM” the following: “: *Provided further*, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764-1765), the Federal share payable under such grants shall be 100 percent”.

*Ante*, p. 298.

*Ante*, p. 298.

PUBLIC LAW 108-202—FEB. 29, 2004

118 STAT. 491

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 24, 2004.

**SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) by striking “or” at the end of subparagraph (E),

(C) by striking the period at the end of subparagraph (F) and inserting “, or”,

(D) by inserting after subparagraph (F), the following new subparagraph:

“(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) in subparagraph (C), by striking “or” at the end of such subparagraph,

(C) in subparagraph (D), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (D) the following new subparagraph:

“(E) the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2003” each place it appears and inserting “Surface Transportation Extension Act of 2004”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “March 1, 2004” and inserting “May 1, 2004”, and

(B) by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.

118 STAT. 492

PUBLIC LAW 108–202—FEB. 29, 2004

26 USC 9503  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on April 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved February 29, 2004.

---

LEGISLATIVE HISTORY—H.R. 3850:  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Feb. 26, considered and passed House.  
Feb. 27, considered and passed Senate.

PUBLIC LAW 109–14—MAY 31, 2005

119 STAT. 324

Public Law 109–14  
109th Congress

An Act

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

May 31, 2005  
[H.R. 2566]

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

Surface  
Transportation  
Extension Act of  
2005.  
23 USC 101 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Surface Transportation Extension Act of 2005”.

**SEC. 2. ADVANCES.**

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144) is amended by striking “as amended by this section” and inserting “as amended by this Act and the Surface Transportation Extension Act of 2005”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **ADMINISTRATION OF FUNDS.**—Section 2(b)(3) of such Act (118 Stat. 1145) is amended by striking “the amendment made under subsection (d)” and inserting “section 1101(l) of the Transportation Equity Act for the 21st Century”.

(2) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act is amended by striking “\$1,866,666,667” and inserting “\$2,100,000,000”.

(3) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “May 31” inserting “June 30”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145) is amended by striking “\$22,685,936,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$25,521,678,000 for the period of October 1, 2004, through June 30, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146) is amended to read as follows:

“(e) **LIMITATION ON OBLIGATIONS.**—

“(1) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—Subject to paragraph (2), for the period of October 1, 2004, through June 30, 2005, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading ‘FEDERAL-AID HIGHWAYS’ in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204), in accordance

with section 110 of such title (23 U.S.C. 104 note; 118 Stat. 3209); except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), and 110(a)(5) of such title shall equal the greater of—

“(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2005 (including any amendments made by this Act and such Act); or

“(B)  $\frac{9}{12}$  of the funding provided for or limitation set on such program, project, or activity in title I of division H of the Consolidated Appropriations Act, 2005.

“(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2004, through June 30, 2005, shall not exceed \$26,025,000,000; except that this limitation shall not apply to \$479,250,000 in obligations for minimum guarantee for such period.

“(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After June 30, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

Applicability.

“(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading ‘FEDERAL-AID HIGHWAYS’ in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204).”.

### SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004 (118 Stat. 1147) is amended by striking “\$234,682,667” and inserting “\$264,018,000”.

### SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147) is amended—

(i) in the first sentence by striking “\$183,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$206,250,000 for the period of October 1, 2004, through June 30, 2005”; and

(ii) in the second sentence by striking “\$8,666,667” and inserting “\$9,750,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$164,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$184,500,000 for the period of October 1, 2004, through June 30, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$110,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$123,750,000 for the period of October 1, 2004, through June 30, 2005”.

## PUBLIC LAW 109-14—MAY 31, 2005

119 STAT. 326

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$93,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$105,000,000 for the period of October 1, 2004, through June 30, 2005”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$25,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$28,500,000 for the period of October 1, 2004, through June 30, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148) is amended—

(i) in clause (i) by striking “\$6,666,667” and inserting “\$7,500,000”;

(ii) in clause (ii) by striking “\$3,333,333” and inserting “\$3,750,000”; and

(iii) in clause (iii) by striking “\$3,333,333” and inserting “\$3,750,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148) is amended by striking “2001,” and all that follows through “May 31, 2005” and inserting “2001, \$25,500,000 for fiscal year 2002, \$26,500,000 for each of fiscal years 2003 and 2004, and \$19,875,000 for the period of October 1, 2004, through June 30, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$7,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$8,250,000 for the period of October 1, 2004, through June 30, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$3,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$3,750,000 for the period of October 1, 2004, through June 30, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15)(A) of such Act (112 Stat. 113; 118 Stat. 1149) is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149) is amended by striking “\$333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$375,000 for the period of October 1, 2004, through June 30, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149) is amended by striking “\$16,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$18,750,000 for the period of October 1, 2004, through June 30, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(G) and inserting the following:

“(G) \$97,500,000 for the period of October 1, 2004, through June 30, 2005.”;

(B) in subsection (a)(2) by striking “\$1,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$1,500,000 for the period of October 1, 2004, through June 30, 2005”; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking “\$1,733,333,333” and inserting “\$1,950,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149) is amended—

(A) by striking “\$1,000,000” and inserting “\$1,125,000”; and

(B) by striking “May 31” and inserting “June 30”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149) is amended by striking “\$68,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$77,250,000 for the period of October 1, 2004, through June 30, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149) is amended by striking “\$33,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$37,500,000 for the period of October 1, 2004, through June 30, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$20,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$23,250,000 for the period of October 1, 2004, through June 30, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$81,333,333



## PUBLIC LAW 109-14—MAY 31, 2005

119 STAT. 328

for the period of October 1, 2004, through May 31, 2005” and inserting “\$91,500,000 for the period of October 1, 2004, through June 30, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$17,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$19,875,000 for the period of October 1, 2004, through June 30, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150) is amended by striking “\$145,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$163,125,000 for the period of October 1, 2004, through June 30, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150) is amended by striking “\$24,266,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$27,300,000 for the period of October 1, 2004, through June 30, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150) is amended by striking “\$12,533,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$14,100,000 for the period of October 1, 2004, through June 30, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151) is amended by striking “\$333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$375,000 for the period of October 1, 2004, through June 30, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$66,666,667” and inserting “\$75,000,000”;

and

(2) by striking “May 31” and inserting “June 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$66,666,667” and inserting “\$75,000,000”;

and

(2) by striking “May 31” and inserting “June 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151) is amended by striking “\$500,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$562,500 for the period of October 1, 2004, through June 30, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$3,500,000” and inserting “\$3,937,500”;

(2) by striking “\$166,667” and inserting “\$187,500”; and

(3) by striking “May 31” each place it appears and inserting “June 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151) is amended—

(1) in paragraph (1) by striking “\$6,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$7,500,000 for the period of October 1, 2004, through June 30, 2005”; and

(2) in paragraph (2) by striking “\$6,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting

“\$7,500,000 for the period of October 1, 2004, through June 30, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151) is amended—

(1) by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 4(a)(1) of such Act” before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151) is amended—

(1) by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 4 of such Act”; and

(4) by inserting “and by section 4 of such Act” before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151) is amended by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “this section”.

#### **SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$74,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$84,000,000 for the period of October 1, 2004, through June 30, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152) is amended by striking “\$110,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$123,750,000 for the period of October 1, 2004, through June 30, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking “1998 through” and all that follows through “May 31, 2005” and inserting “1998 through 2004 and \$54,000,000 for the period of October 1, 2004, through June 30, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153) is amended by striking “\$26,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$30,000,000 for the period of October 1, 2004, through June 30, 2005”.

## PUBLIC LAW 109-14—MAY 31, 2005

119 STAT. 330

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153) is amended by striking “\$2,400,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$2,700,000 for the period of October 1, 2004, through June 30, 2005”.

**SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.**

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended by striking “\$160,552,536 for the period of October 1, 2004, through May 31, 2005” and inserting “\$192,631,044 for the period October 1, 2004 through June 30, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$126,402,740 for the period of October 1, 2004, through June 30, 2005.”

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(5) \$14,958,904 for the period of October 1, 2004, through June 30, 2005.”

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended—

(A) by striking “May 31,” and inserting “June 30,”; and

(B) by striking “\$665,753” and inserting “\$747,945”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154) is amended—

(1) by striking “\$665,753” and inserting “\$747,945”; and

(2) by striking “May 31” and inserting “June 30”.

**SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(B) by striking “\$6,933,333” and inserting “\$7,800,000”; and

(C) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,000,000” and inserting “\$2,250,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$33,333,333” and inserting “\$37,500,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,201,760,000” and inserting “\$2,545,785,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (2)(B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in paragraph (2)(C) by striking “May 31, 2005” and inserting “June 30, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155) is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (1) by striking “\$3,233,300” and inserting “\$3,637,462”;

(4) in paragraph (2) by striking “\$33,333,333” and inserting “\$37,500,000”;

(5) in paragraph (3) by striking “\$65,064,001” and inserting “\$73,197,001”;

(6) in paragraph (4) by striking “\$172,690,702” and inserting “\$194,277,040”;

(7) in paragraph (5) by striking “\$4,633,333” and inserting “\$5,212,500”; and

(8) in paragraph (6) by striking “\$2,473,245,331” and inserting “\$2,782,400,997”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$1,740,960,000” and inserting “\$2,012,985,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$41,813,334” and inserting “\$48,346,668”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

## PUBLIC LAW 109–14—MAY 31, 2005

119 STAT. 332

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$28,266,667” and inserting “\$32,683,333”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in subparagraph (C) by striking “May 31, 2005” and inserting “June 30, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156) is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (1) by striking “\$3,500,000” and inserting “\$3,937,500”;

(4) in paragraph (2) by striking “\$5,500,000” and inserting “\$6,187,500”; and

(5) in paragraph (3)—

(A) by striking “\$2,666,667” and inserting “\$3,000,000”; and

(B) by striking “\$666,667” and inserting “\$750,000”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$3,200,000” and inserting “\$3,700,000”;

and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in subparagraph (B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(B) in paragraph (1)(A) by striking “\$1,333,333” and inserting “\$1,500,000”;

(C) in paragraph (1)(B) by striking “\$1,333,333” and inserting “\$1,500,000”; and

(D) in paragraph (2) by striking “May 31, 2005” and inserting “June 30, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857; 118 Stat. 1157) is amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$41,600,000” and inserting “\$48,100,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$80,000,000” and inserting “\$92,500,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(2) in paragraph (1)(B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in paragraph (2) by striking “May 31, 2005, not more than \$6,666,667” and inserting “June 30, 2005, not more than \$7,500,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

“(G) \$3,937,500 for the period of October 1, 2004, through June 30, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,133,333” and inserting “\$1,275,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”; and

(2) in subparagraph (A) by striking “May 31, 2005” and inserting “June 30, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158) is amended—

(1) by striking “\$5,172,000,000” and inserting “\$5,818,500,000”; and

(2) by striking “May 31, 2005” and inserting “June 30, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158) is amended—

(1) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(2) by striking “\$3,233,333” and inserting “\$3,637,500”.

## PUBLIC LAW 109-14—MAY 31, 2005

119 STAT. 334

(p) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158) is amended—

23 USC 322 note.

(1) by striking “May 31, 2005,” and inserting “June 30, 2005”; and

(2) by striking “\$3,333,333” and inserting “\$3,750,000”.

(q) **PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.**—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158) are amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(r) **NEW JERSEY URBAN CORE PROJECT.**—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158) are amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(s) **TREATMENT OF FUNDS.**—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

23 USC 101 note.

(t) **LOCAL SHARE.**—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158) is amended by striking “May 31, 2005” and inserting “June 30, 2005”.

**SEC. 8. SPORT FISHING AND BOATING SAFETY.**

(a) **FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.**—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

“(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;”.

(b) **CLEAN VESSEL ACT FUNDING.**—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) **FIRST 9 MONTHS OF FISCAL YEAR 2005.**—For the period of October 1, 2004, through June 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$61,499,997, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$7,499,997 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$6,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

119 STAT. 335

PUBLIC LAW 109-14—MAY 31, 2005

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$3,333,336” and inserting “\$3,750,003”; and
- (2) by striking “\$1,333,336” and inserting “\$1,500,003”.

**SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) HIGHWAY TRUST FUND.—

26 USC 9503.

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “June 1, 2005” and inserting “July 1, 2005”,

(B) by striking “or” at the end of subparagraph (J),

(C) by striking the period at the end of subparagraph (K) and inserting “, or”,

(D) by inserting after subparagraph (K) the following new subparagraph:

“(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005.”, and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “June 1, 2005” and inserting “July 1, 2005”,

(B) in subparagraph (H), by striking “or” at the end of such subparagraph,

(C) in subparagraph (I), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (I) the following new subparagraph:

“(J) the Surface Transportation Extension Act of 2005.”, and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “June 1, 2005” and inserting “July 1, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2004, Part V” each place it appears and inserting “Surface Transportation Extension Act of 2005”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “June 1, 2005” and inserting “July 1, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.



## PUBLIC LAW 109-14—MAY 31, 2005

119 STAT. 336

- (3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “June 1, 2005” and inserting “July 1, 2005”. 26 USC 9504.
- (c) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking “2005” each place it appears and inserting “2006”:
- (1) Section 4481(f). 26 USC 4481.
- (2) Section 4482(c)(4). 26 USC 4482.
- (3) Section 4482(d). 26 USC 4483.
- (4) Section 4483(h). 26 USC 4481 note.
- (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
- (e) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—
- (1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and
- (2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003. Termination date.

Approved May 31, 2005.

---

LEGISLATIVE HISTORY—H.R. 2566:  
 CONGRESSIONAL RECORD, Vol. 151 (2005):  
 May 25, considered and passed House.  
 May 26, considered and passed Senate.

119 STAT. 346

PUBLIC LAW 109–20—JULY 1, 2005

Public Law 109–20  
109th Congress

An Act

July 1, 2005  
[H.R. 3104]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface  
Transportation  
Extension Act of  
2005, Part II.  
23 USC 101 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part II”.

**SEC. 2. ADVANCES.**

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324) is amended by striking “and the Surface Transportation Extension Act of 2005” and inserting “, the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324) is amended by striking “\$2,100,000,000” and inserting “\$2,240,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “June 30” inserting “July 19”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324) is amended by striking “\$25,521,678,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$27,223,123,200 for the period of October 1, 2004, through July 19, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324) is amended—

23 USC 104 note.

(1) in paragraph (1)—

(A) by striking “June 30” and inserting “July 19”;

(B) by striking “and the Surface Transportation Extension Act of 2005” and inserting “, the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II”; and

(C) by striking “<sup>9</sup>/<sub>12</sub>” and inserting “80 percent”; and

(2) in paragraph (2)—

(A) by striking “June 30, 2005, shall not exceed \$26,025,000,000” and inserting “July 19, 2005, shall not exceed \$27,760,000,000”; and

## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 347

- (B) by striking “\$479,250,000” and inserting “\$511,200,000”; and
- (3) in paragraph (3) by striking “June 30” and inserting “July 19”.

**SEC. 3. ADMINISTRATIVE EXPENSES.**

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325) is amended by striking “highway program” and all that follows through “2005” and inserting “highway program \$281,619,200 for fiscal year 2005”.

**SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325) is amended—

(i) in the first sentence by striking “\$206,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$220,000,000 for the period of October 1, 2004, through July 19, 2005”; and

(ii) in the second sentence by striking “\$9,750,000” and inserting “\$10,400,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking “\$184,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$196,800,000 for the period of October 1, 2004, through July 19, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking “\$123,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$132,000,000 for the period of October 1, 2004, through July 19, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$105,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$112,000,000 for the period of October 1, 2004, through July 19, 2005”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$28,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$30,400,000 for the period of October 1, 2004, through July 19, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation

Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326) is amended—

(i) in clause (i) by striking “\$7,500,000” and inserting “\$8,000,000”;

(ii) in clause (ii) by striking “\$3,750,000” and inserting “\$4,000,000”; and

(iii) in clause (iii) by striking “\$3,750,000” and inserting “\$4,000,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$8,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,800,000 for the period of October 1, 2004, through July 19, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$3,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$4,000,000 for the period of October 1, 2004, through July 19, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) TECHNICAL CORRECTION.—Effective May 31, 2005, section 4(a)(7) of the Surface Transportation Extension Act of 2005 (119 Stat. 326) is amended by striking “1101(a)(15)(A)” and inserting “1101(a)(15)”.

(B) INCREASED FUNDING.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326) is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326) is amended by striking “\$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$400,000 for the period of October 1, 2004, through July 19, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$18,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$20,000,000 for the period of October 1, 2004, through July 19, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$104,000,000 for the period of October 1, 2004, through July 19, 2005.”;

Effective date.

## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 349

(B) in subsection (a)(2) by striking “\$1,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$1,600,000 for the period of October 1, 2004, through July 19, 2005”; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking “\$1,950,000,000” and inserting “\$2,080,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327) is amended—

(A) by striking “\$1,125,000” and inserting “\$1,200,000”;

and

(B) by striking “June 30” and inserting “July 19”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$77,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$82,400,000 for the period of October 1, 2004, through July 19, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$37,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$40,000,000 for the period of October 1, 2004, through July 19, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$23,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$24,800,000 for the period of October 1, 2004, through July 19, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$91,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$97,600,000 for the period of October 1, 2004, through July 19, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328) is amended by striking “\$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150;

119 STAT. 350

PUBLIC LAW 109-20—JULY 1, 2005

119 Stat. 328) is amended by striking “\$163,125,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$174,000,000 for the period of October 1, 2004, through July 19, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328) is amended by striking “\$27,300,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$29,120,000 for the period of October 1, 2004, through July 19, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328) is amended by striking “\$14,100,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$15,040,000 for the period of October 1, 2004, through July 19, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “\$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$400,000 for the period of October 1, 2004, through July 19, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$75,000,000” and inserting “\$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$75,000,000” and inserting “\$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “\$562,500 for the period of October 1, 2004, through June 30, 2005” and inserting “\$600,000 for the period of October 1, 2004, through July 19, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$3,937,500” and inserting “\$4,200,000”;

(2) by striking “\$187,500” and inserting “\$200,000”; and

(3) by striking “June 30” each place it appears and inserting “July 19”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) in paragraph (1) by striking “\$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,000,000 for the period of October 1, 2004, through July 19, 2005”; and

(2) in paragraph (2) by striking “\$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,000,000 for the period of October 1, 2004, through July 19, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface

## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 351

Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II”; and

(2) by striking “the amendment made by subsection (a)(1) of this section or the amendment made by section 4(a)(1) of such Act” and inserting “the amendments made by subsection (a) of this section, section 4(a) of the Surface Transportation Extension Act of 2005, and section 4(a) of the Surface Transportation Extension Act of 2005, Part II”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II”;

(2) by striking “and by section 4 of such Act” the first place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”; and

(3) by striking “and by section 4 of such Act” the second place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329) is amended by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”.

**SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$84,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$89,600,000 for the period of October 1, 2004, through July 19, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$123,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$132,000,000 for the period of October 1, 2004, through July 19, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$54,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$57,600,000 for the period of October 1, 2004, through July 19, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329) is amended by striking “\$30,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$32,000,000 for the period of October 1, 2004, through July 19, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330) is amended by striking “\$2,700,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$2,880,000 for the period of October 1, 2004, through July 19, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

**SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.**

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended by striking “\$192,631,044 for the period of October 1, 2004, through June 30, 2005” and inserting “\$206,037,600 for the period of October 1, 2004, through July 19, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$135,200,000 for the period of October 1, 2004, through July 19, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by striking “(5) \$14,958,904 for the period of October 1, 2004, through June 30, 2005.” and inserting the following:

“(6) \$16,000,000 for the period of October 1, 2004, through July 19, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

(A) by striking “June 30” and inserting “July 19”; and

(B) by striking “\$747,945” and inserting “\$800,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330) is amended—

(1) by striking “\$747,945” and inserting “\$800,000”; and

(2) by striking “June 30” and inserting “July 19”.

**SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph

(1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;



## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 353

(B) by striking “\$7,800,000” and inserting “\$8,320,000”;  
and

(C) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,250,000” and inserting “\$2,400,000”;  
and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$37,500,000” and inserting “\$40,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,545,785,000” and inserting “\$2,675,300,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (2)(B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in paragraph (2)(C) by striking “June 30, 2005” and inserting “July 19, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331) is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in the matter preceding paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (1) by striking “\$3,637,462” and inserting “\$3,879,960”;

(4) in paragraph (2) by striking “\$37,500,000” and inserting “\$40,000,000”;

(5) in paragraph (3) by striking “\$73,197,001” and inserting “\$76,231,201”;

(6) in paragraph (4) by striking “\$194,277,040” and inserting “\$202,330,313”;

(7) in paragraph (5) by striking “\$5,212,500” and inserting “\$5,560,000”; and

(8) in paragraph (6) by striking “\$2,782,400,997” and inserting “\$2,897,738,526”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$2,012,985,000” and inserting “\$2,235,820,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$48,346,668” and inserting “\$47,946,667”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$32,683,333” and inserting “\$36,933,334”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in subparagraph (C) by striking “June 30, 2005” and inserting “July 19, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332) is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in the matter preceding paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (1) by striking “\$3,937,500” and inserting “\$4,200,000”;

(4) in paragraph (2) by striking “\$6,187,500” and inserting “\$6,600,000”; and

(5) in paragraph (3)—

(A) by striking “\$3,000,000” and inserting “\$3,200,000”; and

(B) by striking “\$750,000” and inserting “\$800,000”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$3,700,000” and inserting “\$4,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in subparagraph (B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332) is amended—

## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 355

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(B) in paragraph (1)(A) by striking “\$1,500,000” and inserting “\$1,600,000”;

(C) in paragraph (1)(B) by striking “\$1,500,000” and inserting “\$1,600,000”; and

(D) in paragraph (2) by striking “June 30, 2005” and inserting “July 19, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332) is amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$48,100,000” and inserting “\$52,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$92,500,000” and inserting “\$80,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(2) in paragraph (1)(B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in paragraph (2) by striking “June 30, 2005, not more than \$7,500,000” and inserting “July 19, 2005, not more than \$8,000,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

“(G) \$4,200,000 for the period of October 1, 2004, through July 19, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,275,000” and inserting “\$1,360,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”; and

(2) in subparagraph (A) by striking “June 30, 2005” and inserting “July 19, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking “\$5,818,500,000” and inserting “\$6,166,400,000”; and

(2) by striking “June 30, 2005” and inserting “July 19, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(2) by striking “\$3,637,500” and inserting “\$3,880,000”.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334) is amended—

(1) by striking “June 30, 2005,” and inserting “July 19, 2005”; and

(2) by striking “\$3,750,000” and inserting “\$4,000,000”.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334) are amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334) are amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334) is amended by striking “June 30, 2005” and inserting “July 19, 2005”.

#### SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking “(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;” and inserting the following:

“(7) \$8,000,000 for the period of October 1, 2004, through July 19, 2005;”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 292 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 19, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$65,600,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

## PUBLIC LAW 109-20—JULY 1, 2005

119 STAT. 357

“(A) \$8,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$6,400,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$3,750,003” and inserting “\$4,000,000”; and
- (2) by striking “\$1,500,003” and inserting “\$1,600,000”.

**SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “July 1, 2005” and inserting “July 20, 2005”,

(B) by striking “or” at the end of subparagraph (K),

(C) by striking the period at the end of subparagraph (L) and inserting “, or”,

(D) by inserting after subparagraph (L) the following new subparagraph:

“(M) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part II.”, and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 1, 2005” and inserting “July 20, 2005”,

(B) in subparagraph (I), by striking “or” at the end of such subparagraph,

(C) in subparagraph (J), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (J) the following new subparagraph:

“(K) the Surface Transportation Extension Act of 2005, Part II.”, and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 1, 2005” and inserting “July 20, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

119 STAT. 358

PUBLIC LAW 109-20—JULY 1, 2005

26 USC 9504. (1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part II”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 1, 2005” and inserting “July 20, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 1, 2005” and inserting “July 20, 2005”.

26 USC 9503 note. (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 19, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 1, 2005.

---

LEGISLATIVE HISTORY—H.R. 3104:

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 30, considered and passed House and Senate.

PUBLIC LAW 109–35—JULY 20, 2005

119 STAT. 379

Public Law 109–35  
109th Congress

An Act

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 20, 2005  
[H.R. 3332]

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

Surface  
Transportation  
Extension Act of  
2005, Part III.  
23 USC 101 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part III”.

**SEC. 2. ADVANCES.**

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346) is amended by striking “and the Surface Transportation Extension Act of 2005, Part II” and inserting “, the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346) is amended by striking “\$2,240,000,000” and inserting “\$2,268,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “July 19” inserting “July 21”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346) is amended by striking “\$27,223,123,200 for the period of October 1, 2004, through July 19, 2005” and inserting “\$27,563,412,240 for the period of October 1, 2004, through July 21, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346) is amended—

23 USC 104 note.

(1) in paragraph (1)—

(A) by striking “July 19” and inserting “July 21”;

(B) by striking “and the Surface Transportation Extension Act of 2005, Part II” and inserting “, the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III”; and

(C) by striking “80 percent” and inserting “80.8 percent”; and

(2) in paragraph (2)—

119 STAT. 380

PUBLIC LAW 109-35—JULY 20, 2005

(A) by striking “July 19, 2005, shall not exceed \$27,760,000,000” and inserting “July 21, 2005, shall not exceed \$28,107,000,000”; and

(B) by striking “\$511,200,000” and inserting “\$517,590,000”; and

(3) in paragraph (3) by striking “July 19” and inserting “July 21”.

**SEC. 3. ADMINISTRATIVE EXPENSES.**

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$281,619,200” and inserting “\$285,139,440”.

**SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended—

(i) in the first sentence by striking “\$220,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$222,750,000 for the period of October 1, 2004, through July 21, 2005”; and

(ii) in the second sentence by striking “\$10,400,000” and inserting “\$10,530,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$196,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$199,260,000 for the period of October 1, 2004, through July 21, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$132,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$133,650,000 for the period of October 1, 2004, through July 21, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$112,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$113,400,000 for the period of October 1, 2004, through July 21, 2005”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$30,400,000 for the period of October 1, 2004, through July 19, 2005” and inserting



## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 381

“\$30,780,000 for the period of October 1, 2004, through July 21, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended—

(i) in clause (i) by striking “\$8,000,000” and inserting “\$8,100,000”;

(ii) in clause (ii) by striking “\$4,000,000” and inserting “\$4,050,000”; and

(iii) in clause (iii) by striking “\$4,000,000” and inserting “\$4,050,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$21,200,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$21,465,000 for the period of October 1, 2004, through July 21, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$8,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,910,000 for the period of October 1, 2004, through July 21, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$4,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$4,050,000 for the period of October 1, 2004, through July 21, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$405,000 for the period of October 1, 2004, through July 21, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$20,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$20,250,000 for the period of October 1, 2004, through July 21, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$105,300,000 for the period of October 1, 2004, through July 21, 2005.”;

(B) in subsection (a)(2) by striking “\$1,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$1,620,000 for the period of October 1, 2004, through July 21, 2005”; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking “\$2,080,000,000” and inserting “\$2,106,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended—

(A) by striking “\$1,200,000” and inserting “\$1,215,000”; and

(B) by striking “July 19” and inserting “July 21”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$82,400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$83,430,000 for the period of October 1, 2004, through July 21, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$40,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$40,500,000 for the period of October 1, 2004, through July 21, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$24,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$25,110,000 for the period of October 1, 2004, through July 21, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$97,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$98,820,000 for the period of October 1, 2004, through July 21, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”

## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 383

and inserting “\$21,465,000 for the period of October 1, 2004, through July 21, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$174,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$176,175,000 for the period of October 1, 2004, through July 21, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$29,120,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$29,484,000 for the period of October 1, 2004, through July 21, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$15,040,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$15,228,000 for the period of October 1, 2004, through July 21, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$405,000 for the period of October 1, 2004, through July 21, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$80,000,000” and inserting “\$81,000,000”;

and

(2) by striking “July 19” and inserting “July 21”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$80,000,000” and inserting “\$81,000,000”;

and

(2) by striking “July 19” and inserting “July 21”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$607,500 for the period of October 1, 2004, through July 21, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$4,200,000” and inserting “\$4,252,000”;

(2) by striking “\$200,000” and inserting “\$202,500”; and

(3) by striking “July 19” each place it appears and inserting “July 21”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) in paragraph (1) by striking “\$8,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,100,000 for the period of October 1, 2004, through July 21, 2005”; and

(2) in paragraph (2) by striking “\$8,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,100,000 for the period of October 1, 2004, through July 21, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III”; and

(2) by striking “and section 4(a) of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4(a) of the Surface Transportation Extension Act of 2005, Part II, and section 4(a) of the Surface Transportation Extension Act of 2005, Part III”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III”;

(2) by striking “and section 4 of the Surface Transportation Extension Act, Part II” the first place it appears and inserting “section 4 of the Surface Transportation Extension Act, Part II, and section 4 of the Surface Transportation Extension Act, Part III”; and

(3) by striking “and section 4 of the Surface Transportation Extension Act, Part II” the second place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended by striking “and section 4 of the Surface Transportation Extension Act, Part II” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III”.

#### SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$89,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$90,720,000 for the period of October 1, 2004, through July 21, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$132,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$133,650,000 for the period of October 1, 2004, through July 21, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat.

## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 385

329; 119 Stat. 346) is amended by striking “\$57,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$58,320,000 for the period of October 1, 2004, through July 21, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$32,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$32,400,000 for the period of October 1, 2004, through July 21, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking “\$2,880,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$2,916,000 for the period of October 1, 2004, through July 21, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

**SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.**

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking “\$206,037,600 for the period of October 1, 2004, through July 19, 2005” and inserting “\$208,154,425 for the period of October 1, 2004, through July 21, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$136,589,041 for the period of October 1, 2004, through July 21, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(6) \$16,164,384 for the period of October 1, 2004, through July 21, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended—

(A) by striking “July 19” and inserting “July 21”; and

(B) by striking “\$800,000” and inserting “\$808,219”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346) is amended—

(1) by striking “\$800,000” and inserting “\$808,219”; and

(2) by striking “July 19” and inserting “July 21”.

**SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

(a) **ALLOCATING AMOUNTS.**—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(B) by striking “\$8,320,000” and inserting “\$8,424,000”;

and

(C) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,400,000” and inserting “\$2,430,000”;

and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(4) in paragraph (3)(C)—

(A) by striking “\$40,000,000” and inserting “\$40,500,000”;

(B) by striking “July 19, 2005” and inserting “July 21, 2005”.

(b) **FORMULA GRANTS AUTHORIZATIONS.**—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,675,300,000” and inserting “\$2,793,483,000”;

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (2)(B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”;

(4) in paragraph (2)(C) by striking “July 19, 2005” and inserting “July 21, 2005”.

(c) **FORMULA GRANT FUNDS.**—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346) is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (1) by striking “\$3,879,960” and inserting “\$3,928,459”;

(4) in paragraph (2) by striking “\$40,000,000” and inserting “\$40,500,000”;

(5) in paragraph (3) by striking “\$76,231,201” and inserting “\$79,052,761”;

(6) in paragraph (4) by striking “\$202,330,313” and inserting “\$209,819,203”;

(7) in paragraph (5) by striking “\$5,560,000” and inserting “\$5,629,500”;

(8) in paragraph (6) by striking “\$2,897,738,526” and inserting “\$3,004,993,077”.

(d) **CAPITAL PROGRAM AUTHORIZATIONS.**—Section 5338(b)(2) of title 49, United States Code, is amended—

## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 387

- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
  - (2) in subparagraph (A)(vii)—
    - (A) by striking “\$2,235,820,000” and inserting “\$2,263,265,142”; and
    - (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and
  - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
  - (2) in subparagraph (A)(vii)—
    - (A) by striking “\$47,946,667” and inserting “\$48,546,727”; and
    - (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and
  - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
  - (2) in subparagraph (A)(vii)—
    - (A) by striking “\$36,933,334” and inserting “\$37,385,434”; and
    - (B) by striking “July 19, 2005” and inserting “July 21, 2005”;
  - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”; and
  - (4) in subparagraph (C) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346) is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
  - (2) in the matter preceding paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;
  - (3) in paragraph (1) by striking “\$4,200,000” and inserting “\$4,252,500”;
  - (4) in paragraph (2) by striking “\$6,600,000” and inserting “\$6,682,500”; and
  - (5) in paragraph (3)—
    - (A) by striking “\$3,200,000” and inserting “\$3,240,000”; and
    - (B) by striking “\$800,000” and inserting “\$810,000”.
- (h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
  - (2) in subparagraph (A)—
    - (A) by striking “\$4,000,000” and inserting “\$4,060,000”; and
    - (B) by striking “July 19, 2005” and inserting “July 21, 2005”;

119 STAT. 388

## PUBLIC LAW 109-35—JULY 20, 2005

(3) in subparagraph (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “July 19, 2005” and inserting “July 21, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(B) in paragraph (1)(A) by striking “\$1,600,000” and inserting “\$1,620,000”;

(C) in paragraph (1)(B) by striking “\$1,600,000” and inserting “\$1,620,000”; and

(D) in paragraph (2) by striking “July 19, 2005” and inserting “July 21, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$52,000,000” and inserting “\$52,780,000”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$80,000,000” and inserting “\$81,027,500”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(2) in paragraph (1)(B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(3) in paragraph (2) by striking “July 19, 2005, not more than \$8,000,000” and inserting “July 21, 2005, not more than \$8,100,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

“(G) \$4,222,125 for the period of October 1, 2004, through July 21, 2005.”; and

(2) in paragraph (2)—



## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 389

(A) by striking “\$1,360,000” and inserting “\$1,407,375”;  
and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”; and

(2) in subparagraph (A) by striking “July 19, 2005” and inserting “July 21, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking “\$6,166,400,000” and inserting “\$6,229,759,760”; and

(2) by striking “July 19, 2005” and inserting “July 21, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(2) by striking “\$3,880,000” and inserting “\$3,928,500”.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended—

23 USC 322 note.

(1) by striking “July 19, 2005,” and inserting “July 21, 2005”; and

(2) by striking “\$4,000,000” and inserting “\$4,050,000”.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended by striking “July 19, 2005” and inserting “July 21, 2005”.

**SEC. 8. SPORT FISHING AND BOATING SAFETY.**

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

“(7) \$8,099,997 for the period of October 1, 2004, through July 21, 2005;”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 42 WEEKS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 21, 2005, of the balance

of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$66,420,000, reduced by 82.9 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$8,100,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$4,000,000” and inserting “\$4,050,000”; and
- (2) by striking “\$1,600,000” and inserting “\$1,620,003”.

**SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “July 20, 2005” and inserting “July 22, 2005”;

(B) by striking “or” at the end of subparagraph (L);

(C) by striking the period at the end of subparagraph (M) and inserting “, or”;

(D) by inserting after subparagraph (M) the following new subparagraph:

“(N) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part III.”; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 20, 2005” and inserting “July 22, 2005”;

(B) in subparagraph (J), by striking “or” at the end of such subparagraph;

(C) in subparagraph (K), by inserting “or” at the end of such subparagraph;

(D) by inserting after subparagraph (K) the following new subparagraph:

“(L) the Surface Transportation Extension Act of 2005, Part III.”; and

## PUBLIC LAW 109-35—JULY 20, 2005

119 STAT. 391

(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 20, 2005” and inserting “July 22, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005, Part II” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part III”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 20, 2005” and inserting “July 22, 2005”; and

(B) by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 20, 2005” and inserting “July 22, 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

26 USC 9503 note.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 21, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

119 STAT. 392

Approved July 20, 2005.

---

LEGISLATIVE HISTORY—H.R. 3332:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 19, considered and passed House and Senate.

119 STAT. 410

PUBLIC LAW 109–40—JULY 28, 2005

Public Law 109–40  
109th Congress

An Act

July 28, 2005  
[H.R. 3453]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface  
Transportation  
Extension Act of  
2005, Part V.  
23 USC 101 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part V”.

**SEC. 2. ADVANCES.**

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “and the Surface Transportation Extension Act of 2005, Part IV” and inserting “the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$2,301,370,400” and inserting “\$2,324,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “July 27” and inserting “July 30”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$27,968,968,718 for the period of October 1, 2004, through July 27, 2005” and inserting “\$28,243,990,320 for the period of October 1, 2004, through July 30, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)—

(A) by striking “July 27” and inserting “July 30”;

(B) by striking “and the Surface Transportation Extension Act of 2005, Part IV” and inserting “the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V”; and

23 USC 104 note.

## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 411

(C) by striking “82.2 percent” and inserting “83 percent”; and

(2) in paragraph (2)—

(A) by striking “July 27, 2005, shall not exceed \$28,520,554,600” and inserting “July 30, 2005, shall not exceed \$28,801,000,000”; and

(B) by striking “\$525,205,602” and inserting “\$530,370,000”; and

(3) in paragraph (3) by striking “July 27” and inserting “July 30”.

**SEC. 3. ADMINISTRATIVE EXPENSES.**

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$289,334,862” and inserting “\$292,179,920”.

**SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in the first sentence by striking “\$226,027,450 for the period of October 1, 2004, through July 27, 2005” and inserting “\$228,250,000 for the period of October 1, 2004, through July 30, 2005”; and

(ii) in the second sentence by striking “\$10,684,934” and inserting “\$10,790,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$202,191,828 for the period of October 1, 2004, through July 27, 2005” and inserting “\$204,180,000 for the period of October 1, 2004, through July 30, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$135,616,470 for the period of October 1, 2004, through July 27, 2005” and inserting “\$136,950,000 for the period of October 1, 2004, through July 30, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,360 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,600,000 for the period of October 1, 2004, through July 30, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$115,068,520 for the period of October 1, 2004, through July 27, 2005” and inserting “\$116,200,000 for the period of October 1, 2004, through July 30, 2005”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$31,232,884 for the period of October 1, 2004, through July 27, 2005” and inserting “\$31,540,000 for the period of October 1, 2004, through July 30, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in clause (i) by striking “\$8,219,180” and inserting “\$8,300,000”;

(ii) in clause (ii) by striking “\$4,109,590” and inserting “\$4,150,000”; and

(iii) in clause (iii) by striking “\$4,109,590” and inserting “\$4,150,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$21,780,827 for the period of October 1, 2004, through July 27, 2005” and inserting “\$21,995,000 for the period of October 1, 2004, through July 30, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$9,041,098 for the period of October 1, 2004, through July 27, 2005” and inserting “\$9,130,000 for the period of October 1, 2004, through July 30, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$4,109,590 for the period of October 1, 2004, through July 27, 2005” and inserting “\$4,150,000 for the period of October 1, 2004, through July 30, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$90,410,980 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,300,000 for the period of October 1, 2004, through July 30, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$410,959 for the period of October 1, 2004, through July 27, 2005” and inserting “\$415,000 for the period of October 1, 2004, through July 30, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$20,547,950 for the period of October 1, 2004, through July 27, 2005” and inserting “\$20,750,000 for the period of October 1, 2004, through July 30, 2005”.

## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 413

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$107,900,000 for the period of October 1, 2004, through July 30, 2005.”;

(B) in subsection (a)(2) by striking “\$1,643,836 for the period of October 1, 2004, through July 27, 2005” and inserting “\$1,660,000 for the period of October 1, 2004, through July 30, 2005”; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking “\$2,136,986,800” and inserting “\$2,158,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking “\$1,232,877” and inserting “\$1,245,000”; and

(B) by striking “July 27” and inserting “July 30”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$84,657,554 for the period of October 1, 2004, through July 27, 2005” and inserting “\$85,490,000 for the period of October 1, 2004, through July 30, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$41,095,900 for the period of October 1, 2004, through July 27, 2005” and inserting “\$41,500,000 for the period of October 1, 2004, through July 30, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,360 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,600,000 for the period of October 1, 2004, through July 30, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$25,479,458 for the period of October 1, 2004, through July 27, 2005” and inserting “\$25,730,000 for the period of October 1, 2004, through July 30, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$90,410,980 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,300,000 for the period of October 1, 2004, through July 30, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119

Stat. 379; 119 Stat. 394) is amended by striking “\$100,273,996 for the period of October 1, 2004, through July 27, 2005” and inserting “\$101,260,000 for the period of October 1, 2004, through July 30, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$21,780,827 for the period of October 1, 2004, through July 27, 2005” and inserting “\$21,995,000 for the period of October 1, 2004, through July 30, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$178,767,165 for the period of October 1, 2004, through July 27, 2005” and inserting “\$180,525,000 for the period of October 1, 2004, through July 30, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$29,917,815 for the period of October 1, 2004, through July 27, 2005” and inserting “\$30,212,000 for the period of October 1, 2004, through July 30, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$15,452,058 for the period of October 1, 2004, through July 27, 2005” and inserting “\$15,604,000 for the period of October 1, 2004, through July 30, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$410,959 for the period of October 1, 2004, through July 27, 2005” and inserting “\$415,000 for the period of October 1, 2004, through July 30, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$82,191,800” and inserting “\$83,000,000”; and

(2) by striking “July 27” and inserting “July 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$82,191,800” and inserting “\$83,000,000”; and

(2) by striking “July 27” and inserting “July 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$616,439 for the period of October 1, 2004, through July 27, 2005” and inserting “\$622,500 for the period of October 1, 2004, through July 30, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$4,315,069” and inserting “\$4,357,500”;

(2) by striking “\$205,480” and inserting “\$207,500”; and



## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 415

(3) by striking “July 27” each place it appears and inserting “July 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1) by striking “\$8,219,180 for the period of October 1, 2004, through July 27, 2005” and inserting “\$8,300,000 for the period of October 1, 2004, through July 30, 2005”; and

(2) in paragraph (2) by striking “\$8,219,180 for the period of October 1, 2004, through July 27, 2005” and inserting “\$8,300,000 for the period of October 1, 2004, through July 30, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”; and

(2) by striking “and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4(a) of the Surface Transportation Extension Act of 2005, Part IV, and section 4(a) of the Surface Transportation Extension Act of 2005, Part V”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “and section 4 of Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”;

(2) by striking “and section 4 of the Surface Transportation Extension Act, Part IV” the first place it appears and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”; and

(3) by striking “and section 4 of the Surface Transportation Extension Act, Part IV” the second place it appears and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “and section 4 of the Surface Transportation Extension Act, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”.

**SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking

“\$92,054,794 for the period of October 1, 2004, through July 27, 2005” and inserting “\$92,975,342 for the period of October 1, 2004, through July 30, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$90,410,958 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,315,068 for the period of October 1, 2004, through July 30, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$135,616,438 for the period of October 1, 2004, through July 27, 2005” and inserting “\$136,972,603 for the period of October 1, 2004, through July 30, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$59,178,082 for the period of October 1, 2004, through July 27, 2005” and inserting “\$59,769,863 for the period of October 1, 2004, through July 30, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,356 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,602,704 for the period of October 1, 2004, through July 30, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$32,876,712 for the period of October 1, 2004, through July 27, 2005” and inserting “\$33,205,479 for the period of October 1, 2004, through July 30, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$2,958,904 for the period of October 1, 2004, through July 27, 2005” and inserting “\$2,988,493 for the period of October 1, 2004, through July 30, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

#### SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$211,682,467 for the period of October 1, 2004, through July 27, 2005” and inserting “\$213,799,290 for the period of October 1, 2004, through July 30, 2005”.

## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 417

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$140,293,151 for the period of October 1, 2004, through July 30, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(6) \$16,602,740 for the period of October 1, 2004, through July 30, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking “July 27” and inserting “July 30”; and

(B) by striking “\$821,918” and inserting “\$830,137”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$821,918” and inserting “\$830,137”; and

(2) by striking “July 27” and inserting “July 30”.

**SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph

(1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(B) by striking “\$8,547,000” and inserting “\$8,550,000”;

and

(C) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,465,754” and inserting “\$2,470,000”;

and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$41,095,900” and inserting “\$41,506,850”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,795,000,000” and inserting “\$2,796,817,658”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (2)(B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

119 STAT. 418

PUBLIC LAW 109-40—JULY 28, 2005

(4) in paragraph (2)(C) by striking “July 27, 2005” and inserting “July 30, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (1) by striking “\$3,986,261” and inserting “\$4,026,123”;

(4) in paragraph (2) by striking “\$41,095,900” and inserting “\$41,506,850”;

(5) in paragraph (3) by striking “\$79,100,000” and inserting “\$79,102,926”;

(6) in paragraph (4) by striking “\$210,000,000” and inserting “\$212,000,000”; and

(7) in paragraph (5) by striking “\$5,712,330” and inserting “\$5,769,452”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$2,309,000,366” and inserting “\$2,336,442,169”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$49,546,681” and inserting “\$50,146,668”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$39,554,804” and inserting “\$39,950,343”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in subparagraph (C) by striking “July 27, 2005” and inserting “July 30, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156;

## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 419

119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (1) by striking “\$4,315,070” and inserting “\$4,358,219”;

(4) in paragraph (2) by striking “\$6,780,824” and inserting “\$6,848,630”; and

(5) in paragraph (3)—

(A) by striking “\$3,287,672” and inserting “\$3,320,548”;

and

(B) by striking “\$821,918” and inserting “\$830,137”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$4,131,508” and inserting “\$4,180,822”;

and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in subparagraph (B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(B) in paragraph (1)(A) by striking “\$1,643,836” and inserting “\$1,660,274”;

(C) in paragraph (1)(B) by striking “\$1,643,836” and inserting “\$1,660,274”; and

(D) in paragraph (2) by striking “July 27, 2005” and inserting “July 30, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$53,709,604” and inserting “\$54,350,686”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

119 STAT. 420

PUBLIC LAW 109-40—JULY 28, 2005

(k) **JOB ACCESS AND REVERSE COMMUTE PROGRAM.**—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$82,739,750” and inserting “\$83,767,125”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(2) in paragraph (1)(B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in paragraph (2) by striking “July 27, 2005, not more than \$8,219,180” and inserting “July 30, 2005, not more than \$8,301,370”.

(l) **RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.**—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking paragraph (1)(G) and inserting the following:  
“(G) \$5,769,452 for the period of October 1, 2004, through July 30, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,428,082” and inserting “\$1,428,124”;

and  
(B) by striking “July 27, 2005” and inserting “July 30, 2005”.

(m) **URBANIZED AREA FORMULA GRANTS.**—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”; and

(2) in subparagraph (A) by striking “July 27, 2005” and inserting “July 30, 2005”.

(n) **OBLIGATION CEILING.**—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$6,335,343,944” and inserting “\$6,398,695,996”; and

(2) by striking “July 27, 2005” and inserting “July 30, 2005”.

(o) **FUEL CELL BUS AND BUS FACILITIES PROGRAM.**—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(2) by striking “\$3,986,000” and inserting “\$4,026,164”.

(p) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “July 27, 2005” and inserting “July 30, 2005.”; and

(2) by striking “\$4,100,000” and inserting “\$4,150,685”.

(q) **PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.**—Subsections (a), (b), and (c)(1) of

## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 421

section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “July 27, 2005” and inserting “July 30, 2005”.

**SEC. 8. SPORT FISHING AND BOATING SAFETY.**

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

“(7) \$8,301,370 for the period of October 1, 2004, through July 30, 2005.”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 303 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$68,071,233, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$8,301,370 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$6,641,096 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$4,100,000” and inserting “\$4,150,685”; and
- (2) by striking “\$1,643,836” and inserting “\$1,660,274”.

**SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “July 28, 2005” and inserting “July 31, 2005”;

26 USC 9503.

(B) by striking “or” at the end of subparagraph (N);  
 (C) by striking the period at the end of subparagraph (O) and inserting “, or”;

(D) by inserting after subparagraph (O) the following new subparagraph:

“(P) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part V.”; and

(E) in the matter after subparagraph (P), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 28, 2005” and inserting “July 31, 2005”;

(B) in subparagraph (L), by striking “or” at the end of such subparagraph;

(C) in subparagraph (M), by inserting “or” at the end of such subparagraph;

(D) by inserting after subparagraph (M) the following new subparagraph:

“(N) the Surface Transportation Extension Act of 2005, Part V.”; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 28, 2005” and inserting “July 31, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005, Part IV” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part V”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 28, 2005” and inserting “July 31, 2005”; and

(B) by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 28, 2005” and inserting “July 31, 2005”.

26 USC 9503  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—



## PUBLIC LAW 109-40—JULY 28, 2005

119 STAT. 423

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 28, 2005.

---

LEGISLATIVE HISTORY—H.R. 3453:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 27, considered and passed House and Senate.

119 STAT. 435

PUBLIC LAW 109–42—JULY 30, 2005

Public Law 109–42  
109th Congress

An Act

July 30, 2005  
[H.R. 3512]

To provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface  
Transportation  
Extension Act of  
2005, Part VI.  
23 USC 101 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part VI”.

**SEC. 2. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM.**

*Ante*, p. 411.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147, 119 Stat. 325) is amended by striking “\$292,179,920” and inserting “\$309,260,880”.

(b) **LIMITATION ON OBLIGATIONS.**—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108–447 (118 Stat. 3204) not more than \$17,080,960 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Federal Highway Administration for the period of July 30, 2005, through August 14, 2005.

*Ante*, p. 412.

(b) **CONFORMING AMENDMENT.**—Section 2(e)(3) of such Act (118 Stat. 1146, 119 Stat. 325) is amended by striking “July 30” and inserting “August 14”.

**SEC. 3. ADMINISTRATIVE EXPENSES FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.**

(a) **IN GENERAL.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay the administrative expenses of the National Highway Traffic Administration in carrying out the highway safety programs authorized by sections 157 and 163 of chapter 1 of title 23, United States Code, and sections 402, 403, 405, and 410 of chapter 4 of such title, the National Driver Register under chapter 303 of title 49, United States Code, the motor vehicle safety program under chapter 301 of such title 49, and the motor vehicle information and cost savings program under part C of subtitle VI of such title 49 \$4,125,000 for the period of July 30, 2005, through August 14, 2005.

## PUBLIC LAW 109-42—JULY 30, 2005

119 STAT. 436

(b) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

**SEC. 4. ADMINISTRATIVE EXPENSES FOR MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.**

Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

*Ante*, p. 416.

(1) by striking “\$213,799,290” and inserting “\$224,383,414”;

and

(2) by striking “July 30” and inserting “August 14”.

**SEC. 5. ADMINISTRATIVE EXPENSES FOR FEDERAL TRANSIT PROGRAMS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 30” and inserting “AUGUST 14”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$54,350,686” and inserting “\$57,650,686”; and

(B) by striking “July 30” and inserting “August 14”;

and

(3) in subparagraph (B)(vii) by striking “July 30” and inserting “August 14”.

(b) **OBLIGATION CEILING.**—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 885; 118 Stat. 1158; 119 Stat. 333) is amended—

*Ante*, p. 420.

(1) by striking “\$6,398,695,996” and inserting “\$6,401,995,996”; and

(2) by striking “July 30” and inserting “August 14”.

**SEC. 6. BUREAU OF TRANSPORTATION STATISTICS.**

(a) **IN GENERAL.**—Section 5001(a)(4) of the Transportation Equity Act for the 21st Century (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$25,730,000 for the period of October 1, 2004, through July 30, 2005” and inserting “\$27,000,000 for the period of October 1, 2004, through August 14, 2005”.

*Ante*, p. 413.

(b) **LIMITATION ON OBLIGATIONS.**—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108-447 (118 Stat. 3204) not more than \$1,270,000 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Bureau of Transportation Statistics for the period of July 30, 2005, through August 14, 2005.

**SEC. 7. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) **HIGHWAY TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “July 31, 2005” and inserting “August 15, 2005”,

(B) by striking “or” at the end of subparagraph (O),

(C) by striking the period at the end of subparagraph (P) and inserting “, or”,

(D) by inserting after subparagraph (P) the following new subparagraph:

“(Q) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part VI.”, and

(E) in the matter after subparagraph (Q), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 31, 2005” and inserting “August 15, 2005”,

(B) in subparagraph (M), by striking “or” at the end of such subparagraph,

(C) in subparagraph (N), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (N) the following new subparagraph:

“(O) the Surface Transportation Extension Act of 2005, Part VI.”, and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by adding at the end the following: “The preceding sentence shall be applied by substituting ‘August 15, 2005’ for the date therein.”.

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Subparagraphs (A), (B), and (C) shall each be applied by substituting ‘Surface Transportation Extension Act of 2005, Part VI’ for ‘Surface Transportation Extension Act of 2005, Part V’.”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 31, 2005” and inserting “August 15, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by adding at the end the following new sentence: “The preceding sentence shall be applied by substituting ‘August 15, 2005’ for the date therein.”.

Applicability.

(c) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on August 14, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

## PUBLIC LAW 109-42—JULY 30, 2005

119 STAT. 438

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

(d) SUBSEQUENT REPEAL OF CERTAIN TEMPORARY PROVISIONS.—Each of the following provisions of the Internal Revenue Code of 1986 are amended by striking the last sentence thereof:

(1) Section 9503(b)(6)(B).

26 USC 9503.

(2) Section 9504(b)(2).

26 USC 9504.

(3) Section 9504(d)(2).

(e) EFFECTIVE DATE.—

26 USC 9503  
note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUBSEQUENT REPEAL.—The amendments made by subsection (d) shall take effect on the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and shall be executed immediately before the amendments made by such Act.

Approved July 30, 2005.

---

LEGISLATIVE HISTORY—H.R. 3512:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 29, considered and passed House and Senate.

119 STAT. 1144

PUBLIC LAW 109-59—AUG. 10, 2005

Public Law 109-59  
109th Congress

An Act

Aug. 10, 2005  
[H.R. 3]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Inter-governmental relations. 23 USC 101 note. 119 STAT. 1153

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” or “SAFETEA-LU”.

\* \* \* \* \*

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

\* \* \* \* \*

119 STAT. 1154

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

\* \* \* \* \*

(B) PARK ROADS AND PARKWAYS.—

(i) IN GENERAL.—For park roads and parkways under section 204 of such title—

- (I) \$180,000,000 for fiscal year 2005;
- (II) \$195,000,000 for fiscal year 2006;
- (III) \$210,000,000 for fiscal year 2007;
- (IV) \$225,000,000 for fiscal year 2008; and
- (V) \$240,000,000 for fiscal year 2009.

(ii) MINIMUM ALLOCATION TO CERTAIN STATES.—A State containing more than 50 percent of the total acreage of the National Park System shall receive not less than 3 percent of any funds appropriated under this subparagraph.

\* \* \* \* \*

(D) PUBLIC LANDS HIGHWAYS.—For Federal lands highways under section 204 of such title—

- (i) \$260,000,000 for fiscal year 2005;
- (ii) \$280,000,000 for fiscal year 2006;
- (iii) \$280,000,000 for fiscal year 2007;
- (iv) \$290,000,000 for fiscal year 2008; and
- (v) \$300,000,000 for fiscal year 2009.

\* \* \* \* \*

119 STAT. 1155

(12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of such title—

- (A) \$26,500,000 for fiscal year 2005;

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1155

- (B) \$30,000,000 for fiscal year 2006;
- (C) \$35,000,000 for fiscal year 2007;
- (D) \$40,000,000 for fiscal year 2008; and
- (E) \$43,500,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of such title—

- (A) \$38,000,000 for fiscal year 2005;
- (B) \$55,000,000 for fiscal year 2006;
- (C) \$60,000,000 for fiscal year 2007;
- (D) \$65,000,000 for fiscal year 2008; and
- (E) \$67,000,000 for fiscal year 2009.

\* \* \* \* \*

**SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.**

119 STAT. 1165

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

- (1) by striking “2000” and inserting “2007”;
- (2) by inserting after “such fiscal year” the first place it appears: “and the succeeding fiscal year”.

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

- (1) by striking “2000” and inserting “2007”;
- (2) by striking “October 1 of the succeeding” and inserting “October 15 of such”;
- (3) by inserting after “Account)” the following: “for such fiscal year and the succeeding fiscal year”; and
- (4) by adding at the end the following: “No reduction under this paragraph and no reduction under section 1102(h), and no reduction under title VIII or any amendment made by title VIII, of the SAFETEA-LU shall be made for a fiscal year if, as of October 1 of such fiscal year the balance in the Highway Trust Fund (other than the Mass Transit Account) exceeds \$6,000,000,000.”.

119 STAT. 1166

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended—

23 USC 110.

- (1) by striking “minimum guarantee” and inserting “equity bonus”; and
- (2) by striking “Transportation Equity Act for the 21st Century” and inserting “SAFETEA-LU”.

(d) ADDITION OF HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 110(c) of such title is amended by inserting “the highway safety improvement program,” after “the surface transportation program,”.

(e) TECHNICAL AMENDMENT.—Section 110(b)(1)(A) of such title is amended by striking “for” the second place it appears.

23 USC 110 note.

(f) SPECIAL RULE.—If the amount available pursuant to section 110 of title 23, United States Code, for fiscal year 2007 is greater than zero, the Secretary shall—

- (1) determine the total amount necessary to increase each State’s rate of return (as determined under section 105(b)(1)(A) of title 23, United States Code) to 92 percent, excluding amounts provided under this paragraph;
- (2) allocate to each State the lesser of—
  - (A) the amount computed for that State under paragraph (1); or

119 STAT. 1166

## PUBLIC LAW 109-59—AUG. 10, 2005

(B) an amount determined by multiplying the total amount calculated under section 110 of title 23, United States Code, for fiscal year 2007 by the ratio that—

(i) the amount determined for such State under paragraph (1); bears to

(ii) the total amount computed for all States in paragraph (1); and

(3) allocate amounts remaining in excess of the amounts allocated in paragraph (2) to all States in accordance with section 110 of title 23, United States Code.

\* \* \* \* \*

119 STAT. 1168

**SEC. 1109. RECREATIONAL TRAILS.**

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: “Before apportioning sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct for administrative, research, technical assistance, and training expenses for such program \$840,000 for each of fiscal years 2005 through 2009.”; and

(2) in paragraph (2) by striking “After” and all that follows through “remainder of the sums” and inserting “The Secretary shall apportion the sums”.

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

“(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

“(A) maintenance and restoration of existing recreational trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

“(C) purchase and lease of recreational trail construction and maintenance equipment;

“(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

“(i) permissible under other law;

“(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and that is in effect;

“(iii) approved by the administering agency of the State designated under subsection (c)(1); and

“(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

119 STAT. 1169



## PUBLIC LAW 109–59—AUG. 10, 2005

119 STAT. 1169

“(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

“(F) assessment of trail conditions for accessibility and maintenance;

“(G) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

“(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year.”.

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated) by striking “(2)(F)” and inserting “(2)(H)”.

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting “and the Federal share of the administrative costs of a State” after “project”; and

(B) by striking “not exceed 80 percent” and inserting “be determined in accordance with section 120(b)”;

(2) in paragraph (2)(A) by striking “80 percent of” and inserting “the amount determined in accordance with section 120(b) for”;

(3) in paragraph (2)(B) by inserting “sponsoring the project” after “Federal agency”;

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking “80 percent” and inserting “the Federal share as determined in accordance with section 120(b)”;

(7) by inserting after paragraph (3) the following:

“(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section.”.

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

“(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary

119 STAT. 1170

119 STAT. 1170

PUBLIC LAW 109-59—AUG. 10, 2005

may allow preapproval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described in subsection (d)(2) (other than subparagraph (H)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.”.

Contracts.  
23 USC 206 note.

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

\* \* \* \* \*

119 STAT. 1172

SEC. 1114. HIGHWAY BRIDGE PROGRAM.

\* \* \* \* \*

119 STAT. 1174  
23 USC 144.

(e) BRIDGE SET-ASIDE.—

(1) FISCAL YEAR 2005.—Section 144(g)(1)(C) of such title is amended—

(A) in the subsection heading by striking “2003” and inserting “2005”; and

(B) in the first sentence by striking “2003” and inserting “2005”.

Effective date.

(2) FISCAL YEARS 2006 THROUGH 2009.—Effective October 1, 2005, section 144(g) of such title (as amended by subsection (d) of this section) is amended—

(A) by striking the subsection designation and all that follows through the period at the end of paragraph (2) and inserting the following:

“(g) BRIDGE SET-ASIDES.—

“(1) DESIGNATED PROJECTS.—

“(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but \$100,000,000 shall be apportioned as provided in subsection (e). Such \$100,000,000 shall be available as follows:

“(i) \$12,500,000 per fiscal year for the Golden Gate Bridge.

“(ii) \$18,750,000 per fiscal year for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

“(iii) \$12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.

“(iv) \$12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.

“(v) \$12,500,000 per fiscal year for replacement and reconstruction of State maintained bridges in the State of Oklahoma.

“(vi) \$4,500,000 per fiscal year for replacement of the Missisquoi Bay Bridge, Vermont.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1174

“(vii) \$8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.

“(viii) \$8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.

“(ix) \$10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.

119 STAT. 1175

“(B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

“(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

\* \* \* \* \*

**SEC. 1119. FEDERAL LANDS HIGHWAYS.**

119 STAT. 1181

(a) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Section 120(k) of title 23, United States Code, is amended—

(A) by striking “Federal-aid highway”; and

(B) by striking “section 104” and inserting “this title or chapter 53 of title 49”.

119 STAT. 1182

(2) TECHNICAL REFERENCES.—Section 120(l) of such title is amended by striking “section 104” and inserting “this title or chapter 53 of title 49”.

(b) PAYMENTS TO FEDERAL AGENCIES FOR FEDERAL-AID PROJECTS.—Section 132 of such title is amended—

(1) by striking the first two sentences and inserting the following:

“(a) IN GENERAL.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may—

“(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

“(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

“(b) REIMBURSEMENT.—On execution with a State of a project agreement described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2).”; and

(2) in the last sentence by striking “Any sums” and inserting the following:

“(c) RECOVERY AND CREDITING OF FUNDS.—Any sums”.

(c) ALLOCATIONS.—Section 202 of such title is amended—

(1) in subsection (a) by striking “(a) On October 1” and all that follows through “Such allocation” and inserting the following:

119 STAT. 1182

PUBLIC LAW 109-59—AUG. 10, 2005

- Effective date. “(a) ALLOCATION BASED ON NEED.—  
 “(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for forest development roads and trails according to the relative needs of the various national forests and grasslands.  
 “(2) PLANNING.—The allocation under paragraph (1)”;  
 (2) in subsection (d)(2)—  
 (A) by adding at the end the following:  
 “(E) TRANSFERRED FUNDS.—  
 “(i) IN GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and available for immediate use by, the eligible Indian tribes, in accordance with the formula for distribution of funds under the Indian reservation roads program.  
 “(ii) USE OF FUNDS.—Notwithstanding any other provision of this section, funds available to Indian tribes for Indian reservation roads shall be expended on projects identified in a transportation improvement program approved by the Secretary.”; and  
 (B) in subsection (d)(3)(A) by striking “under this title” and inserting “under this chapter and section 125(e)”.
- 119 STAT. 1183 (d) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 202 of such title is amended by striking subsection (b) and inserting the following:  
 “(b) ALLOCATION FOR PUBLIC LANDS HIGHWAYS.—  
 “(1) PUBLIC LANDS HIGHWAYS.—  
 “(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 34 percent of the sums authorized to be appropriated for that fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in the States, respectively, as determined by the Secretary, on application of the State transportation departments of the respective States.  
 “(B) PREFERENCE.—In making the allocation under subparagraph (A), the Secretary shall give preference to those projects that are significantly impacted by Federal land and resource management activities that are proposed by a State that contains at least 3 percent of the total public land in the United States.  
 “(2) FOREST HIGHWAYS.—  
 “(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 66 percent of the funds authorized to be appropriated for public lands highways for forest highways in accordance with section 134 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 202 note; 101 Stat. 173).  
 “(B) PUBLIC ACCESS TO AND WITHIN NATIONAL FOREST SYSTEM.—In making the allocation under subparagraph (A), the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through—
- Effective date.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1183

“(i) renewable resource and land use planning; and  
“(ii) assessments of the impact of that planning  
on transportation facilities.”.

\* \* \* \* \*

(h) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended— 119 STAT. 1187

(1) in subsection (a)(1) by inserting “refuge roads,” after “parkways;” and

(2) by striking subsection (b) and inserting the following:  
“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of—

“(A) transportation planning, research, and engineering and construction of, highways, roads, parkways, and transit facilities located on public lands, national parks, and Indian reservations; and

119 STAT. 1188

“(B) operation and maintenance of transit facilities located on public lands, national parks, and Indian reservations.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to such activity with—

“(A) a State (including a political subdivision of a State); or

“(B) an Indian tribe.

“(3) INDIAN RESERVATION ROADS.—In the case of an Indian reservation road—

“(A) Indian labor may be employed, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and

“(B) funds made available to carry out this section may be used to pay bridge preconstruction costs (including planning, design, and engineering).

“(4) FEDERAL EMPLOYMENT.—No maximum limitation on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

“(5) AVAILABILITY OF FUNDS.—Funds made available under this section for each class of Federal lands highways shall be available for any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, the areas served by the particular class of Federal lands highways.

“(6) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve funds from administrative funds of the Bureau of Indian Affairs that are associated with the Indian reservation roads program to finance Indian technical centers under section 504(b).”.

\* \* \* \* \*

119 STAT. 1190

PUBLIC LAW 109-59—AUG. 10, 2005

23 USC 401 note.

(n) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as “wildlife vehicle collisions”).

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

Deadline.

(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) CONTENTS.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

119 STAT. 1191

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions.

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

(o) LIMITATION ON APPLICABILITY.—The requirements of the January 4, 2005, Federal Highway Administration, a final rule on the implementation of the Uniform Relocation Assistance and Real Property Acquisition policy Act of 1970 (42 U.S.C. 4601 et seq.) shall not apply to the voluntary conservation easement activities of the Department of Agriculture or the Department of the Interior.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1254

## Subtitle G—High Priority Projects

**SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.**

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended to read as follows:

“(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—

“(1) IN GENERAL.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section.

119 STAT. 1255

“(2) AVAILABILITY OF FUNDS.—

“(A) FOR TEA-21.—Of amounts made available to carry out this section for fiscal years 1998 through 2003, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section.

“(B) FOR SAFETEA-LU.—Of amounts made available to carry out this section for fiscal years 2005 through 2009, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1702 of the SAFETEA-LU the amount listed for such project in such section.

“(3) AVAILABILITY OF UNALLOCATED FUNDS.—Any amounts made available to carry out such program that are not allocated for projects described in such section shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.”.

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended to read as follows:

“(b) FOR TEA-21.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 1998 through 2003—

“(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

“(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

“(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

“(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

“(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

“(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

“(c) FOR SAFETEA-LU.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 2005 through 2009—

“(1) 20 percent of such amount shall be available for obligation beginning in fiscal year 2005;

“(2) 20 percent of such amount shall be available for obligation beginning in fiscal year 2006;

“(3) 20 percent of such amount shall be available for obligation beginning in fiscal year 2007;

“(4) 20 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

119 STAT. 1255

PUBLIC LAW 109-59—AUG. 10, 2005

“(5) 20 percent of such amount shall be available for obligation beginning in fiscal year 2009.”

(c) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended—

(1) in paragraph (1) by inserting after “21st Century” the following: “or section 1701 of the SAFETEA-LU, as the case may be,”; and

119 STAT. 1256

(2) by striking “section 1602 of the Transportation Equity Act for the 21st Century.” and inserting “such section 1602 or 1702, as the case may be.”

(d) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by inserting after “21st Century” the following: “or section 1102(g) of the SAFETEA-LU, as the case may be”.

(e) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after “described in” the following: “section 1702 of the SAFETEA-LU,”;

(2) by inserting after “for such projects by” the following: “section 1101(a)(16) of the SAFETEA-LU,”; and

(3) by striking “117 of title 23, United States Code,” and inserting “section 117 of this title,”.

**SEC. 1702. PROJECT AUTHORIZATIONS.**

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(16) of this Act) for fiscal years 2005 through 2009 to carry out each such project:

		Highway Projects High Priority Projects						
No.	State	Project Description				Amount		
* * * * *								
119 STAT. 1257	No.	State	Project Description				Amount	
	30	NY	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan .....				\$15,000,000	
* * * * *								
119 STAT. 1263	No.	State	Project Description				Amount	
	187	NY	Enhance Battery Park Bikeway Perimeter, New York City .....				\$1,600,000	
* * * * *								
119 STAT. 1265	No.	State	Project Description				Amount	
	221	NY	Improve traffic flow on Rockaway Point Boulevard in the Breezy Point neighborhood of Queens County, including work to install a traffic signal at the intersection of Rockaway Point Boulevard and Reid Avenue .....				\$500,000	
* * * * *								



PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1269

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
324	MI	Alger County, Repaving a portion of H-58 from Buck Hill towards Little Beaver Road	\$1,280,720
*	*	*	*
119 STAT. 1270			
No.	State	Project Description	Amount
344	NJ	Streetscape and Traffic Improvement Project to Downtown West Orange .....	\$800,000
*	*	*	*
119 STAT. 1272			
No.	State	Project Description	Amount
417	MD	Construct a visitors center and related roads serving Fort McHenry .....	\$3,760,000
*	*	*	*
119 STAT. 1273			
No.	State	Project Description	Amount
423	WV	Construct New River Parkway .....	\$3,600,000
*	*	*	*
429	CA	Seismic retrofit of the Golden Gate Bridge .....	\$8,800,000
*	*	*	*
119 STAT. 1275			
No.	State	Project Description	Amount
483	VA	Construction of Virginia Blue Ridge Trail in Amherst County, VA .....	\$240,000
*	*	*	*
119 STAT. 1276			
No.	State	Project Description	Amount
505	NY	Erie Canalway National Heritage Corridor in Lockport, NY—Transportation Enhancements .....	\$2,600,000
*	*	*	*
509	CA	Scenic preservation and run-off mitigation in the Santa Monica Mountains National Recreation Area near PCH and U.S. 101 .....	\$1,200,000
*	*	*	*
119 STAT. 1288			
No.	State	Project Description	Amount
829	MA	Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/Fairhaven bridge .....	\$1,400,000
*	*	*	*

119 STAT. 1291

PUBLIC LAW 109-59—AUG. 10, 2005

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
892	PA	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township ....	\$600,000

\* \* \* \* \*

119 STAT. 1292

No.	State	Project Description	Amount
935	MN	Construct a bike trail along the north side of TH 11 to the Voyageurs National Park Visitor Center on Black Bay of Rainy Lake .....	\$540,000

\* \* \* \* \*

119 STAT. 1295

No.	State	Project Description	Amount
1001	MS	Widen U.S. Highway 61 and improve major intersections, Natchez .....	\$3,040,000
1009	MD	MD4 at Suitland Parkway .....	\$3,200,000

\* \* \* \* \*

119 STAT. 1304

No.	State	Project Description	Amount
1214	CA	Golden Gate National Parks Conservancy—Plan and Implement Trails and Bikeways Plan for the Golden Gate National Recreation Area and Presidio .....	\$5,000,000
1229	PA	Independence National Historic Park scenic enhancement and pedestrian walkways improvement project in conjunction with the park's Executive Mansion Exhibit .....	\$3,600,000

\* \* \* \* \*

119 STAT. 1308

No.	State	Project Description	Amount
1326	MA	Design and Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities and heavily visited national sites .....	\$3,200,000
1339	IL	Construct underpass at intersection of Damen/Fullerton/Elston Avenues, Chicago .....	\$4,400,000

\* \* \* \* \*

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount	
1397	NY	Rehabilitate and redesign Erie Canal Museum in Syracuse, NY through the Erie Canalway National Heritage Corridor Commission .....	\$400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1314
1486	PA	Project to realign intersection of King of Prussia Road and Upper Gulph Road to provide turning lanes and signalization .....	\$1,319,200	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1315
1517	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN .....	\$800,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1318
1599	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor .....	\$400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1320
1645	NY	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton .....	\$600,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1326
1795	AZ	Grand Canyon Greenway Trails .....	\$2,560,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1327
1832	VA	National Park Service transportation improvements to Historic Jamestowne, Virginia .....	\$3,400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1328
1843	VA	Rocky Knob Heritage Center—Planning, design, site acquisition, and construction for trail system and visitors center on Blue Ridge Parkway .....	\$1,200,000	
* * * * *				

119 STAT. 1329

PUBLIC LAW 109-59—AUG. 10, 2005

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
1886	VA	Blue Ridge Music Center—Install lighting/ steps, upgrade existing trail system and equip interpretative center with visitor information .....	\$1,200,000
* * * * *			
119 STAT. 1334			
No.	State	Project Description	Amount
1993	TN	Improve existing two lane highway to a four lane facility along the U.S. 412 Corridor west of Natchez Trace to U.S. 43 at Mount Pleasant .....	\$8,000,000
* * * * *			
119 STAT. 1335			
No.	State	Project Description	Amount
2039	NM	U.S. 62-180 Reconstruction, Texas State Line to Carlsbad .....	\$4,000,000
* * * * *			
119 STAT. 1337			
No.	State	Project Description	Amount
2092	NY	Rehabilitate Riis Park Boardwalk .....	\$300,000
* * * * *			
119 STAT. 1338			
No.	State	Project Description	Amount
2097	VA	Northern Virginia Potomac Heritage National Scenic Trail .....	\$800,000
* * * * *			
119 STAT. 1343			
No.	State	Project Description	Amount
2218	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA .....	\$1,600,000
* * * * *			
2229	NY	Develop an identity and signage program for the Erie Canalway National Heritage Corridor .....	\$800,000
* * * * *			
119 STAT. 1344			
No.	State	Project Description	Amount
2257	NY	Design and Construction of Downtown Jamestown Connector Trail .....	\$1,600,000
* * * * *			
2260	AK	Make necessary improvements to Indian River Road in City and Borough of Sitka .....	\$2,000,000
* * * * *			

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
2303	WA	Cultural and Interpretive Center (Hanford Reach National Monument) facility, Richland, WA .....	\$1,280,000

\* \* \* \* \*

119 STAT. 1348

No.	State	Project Description	Amount
2351	MA	Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 146 and Millbury Street, Worcester .....	\$6,400,000

\* \* \* \* \*

119 STAT. 1350

No.	State	Project Description	Amount
2412	NY	Develop terminal facilities for water taxi projects in New York City .....	\$4,400,000

\* \* \* \* \*

119 STAT. 1354

No.	State	Project Description	Amount
2520	NY	Construct the Fire Island ferry terminal facility, Patchogue .....	\$1,600,000

\* \* \* \* \*

119 STAT. 1355

No.	State	Project Description	Amount
2551	VA	Improve transportation infrastructure for visitors to Jamestown 2007 .....	\$425,520

\* \* \* \* \*

119 STAT. 1357

No.	State	Project Description	Amount
2588	MN	Heritage Center at the Grand Portage National Monument .....	\$1,400,000

\* \* \* \* \*

2606	CA	Replace South Access to the Golden Gate Bridge—Doyle Drive .....	\$8,000,000
------	----	--	-------------

\* \* \* \* \*

119 STAT. 1367

No.	State	Project Description	Amount
2846	GA	Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park .....	\$6,160,000

\* \* \* \* \*

119 STAT. 1370

PUBLIC LAW 109-59—AUG. 10, 2005

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
2925	NY	Conduct studies, if necessary, and construct infrastructure projects for Governor's Island	\$3,200,000
	*	* * * * *	*
119 STAT. 1371			
No.	State	Project Description	Amount
2966	OH	Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park .....	\$400,000
	*	* * * * *	*
119 STAT. 1375			
No.	State	Project Description	Amount
3060	DC	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail .....	\$800,000
	*	* * * * *	*
119 STAT. 1376			
No.	State	Project Description	Amount
3093	TN	Construction of the Foothills Parkway in the Great Smoky Mountains National Park .....	\$7,500,000
	*	* * * * *	*
119 STAT. 1380			
No.	State	Project Description	Amount
3199	NJ	Edison National Historic Site Traffic Improvement Project to improve traffic flow and promote safety .....	\$192,000
	*	* * * * *	*
119 STAT. 1381			
No.	State	Project Description	Amount
3229	CA	Construction and enhancements of trails in the Santa Monica Mountains National Recreation Area .....	\$800,000
	*	* * * * *	*
119 STAT. 1387			
No.	State	Project Description	Amount
3370	PA	Construct interim U.S. 422 improvements at Valley Forge river crossing .....	\$800,000
	*	* * * * *	*
3374	OH	Plan and construct pedestrian trail along the Ohio and Erie Canal Towpath Trail in downtown Akron, OH .....	\$760,000
	*	* * * * *	*

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
3443	NJ	Downtown West Orange streetscape and traffic improvement program .....	\$1,440,000
*	*	*	*
No.	State	Project Description	Amount
3512	MD	MD4 at Suitland Parkway .....	\$4,000,000
*	*	*	*
No.	State	Project Description	Amount
3674	DC	Highway improvements to improve access to the Kennedy Center .....	\$4,000,000
*	*	*	*
3693	AK	Improvements to Lake Camp Road in Bristol Bay Borough .....	\$3,000,000
*	*	*	*
No.	State	Project Description	Amount
3707	AK	Upgrades for road access to McCarthy, AK, for design, engineering, permitting, and construction .....	\$5,000,000
*	*	*	*
3716	AK	Gustavus: Dock replacement for the Alaska Marine Highway .....	\$3,000,000
*	*	*	*
3720	AK	Sitka: Improvements to Indian River Road, including but not limited to design, engineering, permitting, and construction .....	\$500,000
*	*	*	*
No.	State	Project Description	Amount
3950	GA	Kennesaw National Battlefield Park for land acquisition in carrying out viewshed protection and wildlife abatement .....	\$3,000,000
*	*	*	*
No.	State	Project Description	Amount
4268	MA	Design and construct multimodal improvements and facilities in New Bedford .....	\$5,500,000
*	*	*	*
4277	MA	Design and construct Boston National Park traveler information system and visitor center in Boston .....	\$7,000,000
*	*	*	*

119 STAT. 1392

119 STAT. 1398

119 STAT. 1399

119 STAT. 1408

119 STAT. 1420

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
4283	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester .....	\$2,000,000
* * * * *			
119 STAT. 1421			
No.	State	Project Description	Amount
4293	MD	Construct a visitor center and related roads, and parking serving Fort McHenry .....	\$5,300,000
4294	MD	Construct Assateague Island National Seashore visitors center and related road improvements .....	\$6,300,000
* * * * *			
4300	MD	Construct MD 4 at Suitland Parkway .....	\$2,800,000
* * * * *			
119 STAT. 1422			
No.	State	Project Description	Amount
4323	ME	Construction of an Intermodal Center in Acadia Park, Bar Harbor .....	\$4,000,000
* * * * *			
119 STAT. 1423			
No.	State	Project Description	Amount
4347	MI	Alger County, repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road .....	\$1,000,000
* * * * *			
119 STAT. 1425			
No.	State	Project Description	Amount
4410	MS	Transportation improvements for Washington Street/Old U.S. Highway 61, Vicksburg .....	\$5,000,000
* * * * *			
119 STAT. 1426			
No.	State	Project Description	Amount
4423	MT	Develop and reconstruct Two Medicine Bridge, U.S. 2, East of Glacier National Park .....	\$25,000,000
* * * * *			
119 STAT. 1428			
No.	State	Project Description	Amount
4471	ND	Reconstruction of U.S. 85 north of Grassy Butte to Long-X Bridge near Teddy Roosevelt National Park North Unit .....	\$6,500,000
* * * * *			



Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount	
4637	OH	Design and construct a Towpath Trail from southern Cuyahoga County through downtown Cleveland to Lake Erie. Cleveland, OH	\$1,800,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1441
4846	RI	Transportation Improvements for the Blackstone River Bikeway (Providence, Woonsocket) .....	\$10,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1442
4852	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor .....	\$500,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1444
4901	SD	Purchase critical conservation easements along the Heartland Expressway (Highway 79) adjacent to Custer State Park and Wind Cave National Park .....	\$2,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1445
4949	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County .....	\$500,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1446
4974	TN	Construction of the Foothills Parkway in Smoky Mountains National Park, Sevier County .....	\$10,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1449
5049	VA	National Park Service transportation improvements to Historic Jamestowne in FY 2006 ...	\$2,000,000	
* * * * *				
5056	VA	National Park Service, Appalachian Trail, High Top Mountain land acquisition, FY 2006 .....	\$500,000	
* * * * *				

119 STAT. 1450

PUBLIC LAW 109-59—AUG. 10, 2005

Highway Projects  
High Priority Projects—Continued

No.	State	Project Description	Amount
5100	WA	Design and construct pedestrian land bridge spanning SR 14 .....	\$2,500,000

\* \* \* \* \*

119 STAT. 1451

No.	State	Project Description	Amount
5102	WA	Hanford Reach National Monument Road Improvement .....	\$1,500,000

\* \* \* \* \*

119 STAT. 1453

No.	State	Project Description	Amount
5167	WY	U.S. 26-287: repair road from Dubois to Moran Junction, Wyoming to improve access to Yellowstone National Park (Togwotee Pass Reconstruction) .....	\$25,000,000

\* \* \* \* \*

119 STAT. 1455

Subtitle H—Environment

**SEC. 1801. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**

(a) IN GENERAL.—Section 147 of title 23, United States Code, is amended to read as follows:

**“§ 147. Construction of ferry boats and ferry terminal facilities**

“(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

“(b) FEDERAL SHARE.—The Federal share of the cost of construction of ferry boats, ferry terminals, and ferry maintenance facilities under this section shall be 80 percent.

“(c) ALLOCATION OF FUNDS.—The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing ferries, that—

“(1) provide critical access to areas that are not well-served by other modes of surface transportation;

“(2) carry the greatest number of passengers and vehicles;

or  
“(3) carry the greatest number of passengers in passenger-only service.

“(d) SET-ASIDE FOR PROJECTS ON NHS.—

“(1) IN GENERAL.—\$20,000,000 of the amount made available to carry out this section for each of fiscal years 2005 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

## PUBLIC LAW 109–59—AUG. 10, 2005

119 STAT. 1455

“(2) ALASKA.—\$10,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

“(3) NEW JERSEY.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

“(4) WASHINGTON.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

“(e) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended. 119 STAT. 1456

“(f) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.”.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by striking the item relating to section 147 and inserting the following:

“147. Construction of ferry boats and ferry terminal facilities.”.

(c) CONFORMING REPEAL.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is repealed. 23 USC 129 note.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out section 147 of title 23, United States Code, by section 1101 of this Act, there are authorized to be appropriated such sums as may be necessary to carry out such section 147 for fiscal year 2006 and each fiscal year thereafter. Such funds shall remain available until expended. 23 USC 147 note.

(e) NATIONAL FERRY DATABASE.— 23 USC 129 note.

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.—Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter; Deadline.

(B) ensure that the database is easily accessible to the public; and Public information.

(C) make available, from the amounts made available for the Bureau of Transportation Statistics by section 5101 of this Act, not more than \$500,000 for each of fiscal years 2006 through 2009 to establish and maintain the database.

119 STAT. 1456

PUBLIC LAW 109-59—AUG. 10, 2005

(f) TERRITORY FERRIES.—Section 129(c)(5) of title 23, United States Code, is amended by striking “the Commonwealth of Puerto Rico” each place it appears and inserting “any territory of the United States”.

**SEC. 1802. NATIONAL SCENIC BYWAYS PROGRAM.**

(a) IN GENERAL.—Section 162(a) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking “the roads as” and all that follows and inserting “the roads as—

“(A) National Scenic Byways;

“(B) All-American Roads; or

“(C) America’s Byways.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) NOMINATION.—

“(A) IN GENERAL.—To be considered for a designation, a road must be nominated by a State, an Indian tribe, or a Federal land management agency and must first be designated as a State scenic byway, an Indian tribe scenic byway, or, in the case of a road on Federal land, as a Federal land management agency byway.

“(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

“(i) jurisdiction over the road; or

“(ii) responsibility for managing the road.

“(C) SAFETY.—An Indian tribe shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).

“(4) RECIPROCAL NOTIFICATION.—States, Indian tribes, and Federal land management agencies shall notify each other regarding nominations made under this subsection for roads that—

“(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

“(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.”.

(b) GRANTS AND TECHNICAL ASSISTANCE.—Section 162(b) of such title is amended—

(1) in paragraph (1) by inserting “and Indian tribes” after “provide technical assistance to States”;

(2) in paragraph (1)(A) by striking “designated as” and all that follows through “; and” and inserting “designated as—

“(i) National Scenic Byways;

“(ii) All-American Roads;

“(iii) America’s Byways;

“(iv) State scenic byways; or

“(v) Indian tribe scenic byways; and”; and

(3) in paragraph (1)(B) by inserting “or Indian tribe” after “State”;

(4) in paragraph (2)(A) by striking “Byway or All-American Road” and inserting “Byway, All-American Road, or 1 of America’s Byways”;

119 STAT. 1457

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1457

(5) in paragraph (2)(B)—

(A) by striking “State-designated” and inserting “State or Indian tribe”; and

(B) by striking “designation as a” and all that follows through “; and” and inserting “designation as—

“(i) a National Scenic Byway;

“(ii) an All-American Road; or

“(iii) 1 of America’s Byways; and”; and

(6) in paragraph (2)(C) by inserting “or Indian tribe” after “State”.

(c) ELIGIBLE PROJECTS.—Section 162(c) of such title is amended—

(1) in paragraph (1) by inserting “or Indian tribe” after “State”; 119 STAT. 1458

(2) in paragraph (3)—

(A) by inserting “Indian tribe scenic byway,” after “improvements to a State scenic byway,”; and

(B) by inserting “Indian tribe scenic byway,” after “designation as a State scenic byway,”; and

(3) in paragraph (4) by striking “passing lane,”.

(d) CONFORMING AMENDMENT.—Section 162(e) of such title is amended by inserting “or Indian tribe” after “State”.

**SEC. 1803. AMERICA’S BYWAYS RESOURCE CENTER.**

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America’s Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways, All-American Roads, and America’s Byways with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$1,500,000 for fiscal year 2005 and \$3,000,000 for each of fiscal years 2006 through 2009.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

119 STAT. 1458

PUBLIC LAW 109-59—AUG. 10, 2005

23 USC 144 note. **SEC. 1804. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **HISTORIC COVERED BRIDGE.**—The term “historic covered bridge” means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

(2) **STATE.**—The term “State” has the meaning such term has in section 101(a) of title 23, United States Code.

(b) **HISTORIC COVERED BRIDGE PRESERVATION.**—The Secretary shall—

(1) collect and disseminate information on historic covered bridges;

(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;

119 STAT. 1459

(3) conduct research on the history of historic covered bridges; and

(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).

(2) **ELIGIBLE PROJECTS.**—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

or

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site.

(3) **AUTHENTICITY REQUIREMENTS.**—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$10,000,000 for each of fiscal years 2006 through 2009.

(e) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1459

**SEC. 1805. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVER-PASSES.** 23 USC 144 note.

(a) **IN GENERAL.**—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.

(b) **RECIPIENT RESPONSIBILITIES.**—A recipient of the debris described in subsection (a) shall—

(1) bear the additional cost associated with having the debris made available;

(2) ensure that placement of the debris complies with applicable law; and 119 STAT. 1460

(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.

(c) **DEFINITION.**—In this section, the term “beneficial use” means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.

\* \* \* \* \*

Subtitle I—Miscellaneous

119 STAT. 1464

\* \* \* \* \*

**SEC. 1934. TRANSPORTATION IMPROVEMENTS.**

119 STAT. 1485

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

(1) **IN GENERAL.**—For each of fiscal years 2005 through 2009, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to make allocations in accordance with paragraph (2) to carry out each project described in the table contained in subsection (c), at the amount specified for each such project in that table.

(2) **ALLOCATION PERCENTAGES.**—Of the total amount specified for each project described in the table contained in subsection (c), 10 percent for fiscal year 2005, 20 percent for fiscal year 2006, 25 percent for fiscal year 2007, 25 percent for fiscal year 2008, and 20 percent for fiscal year 2009 shall be allocated to carry out each such project in that table.

(b) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Funds authorized to be appropriated to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(2) **FEDERAL SHARE.**—The Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title.

(c) **TABLE.**—The table referred to in subsections (a) and (b) is as follows:

\* \* \* \* \*

119 STAT. 1490

PUBLIC LAW 109–59—AUG. 10, 2005

Transportation Improvements

No.	State	Project Description	Amount
83.	IA	Lewis and Clark Trail Study .....	\$250,000

\* \* \* \* \*

119 STAT. 1495

No.	State	Project Description	Amount
183.	MD	Upgrade MD 4 at Suitland Parkway .....	\$5,000,000
184.	MD	Construct Fort McHenry Visitors Center and related parking facilities .....	\$2,000,000

\* \* \* \* \*

119 STAT. 1496

No.	State	Project Description	Amount
201.	MI	Alger County, Repaving a portion of H–58 between Sullivan Creek towards Little Beaver Road .....	\$11,000,000

\* \* \* \* \*

119 STAT. 1498

No.	State	Project Description	Amount
238.	MT	Develop and construct St. Mary water project road and bridge infrastructure including: New bridge and approaches across St. Mary River, stabilization and improvements to U.S. 89, and road/canal from Siphon Bridge to Spider Lake .....	\$8,000,000

\* \* \* \* \*

119 STAT. 1501

No.	State	Project Description	Amount
296.	NV	Hoover Dam Bypass—Boulder City Extension .....	\$26,500,000

\* \* \* \* \*

119 STAT. 1507

No.	State	Project Description	Amount
418.	VT	Property acquisition and improvements for public access and viewshed protection for the Cedar Creek Vermont monument at the Cedar Creek and Belle Grove National Historical Park in Virginia .....	\$2,000,000

\* \* \* \* \*

119 STAT. 1511

**SEC. 1940. GOING-TO-THE-SUN ROAD, GLACIER NATIONAL PARK, MONTANA.**

(a) PROJECT AUTHORIZATION.—There is authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to resurface, repair, rehabilitate, and reconstruct the Going-to-the-Sun Road at Glacier National Park, Montana, in accordance with the framework identified in Alternative 3 (shared use alternative) of the environmental impact state-



PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1511

ment and record of decision dated 2003 and relating to the Going-to-the-Sun Road, to remain available until expended—

- (1) \$10,000,000 for fiscal year 2005;
- (2) \$10,000,000 for fiscal year 2006;
- (3) \$10,000,000 for fiscal year 2007;
- (4) \$10,000,000 for fiscal year 2008; and
- (5) \$10,000,000 for fiscal year 2009.

(b) FEDERAL SHARE.—The Federal share of the costs of the project described in subsection (a) shall be 100 percent.

\* \* \* \* \*

**SEC. 1952. CONGESTION RELIEF.**

119 STAT. 1514  
Virginia.

The Secretary shall conduct a design and feasibility analysis to alleviate southbound traffic congestion along the George Washington Parkway, Virginia, between Interstate Route 495 and the 14th Street Bridge and shall take appropriate action in response to the results of that analysis.

\* \* \* \* \*

**SEC. 1954. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

119 STAT. 1515

Section 217(c) of title 23, United States Code, is amended by striking “in conjunction with such trails, roads, highways, and parkways”.

\* \* \* \* \*

**SEC. 1960. DENALI ACCESS SYSTEM PROGRAM.**

119 STAT. 1516

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

- (1) by redesignating section 309 as section 310; and
- (2) by inserting after section 308 the following:

**“SEC. 309. DENALI ACCESS SYSTEM PROGRAM.**

“(a) ESTABLISHMENT OF THE DENALI ACCESS SYSTEM PROGRAM.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Secretary of Transportation shall establish a program to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali access system program under this section.

Deadline.

“(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Denali Commission shall establish a Denali Access System Program Advisory Committee (referred to in this section as the ‘advisory committee’).

Deadline.

“(2) MEMBERSHIP.—The advisory committee shall be composed of nine members to be appointed by the Governor of the State of Alaska as follows:

“(A) The chairman of the Denali Commission.

“(B) Four members who represent existing regional native corporations, native nonprofit entities, or tribal governments, including one member who is a civil engineer.

“(C) Four members who represent rural Alaska regions or villages, including one member who is a civil engineer.

“(3) TERMS.—

“(A) IN GENERAL.—Except for the chairman of the Commission who shall remain a member of the advisory

committee, members shall be appointed to serve a term of 4 years.

“(B) INITIAL MEMBERS.—Except for the chairman of the Commission, of the eight initial members appointed to the advisory committee, two shall be appointed for a term of 1 year, two shall be appointed for a term of 2 years, two shall be appointed for a term of 3 years, and two shall be appointed for a term of 4 years. All subsequent appointments shall be for 4 years.

“(4) RESPONSIBILITIES.—The advisory committee shall be responsible for the following activities:

“(A) Advising the Commission on the surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads and facilities necessary to connect isolated rural communities to a road system.

“(B) Advising the Commission on considerations for coordinated transportation planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

“(C) Establishing a list of transportation priorities for Alaska Native village and rural community transportation projects on an annual basis, including funding recommendations.

119 STAT. 1517

“(D) Facilitate the Commission’s work on transportation projects involving more than one region.

“(5) FACA EXEMPTION.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

“(c) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The Secretary shall allocate funding authorized and made available for the Denali access system program to the Commission to carry out this section.

“(2) DISTRIBUTION OF FUNDING.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

“(d) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

“(e) DESIGN STANDARDS.—Each project carried out under this section shall use technology and design standards determined by the Commission to be appropriate given the location and the functionality of the project.

“(f) MAINTENANCE.—Funding for a construction project under this section may include an additional amount equal to not more than 10 percent of the total cost of construction, to be retained for future maintenance of the project. All such retained funds shall be dedicated for maintenance of the project and may not be used for other purposes.

“(g) LEAD AGENCY DESIGNATION.—For purposes of projects carried out under this section, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1517

“(h) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, funds made available to carry out this section may be used to meet the non-Federal share of the cost of projects under title 23, United States Code.

“(i) SURFACE TRANSPORTATION PROGRAM TRANSFERABILITY.—

“(1) TRANSFERABILITY.—In any fiscal year, up to 15 percent of the amounts made available to the State of Alaska for surface transportation by section 133 of title 23, United States Code, may be transferred to the Denali access system program.

“(2) NO EFFECT ON SET-ASIDE.—Paragraph (2) of section 133(d), United States Code, shall not apply to funds transferred under paragraph (1).

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$15,000,000 for each of fiscal years 2006 through 2009.

“(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of any project carried out using such funds shall be determined in accordance with section 120(b).”.

\* \* \* \* \*  
TITLE III—PUBLIC TRANSPORTATION  
\* \* \* \* \*

119 STAT. 1544  
Federal Public  
Transportation  
Act of 2005.  
49 USC 5101  
note.  
119 STAT. 1573

“5308. Clean fuels grant program.”.

**SEC. 3011. CAPITAL INVESTMENT GRANTS.**

(a) IN GENERAL.—Section 5309 is amended to read as follows:

**“§ 5309. Capital investment grants**

“(a) DEFINITIONS.—In this section, the following definitions apply:

\* \* \* \* \*  
“(m) ALLOCATING AMOUNTS.— 119 STAT. 1586  
“(1) FISCAL YEAR 2005.—Of the amounts made available or appropriated for fiscal year 2005 under section 5338(a)(3)—  
“(A) \$1,437,829,600 shall be allocated for new fixed capital projects under subsection (d);  
“(B) \$1,204,684,800 shall be allocated for capital projects for fixed guideway modernization; and  
“(C) \$669,600,000 shall be allocated for capital projects for buses and bus-related equipment and facilities.

\* \* \* \* \*  
“(6) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1)(A) and (2)(A)—  
“(A) \$10,400,000 shall be available in fiscal year 2005 for capital projects in Alaska and Hawaii for new fixed

guideway systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals;

“(B) \$15,000,000 shall be available in each of fiscal years 2006 through 2009 for capital projects in Alaska and Hawaii for new fixed guideway ferry systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals; and

“(C) \$5,000,000 shall be available for each of fiscal years 2006 through 2009 for payments to the Denali Commission under the terms of section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for docks, waterfront development projects, and related transportation infrastructure.

“(7) BUS AND BUS FACILITY GRANTS.—The amounts made available under paragraphs (1)(C) and (2)(C) shall be allocated as follows:

“(A) FERRY BOAT SYSTEMS.—\$10,000,000 shall be available in each of fiscal years 2006 through 2009 for ferry boats or ferry terminal facilities. Of such funds, the following amounts shall be set aside for each fiscal year:

“(i) \$2,500,000 for the San Francisco Water Transit Authority.

“(ii) \$2,500,000 for the Massachusetts Bay Transportation Authority Ferry System.

“(iii) \$1,000,000 for the Camden, New Jersey Ferry System.

“(iv) \$1,000,000 for the Governor’s Island, New York Ferry System

“(v) \$1,000,000 for the Philadelphia Penn’s Landing Ferry Terminal.

“(vi) \$1,000,000 for the Staten Island Ferry.

“(vii) \$650,000 for the Maine State Ferry Service, Rockland.

“(viii) \$350,000 for the Swans Island, Maine Ferry Service.

\* \* \* \* \*

119 STAT. 1608 **SEC. 3021. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS.**

(a) IN GENERAL.—Chapter 53 is amended by striking section 5320 and inserting the following:

**“§ 5320. Alternative transportation in parks and public lands**

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section to enhance the protection of national parks and public lands and increase the enjoyment of those visiting the parks and public lands by—

“(i) ensuring access to all, including persons with disabilities;

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1609

“(ii) improving conservation and park and public land opportunities in urban areas through partnering with State and local governments; and

“(iii) improving park and public land transportation infrastructure.

“(B) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

“(2) USE OF FUNDS.—A grant, cooperative agreement, inter-agency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

“(3) ALTERNATIVE TRANSPORTATION FACILITIES AND SERVICES.—Projects receiving assistance under this section shall provide alternative transportation facilities and services that complement and enhance existing transportation services in national parks and public lands in a manner that is consistent with Department of Interior and other public land management policies regarding private automobile access to and in such parks and lands.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE AREA.—The term ‘eligible area’ means any federally owned or managed park, refuge, or recreational area that is open to the general public, including—

“(A) a unit of the National Park System;

“(B) a unit of the National Wildlife Refuge System;

“(C) a recreational area managed by the Bureau of Land Management;

“(D) a recreation area managed by the Bureau of Reclamation; and

“(E) a unit of the National Forest System.

“(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means a Federal agency that manages an eligible area.

“(3) ALTERNATIVE TRANSPORTATION.—The term ‘alternative transportation’ means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service. Such term also includes a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft).

“(4) QUALIFIED PARTICIPANT.—The term ‘qualified participant’ means—

“(A) a Federal land management agency; or

“(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land

management agency or other governmental or nongovernmental participant.

“(5) QUALIFIED PROJECT.—The term ‘qualified project’ means a planning or capital project in or in the vicinity of an eligible area that—

“(A) is an activity described in section 5302(a)(1)(A), 5303, 5304, 5305, or 5309(b);

“(B) involves—

“(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of the Federal Public Transportation Act of 2005 with clean fuel vehicles; or

“(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

“(C) relates to the capital costs of coordinating the Federal land management agency public transportation systems with other public transportation systems;

“(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

“(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or

“(F) is any other alternative transportation project that—

“(i) enhances the environment;

“(ii) prevents or mitigates an adverse impact on a natural resource;

“(iii) improves Federal land management agency resource management;

“(iv) improves visitor mobility and accessibility and the visitor experience;

“(v) reduces congestion and pollution (including noise pollution and visual pollution); or

“(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

“(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

“(1) technical assistance in alternative transportation;

“(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

“(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

“(d) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year under section 5338(b)(2)(J) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

## PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1611

“(2) ADDITIONAL AMOUNTS.—Amounts made available under this subsection are in addition to amounts otherwise available to the Secretary to carry out planning, research, and technical assistance under this chapter or any other provision of law.

“(3) MAXIMUM AMOUNT.—No qualified project shall receive more than 25 percent of the total amount made available to carry out this section under section 5338(b)(2)(J) for any fiscal year.

“(e) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under section 5303;

“(ii) the statewide planning provisions under section 5304; and

“(iii) the public participation requirements under section 5307(d); and

“(B) in the case of a qualified project that is at a unit of the National Park System, the planning process shall be consistent with the general management plans of the unit of the National Park System; and

“(2) if the qualified participant is a State or local governmental authority, or more than one State or local governmental authority in more than one State, the qualified participant shall—

“(A) comply with the metropolitan planning provisions under section 5303;

“(B) comply with the statewide planning provisions under section 5304;

“(C) comply with the public participation requirements under section 5307(d); and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(f) COST SHARING.—

“(1) GOVERNMENT’S SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the Government’s share of the net project cost to be provided to a qualified participant under this section.

“(2) CONSIDERATIONS.—In establishing the Government’s share of the net project cost to be provided under this section, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public transportation authority or private entity engaged in public transportation;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

119 STAT. 1612

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) SPECIAL RULE.—Notwithstanding any other provision of law, funds appropriated to any Federal land management agency may be counted toward the remainder of the net project cost.

“(g) SELECTION OF QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary of the Interior considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(h) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.



## PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1613

## “(2) FINANCING COSTS.—

“(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) LIMITATION ON AMOUNT OF INTEREST.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

## “(i) RELATIONSHIP TO OTHER LAWS.—

“(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5333(a) to the extent the Secretary determines to be appropriate.

“(2) OTHER REQUIREMENTS.—A qualified participant under this section shall be subject to any other requirements that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than \$25,000,000—

“(A) the qualified project shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement in accordance with section 5309(g); and

“(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(j) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

## “(k) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) GRANTS AND OTHER ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) INFORMATION.—The Secretary may request and receive appropriate information from any source.

“(3) FUNDING.—Grants, cooperative agreements, contracts, and other agreements under paragraph (1) shall be awarded from amounts allocated under subsection (d)(1).

“(1) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a State infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

“(m) REPORTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects under this section to—

“(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(C) the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) ANNUAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(k)(1).”

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5320 and inserting the following:

“5320. Alternative transportation in parks and public lands.”

\* \* \* \* \*

**SEC. 3044. PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUELS GRANT PROGRAM.**

(a) PROJECTS.—Of the amounts made available to carry out section 5309(m)(2)(C) of title 49, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

\* \* \* \* \*

Project Description	FY 06	FY 07	FY 08	FY 09
29. Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area ...	\$192,280	\$200,640	\$217,360	\$225,720
30. Sevier County, Tennessee—U.S. 441 bus rapid transit .....	\$48,070	\$50,160	\$54,340	\$56,430

\* \* \* \* \*

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1657

Project Description	FY 06	FY 07	FY 08	FY 09
46. National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ .....	\$192,280	\$200,640	\$217,360	\$225,720

\* \* \* \* \*

119 STAT. 1661

Project Description	FY 06	FY 07	FY 08	FY 09
94. Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park .....	\$19,228	\$20,064	\$21,736	\$22,572

\* \* \* \* \*

119 STAT. 1662

Project Description	FY 06	FY 07	FY 08	FY 09
112. Mariposa, CA—Yosemite National Park CNG-Hydrogen transit buses and facilities .....	\$480,700	\$501,600	\$543,400	\$564,300

\* \* \* \* \*

119 STAT. 1675

Project Description	FY 06	FY 07	FY 08	FY 09
273. Boston, MA Harbor Park Pavilion and Intermodal Station .....	\$240,350	\$250,800	\$271,700	\$282,150

\* \* \* \* \*

119 STAT. 1680

Project Description	FY 06	FY 07	FY 08	FY 09
331. Gettysburg, Pennsylvania—transit transfer center .....	\$172,860	\$180,375	\$195,407	\$202,922

\* \* \* \* \*

119 STAT. 1687

Project Description	FY 06	FY 07	FY 08	FY 09
423. Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK .....	\$575,000	\$600,000	\$650,000	\$675,000

\* \* \* \* \*

119 STAT. 1691

Project Description	FY 06	FY 07	FY 08	FY 09
483. Campobello Park, ME, Bus Acquisition .....	\$22,000	\$34,000	\$0	\$0

\* \* \* \* \*

119 STAT. 1698

PUBLIC LAW 109–59—AUG. 10, 2005

Project Description	FY 06	FY 07	FY 08	FY 09
570. Maine Department of Transportation-Acadia Intermodal Facility .....	\$687,000	\$714,000	\$776,000	\$823,000
* * * * *				

119 STAT. 1839

TITLE VI—TRANSPORTATION  
PLANNING AND PROJECT DELIVERY

\* \* \* \* \*

119 STAT. 1857

**SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.**

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

119 STAT. 1858

**“§ 139. Efficient environmental reviews for project decision-making**

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) AGENCY.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(4) LEAD AGENCY.—The term ‘lead agency’ means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

“(6) PROJECT.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

“(7) PROJECT SPONSOR.—The term ‘project sponsor’ means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

## PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1858

“(8) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means any statewide agency of a State with responsibility for one or more modes of transportation.

“(b) APPLICABILITY.—

“(1) IN GENERAL.—The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 and may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

“(2) FLEXIBILITY.—Any authorities granted in this section may be exercised for a project, class of projects, or program of projects.

“(c) LEAD AGENCIES.—

“(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

119 STAT. 1859

“(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969.

“(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary’s action or approval results in Federal funding.

“(4) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

“(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

“(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility—

“(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

119 STAT. 1859

PUBLIC LAW 109-59—AUG. 10, 2005

“(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 is completed in accordance with this section and applicable Federal law.

“(d) PARTICIPATING AGENCIES.—

“(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

“(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

119 STAT. 1860

“(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a ‘cooperating agency’ under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

“(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

“(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

“(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

Procedures.

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

Notification.

“(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project,

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1860

for the purpose of informing the Secretary that the environmental review process should be initiated.

“(f) PURPOSE AND NEED.—

“(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

“(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project’s purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

“(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

“(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

“(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

“(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

“(4) ALTERNATIVES ANALYSIS.—

“(A) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

“(B) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

“(C) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

“(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

“(g) COORDINATION AND SCHEDULING.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

119 STAT. 1861

119 STAT. 1861

PUBLIC LAW 109-59—AUG. 10, 2005

“(B) SCHEDULE.—

“(i) IN GENERAL.—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of participating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of the project;

“(IV) the overall schedule for and cost of the project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

“(D) MODIFICATION.—The lead agency may—

“(i) lengthen a schedule established under subparagraph (B) for good cause; and

“(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

“(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

“(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

“(ii) made available to the public.

“(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

“(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

119 STAT. 1862

Federal Register,  
publication.



## PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1862

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and Notice.

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice. 119 STAT. 1863 Notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

“(h) ISSUE IDENTIFICATION AND RESOLUTION.—

“(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

“(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

“(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

“(4) ISSUE RESOLUTION.—

“(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor or the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies, the project sponsor, and the Governor

119 STAT. 1863

PUBLIC LAW 109-59—AUG. 10, 2005

(if the meeting was requested by the Governor) to resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

Deadline.  
Federal Register,  
publication.

“(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—

If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Council on Environmental Quality, and shall publish such notification in the Federal Register.

“(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

“(j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

119 STAT. 1864

“(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under this title or chapter 53 of title 49, the Secretary may approve a request by the State to provide funds so made available under this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the projects in that State or participating in a State process that has been approved by the Secretary for that State. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State.

“(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

“(3) USE OF FEDERAL LANDS HIGHWAY FUNDS.—The Secretary may also use funds made available under section 204 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

“(4) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

“(5) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

“(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

“(1) JUDICIAL REVIEW.—Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1864

“(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

“(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

“(A) any practice of seeking, considering, or responding to public comment; or

“(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

“(1) LIMITATIONS ON CLAIMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

Deadlines.  
Notices.  
Federal Register,  
publication.

119 STAT. 1865

“(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing such action.”.

(b) EXISTING ENVIRONMENTAL REVIEW PROCESS.—Nothing in this section affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary under section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA-LU.

23 USC 139 note.

(c) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by inserting after the item relating to section 138 the following:

“139. Efficient environmental reviews for project decisionmaking.”.

(d) REPEAL.—Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed.

23 USC 109 note.

\* \* \* \* \*

119 STAT. 1868

PUBLIC LAW 109-59—AUG. 10, 2005

**SEC. 6005. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.**

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is further amended by inserting after section 326 the following:

119 STAT. 1869

**“§ 327. Surface transportation project delivery pilot program**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the ‘program’).

“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

“(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project; but

“(ii) the Secretary may not assign—

“(I) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

“(II) any responsibility imposed on the Secretary by section 134 or 135.

“(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

“(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

“(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

“(b) STATE PARTICIPATION.—

“(1) NUMBER OF PARTICIPATING STATES.—The Secretary may permit not more than 5 States (including the States of Alaska, California, Ohio, Oklahoma, and Texas) to participate in the program.

“(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall promulgate regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum—

Deadline.  
Regulations.

## PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1869

“(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and 119 STAT. 1870

“(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

“(3) PUBLIC NOTICE.—

“(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application. Deadline.

“(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

“(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

“(A) the regulatory requirements under paragraph (2) have been met;

“(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

“(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

“(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.

“(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

“(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(2) be in such form as the Secretary may prescribe;

“(3) provide that the State—

“(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

“(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

“(C) certifies that State laws (including regulations) are in effect that—

“(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State

119 STAT. 1870

PUBLIC LAW 109-59—AUG. 10, 2005

laws is reviewable by a court of competent jurisdiction;  
and

“(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed.

119 STAT. 1871

“(d) JURISDICTION.—

“(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

“(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

“(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

“(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (i).

“(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

“(g) AUDITS.—

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall conduct—

“(A) semiannual audits during each of the first 2 years of State participation; and

“(B) annual audits during each subsequent year of State participation.

“(2) PUBLIC AVAILABILITY AND COMMENT.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

“(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

Deadline.

“(h) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

“(i) TERMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

“(2) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) notification of the determination of noncompliance; and

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1871

“(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by Secretary.” 119 STAT. 1872

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is further amended by adding after the item relating to section 326 the following: 23 USC 301.

“327. Surface transportation project delivery pilot program.”

\* \* \* \* \*

SEC. 6007. EXEMPTION OF INTERSTATE SYSTEM.

119 STAT. 1873

Section 103(c) of title 23, United States Code, is amended by adding at the end the following:

“(5) EXEMPTION OF INTERSTATE SYSTEM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

“(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature). Such elements shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable. 119 STAT. 1874

“(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f).”

\* \* \* \* \*

SEC. 6009. PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

(a) PROGRAMS AND PROJECTS WITH DE MINIMIS IMPACTS.—

(1) TITLE 23.—Section 138 of title 23, United States Code, is amended—

(A) in the first sentence, by striking “it is hereby” and inserting the following: “(a) DECLARATION OF POLICY.—It is”; and

(B) by adding at the end the following:

“(b) DE MINIMIS IMPACTS.—

“(1) REQUIREMENTS.—

119 STAT. 1874

PUBLIC LAW 109-59—AUG. 10, 2005

“(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

119 STAT. 1875

“(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (a)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (a)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

“(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

“(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

“(i) the transportation program or project will have no adverse effect on the historic site; or

“(ii) there will be no historic properties affected by the transportation program or project;

“(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

“(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

“(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

Notice.

“(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

“(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.”.

(2) TITLE 49.—Section 303 of title 49, United States Code, is amended—

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

“(c) APPROVAL OF PROGRAMS AND PROJECTS.—Subject to subsection (d), the Secretary”; and



PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1875

(B) by adding at the end the following:

“(d) DE MINIMIS IMPACTS.—

“(1) REQUIREMENTS.—

“(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

119 STAT. 1876

“(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (c)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (c)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

“(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

“(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

“(i) the transportation program or project will have no adverse effect on the historic site; or

“(ii) there will be no historic properties affected by the transportation program or project;

“(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

“(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

“(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

Notice.

“(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.”.

(b) CLARIFICATION OF EXISTING STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall (in consultation

23 USC 138 note.

Deadline.

Regulations.

119 STAT. 1876

PUBLIC LAW 109-59—AUG. 10, 2005

with affected agencies and interested parties) promulgate regulations that clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 303 of title 49, United States Code.

119 STAT. 1877

(2) REQUIREMENTS.—The regulations—

(A) shall clarify the application of the legal standards to a variety of different types of transportation programs and projects depending on the circumstances of each case; and

(B) may include, as appropriate, examples to facilitate clear and consistent interpretation by agency decision-makers.

(c) IMPLEMENTATION STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) conduct a study on the implementation of this section and the amendments made by this section; and

(B) commission an independent review of the study plan and methodology, and any associated conclusions, by the Transportation Research Board of the National Academy of Sciences.

(2) COMPONENTS.—In conducting the study, the Secretary shall evaluate—

(A) the processes developed under this section and the amendments made by this section and the efficiencies that may result;

(B) the post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects conducted under this section and the amendments made by this section; and

(C) the quantity of projects with impacts that are considered de minimis under this section and the amendments made by this section, including information on the location, size, and cost of the projects.

(3) REPORT REQUIREMENT.—The Secretary shall prepare—

(A) not earlier than the date that is 3 years after the date of enactment of this Act, a report on the results of the study conducted under this subsection; and

(B) not later than March 1, 2010, an update on the report required under subparagraph (A).

(4) REPORT RECIPIENTS.—The Secretary shall—

(A) submit the report, review of the report, and update required under paragraph (3) to—

(i) the appropriate committees of Congress;

(ii) the Secretary of the Interior; and

(iii) the Advisory Council on Historic Preservation;

and

(B) make the report and update available to the public.

23 USC 512 note.

**SEC. 6010. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.**

Regulations.  
Deadline.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the

PUBLIC LAW 109–59—AUG. 10, 2005

119 STAT. 1877

requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act.

(b) **NATIONWIDE PROGRAMMATIC AGREEMENT.**—

(1) **DEVELOPMENT.**—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

119 STAT. 1878

(2) **CONSULTATION.**—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

(c) **INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.**—In this section, the term “intelligent transportation infrastructure and systems” means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in subtitle C of title V of this Act.

\* \* \* \* \*

Approved August 10, 2005.

119 STAT. 1978

---

**LEGISLATIVE HISTORY—H.R. 3 (S. 732):**

**HOUSE REPORTS:** Nos. 109–12 and Pt. 2 (both from Comm. on Transportation and Infrastructure) and 109–203 (Comm. of Conference).

**SENATE REPORTS:** No. 109–53 accompanying S. 732 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD, Vol. 151 (2005):**

Mar. 9, 10, considered and passed House.

Apr. 26–28, May 9–13, 16, 17, considered and passed Senate, amended.

July 29, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):**

Aug. 10, Presidential remarks and statement.

119 STAT. 2396

PUBLIC LAW 109-115—NOV. 30, 2005

Public Law 109-115  
109th Congress

An Act

Nov. 30, 2005  
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

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

Transportation,  
Treasury,  
Housing and  
Urban  
Development, the  
Judiciary, the  
District of  
Columbia, and  
Independent  
Agencies  
Appropriations  
Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND  
URBAN DEVELOPMENT, THE JUDICIARY, AND INDE-  
PENDENT AGENCIES APPROPRIATIONS ACT, 2006

Transportation,  
Treasury,  
Housing and  
Urban  
Development, the  
Judiciary, and  
Independent  
Agencies  
Appropriations  
Act, 2006.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

\* \* \* \* \*

119 STAT. 2420

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

\* \* \* \* \*

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

\* \* \* \* \*

119 STAT. 2523

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the

PUBLIC LAW 109–115—NOV. 30, 2005

119 STAT. 2523

Judiciary, the District of Columbia, and Independent Agencies  
Appropriations Act, 2006”.

Approved November 30, 2005.

---

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109–153 (Comm. on Appropriations) and 109–307  
(Comm. of Conference).

SENATE REPORTS: Nos. 109–106 accompanying S. 1446 and 109–109 (both from  
Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17–20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 30, Presidential statement.

120 STAT. 780

PUBLIC LAW 109-280—AUG. 17, 2006

Public Law 109-280  
109th Congress

An Act

Aug. 17, 2006  
[H.R. 4]

To provide economic security for all Americans, and for other purposes.

Pension  
Protection Act  
of 2006.  
29 USC 1001  
note.

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

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

(a) **SHORT TITLE.**—This Act may be cited as the “Pension Protec-  
tion Act of 2006”.

\* \* \* \* \*

120 STAT. 1108

**TITLE XIII—OTHER PROVISIONS**

\* \* \* \* \*

120 STAT. 1109

**SEC. 1302. GOING-TO-THE-SUN ROAD.**

(a) **IN GENERAL.**—Section 1940 of the Safe, Accountable,  
Flexible, Efficient Transportation Equity Act: A Legacy for Users  
(119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as  
paragraphs (1) through (3), respectively; and

(C) by striking “\$10,000,000” each place that it appears  
and inserting “\$16,666,666”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in  
this section, funds authorized to be appropriated under this section  
shall be available for obligation in the same manner as if the  
funds were apportioned under chapter 1 of title 23, United States  
Code.”.

(b) **RESCISSION.**—Section 10212 of the Safe, Accountable,  
Flexible, Efficient Transportation Equity Act: A Legacy for Users  
(119 Stat. 1937) is amended by striking “\$8,543,000,000” each place  
it appears and inserting “\$8,593,000,000”.

23 USC 101 note.

\* \* \* \* \*

120 STAT. 1172

Approved August 17, 2006.

**LEGISLATIVE HISTORY—H.R. 4:**

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 28, considered and passed House.

Aug. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Aug. 17, Presidential remarks and statement.

II. APPROPRIATIONS

1. Consolidated Appropriations Act for FY 2004

PUBLIC LAW 108-199—JAN. 23, 2004

118 STAT. 3

Public Law 108-199  
108th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Jan. 23, 2004  
[H.R. 2673]

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

Consolidated  
Appropriations  
Act, 2004.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

SEC. 3. REFERENCES.

118 STAT. 4  
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.

\* \* \* \* \*

DIVISION F—DEPARTMENTS OF TRANSPORTATION AND  
TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

118 STAT. 279  
Transportation,  
Treasury, and  
Independent  
Agencies  
Appropriations  
Act, 2004.

An Act

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

\* \* \* \* \*

TITLE V—GENERAL PROVISIONS

118 STAT. 340

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

\* \* \* \* \*

118 STAT. 347

PUBLIC LAW 108-199—JAN. 23, 2004

Oklahoma City  
National  
Memorial Act  
Amendments of  
2003.  
16 USC 450ss  
note.

SEC. 544. AMENDMENTS TO OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997. (a) SHORT TITLE.—This section may be cited as the “Oklahoma City National Memorial Act Amendments of 2003”.

(b) FOUNDATION DEFINED; CONFORMING AMENDMENT.—Section 3 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-1) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by inserting immediately preceding paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following new paragraph:

“(1) FOUNDATION.—The term ‘Foundation’ means the Oklahoma City National Memorial Foundation, a not-for-profit corporation that is—

“(A) described in section 501(c)(3) of the Internal Revenue Code of 1986;

“(B) exempt from taxation under section 501(a) of such Code; and

“(C) dedicated to the support of the Memorial.”; and  
(3) in paragraph (3), by striking “designated under section 5(a)”.

(c) ADMINISTRATION OF MEMORIAL BY FOUNDATION.—Section 4 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-2) is amended—

(1) in subsection (a)—

(A) by striking “a unit” and inserting “an affiliate”;  
and

(B) by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

“(b) ADMINISTRATION OF MEMORIAL.—The Foundation shall administer the Memorial in accordance with this Act and the general objectives of the ‘Memorial Mission Statement’, adopted March 26, 1996, by the Foundation.”; and

(4) in subsection (c) (as so redesignated by paragraph (2) of this subsection) by striking “1997 (hereafter)” and all that follows through the final period and inserting “1997. The map shall be on file and available for public inspection in the appropriate office of the Foundation.”.

(d) TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.—Section 5 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-3) is amended to read as follows:

“SEC. 5. TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.

“(a) TRANSFER OF MEMORIAL PROPERTY.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Oklahoma City National Memorial Act Amendments of 2003, the Trust shall transfer to the Foundation—

“(A) all assets of the Trust, including all real and personal property of the Memorial, any appurtenances, buildings, facilities, monuments, contents, artifacts, contracts and contract rights, accounts, deposits, intangibles, trademarks, trade names, copyrights, all other intellectual

Deadline.



## PUBLIC LAW 108-199—JAN. 23, 2004

118 STAT. 348

property, all other real and personal property of every kind and character comprising the Memorial, and any amounts appropriated for the Trust;

“(B) any property owned by the Trust that is adjacent or related to the Memorial; and

“(C) all property maintained for the Memorial, together with all rights, authorities, and duties relating to the ownership, administration, operation, and management of the Memorial.

“(2) SUBSEQUENT GIFTS.—Any artifact, memorial, or other personal property that is received by, or is intended by any person to be given to, the Trust after the date of transfer of property under paragraph (1) shall be the property of the Foundation.

“(b) ASSUMPTION OF TRUST OBLIGATIONS.—Any obligations of the Trust relating to the Memorial that have been approved by the Trust before the date on which the property is transferred under subsection (a) shall become the responsibility of the Foundation on the date of the transfer.

“(c) DISSOLUTION OF TRUST.—Not later than 30 days after the transfer under subsection (a) is completed—

“(1) the Trust shall be dissolved; and

“(2) the Trust shall notify the Secretary of the date of dissolution.

“(d) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary, acting through the National Park Service, is authorized to enter into 1 or more cooperative agreements with the Foundation for the National Park Service to provide interpretive services related to the Memorial and such other assistance as may be agreed upon between the Secretary and the Foundation. The costs of the services and other agreed assistance shall be paid by the Secretary.

“(e) GENERAL SERVICES ADMINISTRATION AUTHORITY.—The Administrator of General Services shall provide, on a non-reimbursable basis, services necessary for the facilitation of the transfer of the Memorial to the Foundation.

“(f) LIMITATION.—Nothing in this Act shall prohibit the use of State and local law enforcement for the purposes of security related to the Memorial.”

(e) REPEAL OF DUTIES AND AUTHORITIES OF TRUST.—

(1) IN GENERAL.—Section 6 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-4) is repealed.

(2) EFFECTIVE DATE.—The repeal under this subsection shall take effect upon the transfer of the Memorial property, rights, authorities, and duties pursuant to the amendments made by subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-5) is amended—

(1) in paragraph (1), by inserting “for an endowment fund subject to paragraph (2)” after “the sum of \$5,000,000”; and

(2) in paragraph (2)—

(A) by striking “Trust or to the Oklahoma City Memorial”; and

(B) by striking “or operation” and inserting “operation, or endowment”.

(g) AUTHORIZATION OF SECRETARY TO REIMBURSE PREVIOUS COSTS PAID BY FOUNDATION OR TRUST.—To the extent that funds

Deadline.  
Notification.

16 USC 450ss-4  
note.

16 USC 450ss-3  
note.

are made available for the Trust, the Secretary of the Interior shall reimburse the Oklahoma City National Memorial Foundation for funds obligated or expended by the Oklahoma City National Memorial Foundation or the Oklahoma City National Memorial Trust to the Secretary of the Interior for interpretive services, security, and other costs and services related to the Oklahoma City National Memorial before the date of the enactment of this Act. The Oklahoma City National Memorial Foundation may use such reimbursed funds for the operation, maintenance, and permanent endowment of the Oklahoma City National Memorial.

(h) REPEAL OF DISPOSITION OF SITE OF ALFRED P. MURRAH FEDERAL BUILDING.—Section 8 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-6) is repealed.

(i) REPEAL OF STUDY REQUIREMENT.—Section 9 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-7) is repealed.

\* \* \* \* \*

118 STAT. 434  
7 USC 136a note.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Miscellaneous  
Appropriations  
and Offsets Act,  
2004.

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND  
OFFSETS

\* \* \* \* \*

118 STAT. 442

SEC. 139. CONGAREE NATIONAL PARK BOUNDARY REVISION. (a) IN GENERAL.—Subsection (c) of the first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended by striking paragraph (6) and inserting the following:

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the park;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the park;

“(C) shall negatively affect the economic development of the areas surrounding the park; or

“(D) affects the classification of the park under section 162 of the Clean Air Act (42 U.S.C. 7472).”.

16 USC 1132  
note.

(b) DESIGNATION OF CONGAREE NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—The wilderness established by section 2(a) of the Congaree Swamp National Monument Expansion and Wilderness Act (102 Stat. 2606) and known as the “Congaree Swamp National Monument Wilderness” shall be known and designated as the “Congaree National Park Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness referred to in paragraph (1) shall be deemed to be a reference to the “Congaree National Park Wilderness”.

117 Stat. 1268.

SEC. 140. Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108),

PUBLIC LAW 108-199—JAN. 23, 2004

118 STAT. 443

is amended by striking “any other governmental land management entity” and inserting “any other land management entity”.

SEC. 141. Effective as of November 18, 2003, section 9 of Public Law 100-692 (102 Stat. 4556; 16 U.S.C. 461 note.) is amended to read as follows:

Effective date.

“SEC. 9. TERMINATION OF COMMISSION.

16 USC 461 note.

“The Commission shall terminate on November 18, 2007.”.

\* \* \* \* \*

SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF 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—

118 STAT. 445

(1) by redesignating subsection (c) as subsection (d); and  
 (2) by inserting after subsection (b) the following:

“(c) PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.—

“(1) DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

“(2) PAYMENTS.—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

“(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;

“(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.”.

\* \* \* \* \*

SEC. 150. (a) SHORT TITLE. This Act may be cited as the “Fern Lake Conservation and Recreation Act”.

118 STAT. 446  
 Fern Lake  
 Conservation and  
 Recreation Act.  
 Kentucky.  
 Tennessee.  
 16 USC 268a.

(b) FINDINGS AND PURPOSES.—

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

(A) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(B) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park’s most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

118 STAT. 446

PUBLIC LAW 108-199—JAN. 23, 2004

(C) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(D) The 4,500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(2) PURPOSES.—The purposes of the Act are—

(A) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(B) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

118 STAT. 447

(c) LAND ACQUISITION AND CONVEYANCE AUTHORITY, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.—

(1) DEFINITIONS.—In this section:

(A) FERN LAKE.—The term “Fern Lake” means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(B) LAND.—The term “land” means land, water, interests in land, and any improvements on the land.

(C) PARK.—The term “park” means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

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

(2) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled “Cumberland Gap National Historical Park, Fern Lake Watershed”, numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(3) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Subject to paragraph (4), the Secretary shall revise the boundaries of the park to include the land acquired under paragraph (2). The Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(4) CONVEYANCE OF FERN LAKE.—

(A) CONVEYANCE REQUIRED.—If the Secretary acquires Fern Lake, the Secretary shall convey, notwithstanding any other law and without consideration, to the city of Middlesboro, Kentucky, all right, title, and interest of the United States in and to Fern Lake, up to the normal operating elevation of 1,200.4 feet above sea level, along with the dam and all appurtenances associated with the withdrawal and delivery of water from Fern Lake.

PUBLIC LAW 108-199—JAN. 23, 2004

118 STAT. 447

(B) TERMS OF CONVEYANCE.—In executing the conveyance under subparagraph (4)(A), the Secretary may retain an easement for scenic and recreational purposes.

(C) REVERSIONARY INTEREST.—In the event Fern Lake is no longer used as a source of municipal water supply for the city of Middlesboro, Kentucky, and its environs, ownership of Fern Lake shall revert to the United States and it shall be managed by the Secretary as part of the park.

(5) CONSULTATION REQUIREMENTS.—In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with—

118 STAT. 448

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

\* \* \* \* \*

SEC. 168. (a) RESCISSIONS.—From unobligated balances of amounts made available in Public Law 107-38, and in Public Law 107-117, and in appropriations Acts for the Department of Defense, \$1,800,000,000 is hereby rescinded: *Provided*, That the Director of the Office of Management and Budget, after consultation with the Committees on Appropriations of the House and Senate and the Secretary of Defense, shall determine the amounts to be rescinded from each account that is to be so reduced: *Provided further*, That the rescissions shall take effect no later than September 30, 2004: *Provided further*, That the Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House and Senate 30 days prior to rescinding such amounts: *Provided further*, That such notification shall include the accounts, programs, projects and activities from which the funds will be rescinded: *Provided further*, That this section shall not apply to any amounts appropriated or otherwise made available by the seventh proviso under the heading “Emergency Response Fund” in Public Law 107-38.

118 STAT. 456

Effective date.

Notification.

118 STAT. 457

(b) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.59 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2004 for any discretionary account in divisions A through H of this Act and in any other fiscal year 2004 appropriation Act (except any fiscal year 2004 supplemental appropriation Act, the Department of Defense Appropriations Act, 2004, or the Military Construction Appropriations Act, 2004);

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2004 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(c) PROPORTIONATE APPLICATION.—Any rescission made by subsection (b) shall be applied proportionately—

118 STAT. 457

PUBLIC LAW 108–199—JAN. 23, 2004

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

Deadline.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (b).

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

Approved January 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.  
 Nov. 5, 6, considered and passed Senate, amended.  
 Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):  
 Jan. 23, Presidential statement.

**2. Consolidated Appropriations Act for FY 2005**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**WILDLAND FIRE MANAGEMENT**

118 STAT. 3040

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, \$743,099,000, to remain available until expended, of which not to exceed \$12,374,000 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

Contracts.  
Grants.

118 STAT. 3040

PUBLIC LAW 108-447—DEC. 8, 2004

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 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 \$12,000,000, 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.

Guidance.

118 STAT. 3041

\* \* \* \* \*

118 STAT. 3048

## 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 special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,707,282,000, of which \$10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,440,000 is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park



## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3048

Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

## UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$81,204,000.

## 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, \$61,832,000: *Provided*, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan: *Provided further*, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.

## HISTORIC PRESERVATION FUND

118 STAT. 3049

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), \$72,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which \$30,000,000 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: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: *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 hereinafter and notwithstanding 20 U.S.C. 951 et

118 STAT. 3049

PUBLIC LAW 108-447—DEC. 8, 2004

seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$307,362,000, to remain available until expended, of which \$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail.

118 STAT. 3050

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

16 USC 460l-10a  
note.

The contract authority provided for fiscal year 2005 by 16 U.S.C. 460l-10a are rescinded.

## LAND ACQUISITION AND STATE ASSISTANCE

## (INCLUDING TRANSFER OF FUNDS)

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, \$148,411,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$92,500,000 is for

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3050

the State assistance program including \$1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That in lieu of State assistance program indirect costs (as described in OMB Circular A-87), not to exceed 5 percent of apportionments under the State assistance program may be used by States, the District of Columbia, and insular areas to support program administrative costs: *Provided further*, That \$250,000 of the amount provided under this heading for civil war battlefield protection shall be available for transfer to the “National Recreation and Preservation” account.

## ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

Expiration date.  
Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

118 STAT. 3051

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers’ compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or

Deadline.

118 STAT. 3051

PUBLIC LAW 108-447—DEC. 8, 2004

their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

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.

\* \* \* \* \*

118 STAT. 3062

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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 are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, and 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 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 are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, and 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.

118 STAT. 3063

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

43 USC 1471c-1.

SEC. 104. 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; 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. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

43 USC 1471h.

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

43 USC 1471i.

\* \* \* \* \*

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System,

118 STAT. 3064

118 STAT. 3064

PUBLIC LAW 108-447—DEC. 8, 2004

allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

\* \* \* \* \*

118 STAT. 3065

SEC. 117. 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 Public Law 100-696; 16 U.S.C. 460zz.

\* \* \* \* \*

SEC. 120. (a) LIMITATION ON INCREASES IN CLAIMS MAINTENANCE AND LOCATION FEES.—The fees established in 30 U.S.C. 28f and 28g shall be equal to the fees in effect immediately prior to the rule of July 1, 2004 (69 Fed. Reg. 40,294) until the Department of the Interior has complied with the obligations established in subsections (b) and (c).

(b) ESTABLISHMENT OF PERMIT TRACKING SYSTEM.—The Department of the Interior shall establish a nationwide tracking system to determine and address the length of time from submission of a plan of operations to mine on public lands to final approval of such submission.

(c) REPORT.—Within 1 year of enactment, the Department shall file a detailed report with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate providing detailed information on the length of time it takes the Department to approve proposed mining plans of operations and recommending steps to reduce current delays.

118 STAT. 3066

SEC. 121. 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.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

\* \* \* \* \*

118 STAT. 3067

SEC. 129. 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

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3067

level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

\* \* \* \* \*

SEC. 136. 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.

\* \* \* \* \*

SEC. 139.

\* \* \* \* \*

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3480) is amended—

(1) in subsection (c)(2), by striking “Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later.”; and

(2) in subsection (d)(2)(B), by inserting “and to their heirs, successors, and assigns” after “those persons who were lessees or permittees of record on the date of enactment of this Act”.

(c)(1) The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

(2) Section 3 of Public Law 99-338 is amended to read as follows:

“SEC. 3. The permit shall contain the following provisions:

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

“(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”.

(3) Public Law 99-338 is further amended by adding at the end the following new section:

“SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.”.

118 STAT. 3068

California.  
Federal buildings  
and facilities.

16 USC 45f.

118 STAT. 3069

16 USC 45a-1  
note.

100 Stat. 641.

118 STAT. 3069

PUBLIC LAW 108-447—DEC. 8, 2004

Gaylord A.  
Nelson Apostle  
Islands National  
Lakeshore  
Wilderness Act.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the “Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act”.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Apostle Islands Lakeshore Wilderness”, numbered 633/80,058 and dated September 17, 2004.

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

(3) HIGH-WATER MARK.—The term “high-water mark” means the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

16 USC 1132  
note.

(c) DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.—

(1) DESIGNATION.—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) MAP AND DESCRIPTION.—

118 STAT. 3070

(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) BOUNDARY OF THE WILDERNESS.—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) NAMING.—The wilderness area designated by this section shall be known as the Gaylord A. Nelson National Wilderness.

(d) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the lands designated as wilderness by this section shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131), except that—

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

(B) where appropriate, any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary.

(2) SAVINGS PROVISIONS.—Nothing in this section shall—

(A) modify, alter, or in any way affect any treaty rights;



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3070

(B) alter the management of the waters of Lake Superior within the boundary of the Apostle Islands National Lakeshore in existence on the date of enactment of this section; or

(C) be construed to modify, limit, or in any way affect the use of motors on the lake waters, including snowmobiles and the beaching of motorboats adjacent to wilderness areas below the high-water mark, and the maintenance and expansion of any docks existing at the time of the enactment of this section.

SEC. 141. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108-108.

\* \* \* \* \*

SEC. 143. (a) SHORT TITLE.—This section may be cited as the “Migratory Bird Treaty Reform Act of 2004”.

(b) EXCLUSION OF NON-NATIVE SPECIES FROM APPLICATION OF CERTAIN PROHIBITIONS UNDER MIGRATORY BIRD TREATY ACT.—Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) in the first sentence by striking “That unless and except as permitted” and inserting the following: “(a) IN GENERAL.—Unless and except as permitted”; and

(2) by adding at the end the following:

“(b) LIMITATION ON APPLICATION TO INTRODUCED SPECIES.—“(1) IN GENERAL.—This Act applies only to migratory bird species that are native to the United States or its territories.

“(2) NATIVE TO THE UNITED STATES DEFINED.—

“(A) IN GENERAL.—Subject to subparagraph (B), in this subsection the term ‘native to the United States or its territories’ means occurring in the United States or its territories as the result of natural biological or ecological processes.

“(B) TREATMENT OF INTRODUCED SPECIES.—For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

“(i) it was native to the United States or its territories and extant in 1918;

“(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and

“(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.”.

(c) PUBLICATION OF LIST.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty

118 STAT. 3071  
Migratory Bird  
Treaty Reform  
Act of 2004.  
16 USC 710 note.

118 STAT. 3072

16 USC 703 note.  
Deadline.  
Federal Register,  
publication.

118 STAT. 3072

PUBLIC LAW 108-447—DEC. 8, 2004

Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

(2) PUBLIC COMMENT.—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

(3) EFFECT OF SECTION.—Nothing in this subsection shall delay implementation of other provisions of this section or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

16 USC 703 note.

(d) RELATIONSHIP TO TREATIES.—It is the sense of Congress that the language of this section is consistent with the intent and language of the 4 bilateral treaties implemented by this section.

\* \* \* \* \*

SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.—Public Law 97-250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

16 USC 1132  
note.  
Cumberland  
Island  
Wilderness  
Boundary  
Adjustment Act  
of 2004.

**“SEC. 2. CUMBERLAND ISLAND WILDERNESS.**

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Cumberland Island Wilderness’, numbered 640/20,038I, and dated September 2004.

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

“(3) WILDERNESS.—The term ‘Wilderness’ means the Cumberland Island Wilderness established by subsection (b).

118 STAT. 3073

“(4) POTENTIAL WILDERNESS.—The term ‘Potential Wilderness’ means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north end of Cumberland Island known as the ‘High Point Half-Moon Bluff Historic District’.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as ‘Wilderness’ is designated as a component of the National Wilderness Preservation System and shall be known as the ‘Cumberland Island Wilderness’.

“(2) EXCLUSIONS.—The 25-foot wide roadways depicted on the map as the ‘Main Road’, ‘Plum Orchard’, and the ‘North Cut Road’ shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

“(c) ADDITIONAL LAND.—In addition to the land designated under subsection (b), the Secretary shall—

“(1) on acquisition of the approximately 231 acres of land identified on the map as ‘Areas Become Designated Wilderness upon Acquisition by the NPS’; and

“(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as ‘Potential Wilderness’ that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land.

Federal Register,  
publication.  
Notice.

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

“(e) ADMINISTRATION.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

“(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

“(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

“(f) EFFECT.—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

“(g) MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.—Not later than 1 year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness.”

Deadline.

(b) TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6 of Public Law 92-536 (86 Stat. 1066) is amended—

16 USC 429i-5.

(1) in subsection (b), by inserting “, except as provided in subsection (c),” before “no development of the project”; and

(2) by adding at the end the following:

“(c) TOURS OF THE SEASHORE.—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts, as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

Contracts.

118 STAT. 3074

“(1) this Act;

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

“(3) Public Law 97-250 (96 Stat. 709).”

(c) SHORT TITLE.—This section may be cited as the “Cumberland Island Wilderness Boundary Adjustment Act of 2004”.

16 USC 459i note.

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004-2005 that commences on or about December 15, 2004.

TITLE II—RELATED AGENCIES

\* \* \* \* \*

NATIONAL ENDOWMENT FOR THE HUMANITIES

118 STAT. 3091

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$123,877,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall 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 PROVISIONS

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 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.

## 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), \$1,793,000: *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. 956(a)), as amended, \$7,000,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,600,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3092

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, \$8,000,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

\* \* \* \* \*

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. 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.  
Public  
information.

SEC. 302. 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.

SEC. 303. 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. 304. 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.

118 STAT. 3093

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

\* \* \* \* \*

SEC. 307. (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.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the

118 STAT. 3093

PUBLIC LAW 108-447—DEC. 8, 2004

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.

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

Contracts.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

\* \* \* \* \*

118 STAT. 3095

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

\* \* \* \* \*

118 STAT. 3097

SEC. 321. 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.

118 STAT. 3098

monument.

\* \* \* \* \*

SEC. 323. Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “section 8 of section 8” and inserting “section 8.”

SEC. 324. 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. 326. 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 appropriations Act.

\* \* \* \* \*

SEC. 329. 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.

118 STAT. 3099

\* \* \* \* \*

SEC. 332. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2005, not more than the maximum amount specified in paragraph (2) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

118 STAT. 3100

(2) For the purposes of paragraph (1) the maximum amount—

(A) with respect to the Department of Energy is \$500,000; and

(B) with respect to the Department of the Interior is \$3,250,000.

118 STAT. 3100

PUBLIC LAW 108-447—DEC. 8, 2004

(3) Of the funds appropriated by this Act, not more than \$2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

31 USC 501 note.

(c) Section 340(b) of Public Law 108-108 is hereby repealed.

(d) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.—Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(e) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

SEC. 333. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

\* \* \* \* \*

118 STAT. 3105  
Deadline.  
Real property.

SEC. 344. Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106-291 (\$1,630,000) and Public Law 108-199 (\$2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title



of the appropriate portions thereof to the Federal Government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that compliment the new Federal facility.

\* \* \* \* \*

SEC. 348. (a) SHORT TITLE.—This section may be cited as the “Grey Towers National Historic Site Act of 2004”.

(b) FINDINGS; PURPOSES; DEFINITIONS.—

(1) FINDINGS.—Congress finds the following:

(A) James and Mary Pinchot constructed a home and estate that is known as Grey Towers in Milford, Pennsylvania.

(B) James and Mary Pinchot were also the progenitors of a family of notable accomplishment in the history of the Commonwealth of Pennsylvania and the Nation, in particular, their son, Gifford Pinchot.

(C) Gifford Pinchot was the first Chief of the Forest Service, a major influence in formulating and implementing forest conservation policies in the early 20th Century, and twice Governor of Pennsylvania.

(D) During the early 20th century, James and Gifford Pinchot used Grey Towers and the environs to establish scientific forestry, to develop conservation leaders, and to formulate conservation principles, thus making this site one of the primary birthplaces of the American conservation movement.

(E) In 1963, Gifford Bryce Pinchot, the son of Gifford and Cornelia Pinchot, donated Grey Towers and 102 acres to the Nation.

(F) In 1963, President John F. Kennedy dedicated the Pinchot Institute for Conservation for the greater knowledge of land and its uses at Grey Towers National Historic Landmark, thereby establishing a partnership between the public and private sectors.

(G) Grey Towers today is a place of historical significance where leaders in natural resource conservation meet, study, and share ideas, analyses, values, and philosophies, and is also a place where the public can learn and appreciate our conservation heritage.

(H) As established by President Kennedy, the Pinchot Institute for Conservation, and the Forest Service at Grey Towers operate through an established partnership in developing and delivering programs that carry on Gifford Pinchot’s conservation legacy.

(I) Grey Towers and associated structures in and around Milford, Pennsylvania, can serve to enhance regional recreational and educational opportunities.

(2) PURPOSES.—The purposes of this section are as follows:

(A) To honor and perpetuate the memory of Gifford Pinchot.

(B) To promote the recreational and educational resources of Milford, Pennsylvania, and its environs.

(C) To authorize the Secretary of Agriculture—

(i) to further the scientific, policy analysis, educational, and cultural programs in natural resource conservation at Grey Towers;

118 STAT. 3106  
Grey Towers  
National Historic  
Site Act of 2004.  
Pennsylvania.  
16 USC 461 note.  
James Pinchot.  
Mary Pinchot.

Gifford Pinchot.

118 STAT. 3107

Gifford Bryce  
Pinchot.  
Cornelia Pinchot.

John F. Kennedy.

118 STAT. 3107

PUBLIC LAW 108-447—DEC. 8, 2004

(ii) to manage the property and environs more efficiently and effectively; and

(iii) to further collaborative ties with the Pinchot Institute for Conservation, and other Federal, State, and local agencies with shared interests.

(3) DEFINITIONS.—For the purposes of this section:

(A) ASSOCIATED PROPERTIES.—The term “Associated Properties” means lands and improvements outside of the Grey Towers National Historic Landmark within Pike County, Pennsylvania, and which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(B) GREY TOWERS.—The term “Grey Towers” means the buildings and surrounding area of approximately 303 acres, including the 102 acres donated in 1963 to the United States and so designated that year.

(C) HISTORIC SITE.—The term “Historic Site” means the Grey Towers National Historic Site, as so designated by this Act.

(D) PINCHOT INSTITUTE.—The term “Pinchot Institute” means the Pinchot Institute for Conservation, a nonprofit corporation established under the laws of the District of Columbia.

118 STAT. 3108

(E) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(c) DESIGNATION OF NATIONAL HISTORIC SITE.—Subject to valid existing rights, all lands and improvements formerly encompassed within the Grey Towers National Historic Landmark are designated as the “Grey Towers National Historic Site”.

(d) ADMINISTRATION.—

(1) PURPOSES.—The Historic Site shall be administered for the following purposes:

(A) Education, public demonstration projects, and research related to natural resource conservation, protection, management, and use.

(B) Leadership development within the natural resource professions and the Federal civil service.

(C) Continuing Gifford Pinchot’s legacy through pursuit of new ideas, strategies, and solutions to natural resource issues that include economic, ecological, and social values.

(D) Preservation, use, and maintenance of the buildings, grounds, facilities, and archives associated with Gifford Pinchot.

(E) Study and interpretation of the life and works of Gifford Pinchot.

(F) Public recreation and enjoyment.

(G) Protection and enjoyment of the scenic and natural environs.

(2) APPLICABLE LAWS.—The Secretary shall administer federally owned lands and interests in lands at the Historic Site and Associated Properties as components of the National Forest System in accordance with this Act, 16 U.S.C. 461 et seq. and other laws generally applicable to the administration of national historic sites, and the laws, rules, and regulations applicable to the National Forest System, except that the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) shall not apply.

National Forest  
System.  
Public lands.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3108

(3) LAND ACQUISITION.—The Secretary is authorized to acquire, on a willing seller basis, by purchase, donation, exchange, or otherwise, privately owned lands and interests in lands, including improvements, within the Historic Site and the Associated Properties, using donated or appropriated funds.

(4) GIFTS.—

(A) ACCEPTED BY ENTITIES OTHER THAN THE SECRETARY.—Subject to such terms and conditions as the Secretary may prescribe, any public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of or in connection with, the activities and services at the Historic Site.

(B) ACCEPTED BY THE SECRETARY.—Gifts may be accepted by the Secretary for the benefit of or in connection with, the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity.

(e) COOPERATIVE AUTHORITIES.—

(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into Agreements for grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute, public and other private agencies, organizations, institutions, and individuals to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs at Grey Towers or to otherwise further the purposes of this section.

118 STAT. 3109

(2) INTERDEPARTMENTAL.—The Secretary and the Secretary of the Interior are authorized and encouraged to cooperate in promoting public use and enjoyment of Grey Towers and the Delaware Water Gap National Recreation Area and in otherwise furthering the administration and purposes for which both areas were designated. Such cooperation may include collocation and use of facilities within Associated Properties and elsewhere.

(3) OTHER.—The Secretary may authorize use of the grounds and facilities of Grey Towers by the Pinchot Institute and other participating partners including Federal, State, and local agencies, on such terms and conditions as the Secretary may prescribe, including the waiver of special use authorizations and the waiver of rental and use fees.

(f) FUNDS.—

(1) FEES AND CHARGES.—The Secretary may impose reasonable fees and charges for admission to and use of facilities on Grey Towers.

(2) SPECIAL FUND.—Any monies received by the Forest Service in administering Grey Towers shall be deposited into the Treasury of the United States and covered in a special fund called the Grey Towers National Historic Site Fund. Monies in the Grey Towers National Historic Site Fund shall be available until expended, without further appropriation, for support of programs of Grey Towers, and any other expenses incurred in the administration of Grey Towers.

(g) MAP.—The Secretary shall produce and keep for public inspection a map of the Historic Site and associated properties within Pike County, Pennsylvania, which were associated with

118 STAT. 3109

PUBLIC LAW 108-447—DEC. 8, 2004

James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(h) SAVINGS PROVISION.—Nothing in this section shall be deemed to diminish the authorities of the Secretary under the Cooperative Forestry Assistance Act or any other law pertaining to the National Forest System.

\* \* \* \* \*

118 STAT. 3110

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT  
WILDLAND FIRE SUPPRESSION ACTIVITIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: *Provided*, That such funds shall only become available if funds provided for wildland fire suppression in title I of this Act will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior and the Secretary of Agriculture shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: *Provided further*, That Public Law 108-287, title X, chapter 3 is amended under the heading “Department of the Interior, Bureau of Land Management, Wildland Fire Management”, by striking the phrases “for fiscal year 2004” and “related to the fiscal year 2004 fire season” in the text preceding the first proviso.

Reports.  
Deadline.

118 STAT. 3111

*Ante*, p. 1012.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$400,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: *Provided*, That such funds shall only become available if funds provided for wildland fire suppression in title II of this Act will be exhausted

Applicability.

Applicability.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3111

imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture and the Secretary of the Interior shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: *Provided further*, That the Secretary of Agriculture shall establish an independent cost-control review panel to examine and report on fire suppression costs for individual wildfire incidents that exceed \$10,000,000 in cost: *Provided further*, That if the independent review panel report finds that appropriate actions were not taken to control suppression costs for one or more such wildfire incidents, then an amount equal to the aggregate estimated excess costs of suppressing those wildfire incidents shall be transferred to the Treasury from unobligated balances remaining at the end of fiscal year 2005 in the Wildland Fire Management account: *Provided further*, That Public Law 108-287, title X, chapter 3 is amended under the heading “Department of Agriculture, Forest Service, Wildland Fire Management”, by striking the phrases “for fiscal year 2004” and “related to the fiscal year 2004 fire season” in the text preceding the first proviso.

Reports.  
Deadline.

Establishment.  
Reports.

*Ante*, p. 1012.

## TITLE V

SEC. 501. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.594 percent of—

(1) the budget authority provided for fiscal year 2005 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2004.

118 STAT. 3112

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading “Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians”, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2005, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

Applicability.

118 STAT. 3112

PUBLIC LAW 108-447—DEC. 8, 2004

This division may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 3341

DIVISION J—OTHER MATTERS

Miscellaneous Appropriations and Offsets Act, 2005.

TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

\* \* \* \* \*

118 STAT. 3344

SEC. 109. DESIGNATION OF NATIONAL TREE.

(a) DESIGNATION.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following:

“§ 305. National tree

“The tree genus Quercus, commonly known as the oak tree, is the national tree.”.

(b) CONFORMING AMENDMENTS.—Such title is amended—

(1) in the table of contents for part A of subtitle I, by striking “, and March” and inserting “March, and Tree”;

(2) in the chapter heading for chapter 3, by striking “, AND MARCH” and inserting “MARCH, AND TREE”; and

(3) in the table of sections for chapter 3, by adding at the end the following:

“305. National tree.”.

\* \* \* \* \*

Government employees. 36 USC 106 note.

SEC. 111. (a) The head of each Federal agency or department shall—

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code, is amended—

118 STAT. 3345

(1) in section 106—

(A) in the heading, by inserting “Constitution Day and” before “Citizenship Day”;

(B) in subsection (a), by striking “is Citizenship Day.” and inserting “is designated as Constitution Day and Citizenship Day.”;

(C) in subsection (b)—

(i) by inserting “Constitution Day and” before “Citizenship Day”;

(ii) by striking “commemorates” and inserting “commemorate”; and

(iii) by striking “recognizes” and inserting “recognize”;

(D) in subsection (c), by inserting “Constitution Day and” before “Citizenship Day” both places such term appears; and

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3345

(E) in subsection (d), by inserting “Constitution Day and” before “Citizenship Day”; and

(2) in the item relating to section 106 of the table of contents, by inserting “Constitution Day and” before “Citizenship Day”.

(d) This section shall be without fiscal year limitation.

\* \* \* \* \*

SEC. 116. (a) DESIGNATION OF NATIONAL VETERANS MEMORIAL.—The Mt. Soledad Veterans Memorial located within the Soledad Natural Park in San Diego, California, which consists of a 29 foot-tall cross and surrounding granite memorial walls containing plaques engraved with the names and photographs of veterans of the United States Armed Forces, is hereby designated as a national memorial honoring veterans of the United States Armed Forces.

118 STAT. 3346  
California.  
16 USC 431 note.

(b) ACQUISITION AND ADMINISTRATION BY UNITED STATES.—Not later than 90 days after the date on which the City of San Diego, California, offers to donate the Mt. Soledad Veterans Memorial to the United States, the Secretary of the Interior shall accept, on behalf of the United States, all right, title, and interest of the City in and to the Mt. Soledad Veterans Memorial.

Deadline.

(c) ADMINISTRATION OF MEMORIAL.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of the Interior shall administer the Mt. Soledad Veterans Memorial as a unit of the National Park System, except that the Secretary shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance by the Association of the cross and surrounding granite memorial walls and plaques of the Memorial.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map NO. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with a radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14’33” East (Record South 17 degrees 14’09” East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution NO. 216644 adopted August 25, 1976; thence North 39 degrees 59’24” East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by a survey prepared jointly by the City of San Diego and the Secretary of the Interior. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

118 STAT. 3347

\* \* \* \* \*

SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.80 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appropriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

This title may be cited as the “Miscellaneous Appropriations and Offsets Act, 2005”.

225th  
Anniversary of  
the American  
Revolution  
Commemoration  
Act.  
36 USC note  
prec. 101.  
36 USC note  
prec. 101.

## TITLE II—225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION ACT

### SEC. 201. SHORT TITLE.

This title may be cited as the “225th Anniversary of the American Revolution Commemoration Act”.

### SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The American Revolution, inspired by the spirit of liberty and independence among the inhabitants of the original 13 colonies of Great Britain, was an event of global significance having a profound and lasting effect upon American Government, laws, culture, society, and values.

(2) The years 2000 through 2008 mark the 225th anniversary of the Revolutionary War.

(3) Every generation of American citizens should have an opportunity to understand and appreciate the continuing legacy of the American Revolution.

(4) This 225th anniversary provides an opportunity to enhance public awareness and understanding of the impact of the American Revolution's legacy on the lives of citizens today.

(5) Although the National Park Service administers battlefields, historical parks, historic sites, and programs that address elements of the story of the American Revolution, there is a need to establish partnerships that link sites and programs



PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3349

administered by the National Park Service with those of other Federal and non-Federal entities in order to place the story of the American Revolution in the broad context of its causes, consequences, and meanings.

(6) The story and significance of the American Revolution can best engage the American people through a national program of the National Park Service that links historic structures and sites, routes, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To recognize the enduring importance of the American Revolution in the lives of American citizens today.

(2) To authorize the National Park Service to coordinate, connect, and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the American Revolution, its significance, and its relevance to the shape and spirit of American Government and society.

**SEC. 203. 225TH ANNIVERSARY OF THE AMERICAN REVOLUTION  
COMMEMORATION PROGRAM.**

36 USC note  
prec. 101.

(a) **IN GENERAL.**—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) shall establish a program to be known as the “225th Anniversary of the American Revolution Commemoration” (hereinafter in this Act referred to as the “225th Anniversary”). In administering the 225th Anniversary, the Secretary shall—

(1) produce and disseminate to appropriate persons educational materials, such as handbooks, maps, interpretive guides, or electronic information related to the 225th Anniversary and the American Revolution;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c);

(3) assist in the protection of resources associated with the American Revolution;

(4) enhance communications, connections, and collaboration among the National Park Service units and programs related to the Revolutionary War;

(5) expand the research base for American Revolution interpretation and education; and

(6) create and adopt an official, uniform symbol or device for the theme “Lighting Freedom’s Flame: American Revolution, 225th Anniversary” and issue regulations for its use.

Regulations.

(b) **ELEMENTS.**—The 225th Anniversary shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the American Revolution.

(2) Other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are documented to be directly related to the American Revolution.

(3) Through the Secretary of State, the participation of the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

118 STAT. 3050

PUBLIC LAW 108-447—DEC. 8, 2004

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the 225th Anniversary with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the following:

(1) The heads of other Federal agencies, States, units of local government, and private entities.

(2) In cooperation with the Secretary of State, the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act \$500,000 for each of fiscal years 2004 through 2009.

\* \* \* \* \*

118 STAT. 3361  
National  
Aviation  
Heritage Area  
Act.  
16 USC 461 note.

#### TITLE V—NATIONAL AVIATION HERITAGE AREA

**SEC. 501. SHORT TITLE.**

This title may be cited as the “National Aviation Heritage Area Act”.

16 USC 461 note. **SEC. 502. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation’s economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation’s leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation’s cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3361

and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

118 STAT. 3362

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: "Study of Alternatives: Dayton's Aviation Heritage", "Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study", "Dayton Aviation Heritage General Management Plan", "Dayton Historic Resources Preservation and Development Plan", and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal Government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

118 STAT. 3362

PUBLIC LAW 108-447—DEC. 8, 2004

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

118 STAT. 3363

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

16 USC 461 note.

**SEC. 503. DEFINITIONS.**

For purposes of this title:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Foundation.

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area developed under section 106.

(5) **MANAGEMENT ENTITY.**—The term “management entity” means the Aviation Heritage Foundation, Incorporated (a non-profit corporation established under the laws of the State of Ohio).

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

(8) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

16 USC 461 note.

**SEC. 504. NATIONAL AVIATION HERITAGE AREA.**Ohio.  
Indiana.

(a) **ESTABLISHMENT.**—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3363

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

**SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.** 16 USC 461 note.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

- (1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;
- (2) hire and compensate staff; and
- (3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

- (1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;
- (2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;
- (3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;
- (4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;
- (5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;
- (6) assist units of government and nonprofit organizations in—
  - (A) establishing and maintaining interpretive exhibits in the Heritage Area;
  - (B) developing recreational resources in the Heritage Area;
  - (C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and
  - (D) restoring historic buildings that relate to the purposes of the Heritage Area;
- (7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;
- (8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and
- (9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary

Reports.  
Deadlines.

118 STAT. 3364

118 STAT. 3364

PUBLIC LAW 108-447—DEC. 8, 2004

for audit all records concerning the expenditure of such funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

118 STAT. 3365  
16 USC 461 note.  
Deadline.

**SEC. 506. MANAGEMENT PLAN.**

(a) **PREPARATION OF PLAN.**—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) **CONTENTS.**—The Management Plan shall 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 and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) **DISQUALIFICATION FROM FUNDING.**—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

Deadline.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary, in consultation with the State of Ohio, shall approve

or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Deadline.

(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

118 STAT. 3366

**SEC. 507. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

16 USC 461 note.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

Contracts.

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 508. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.**

16 USC 461 note.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

**SEC. 509. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

16 USC 461 note.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent

118 STAT. 3366

PUBLIC LAW 108-447—DEC. 8, 2004

for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

118 STAT. 3367  
16 USC 461 note.

**SEC. 510. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

16 USC 461 note.

**SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) **FIFTY PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

16 USC 461 note.

**SEC. 512. SUNSET PROVISION.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

16 USC 461 note.

**SEC. 513. WRIGHT COMPANY FACTORY STUDY AND REPORT.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) **CONTENTS.**—The study shall include an analysis of alternatives for including the Wright Company factory as a



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3367

unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

(b) REPORT.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section. 118 STAT. 3368

#### TITLE VI—OIL REGION NATIONAL HERITAGE AREA

Oil Region  
National  
Heritage Area  
Act.  
16 USC 461 note.

##### SEC. 601. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the “Oil Region National Heritage Area Act”.

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:

(1) HERITAGE AREA.—The term “Heritage Area” means the Oil Region National Heritage Area established in section 603(a).

(2) MANAGEMENT ENTITY.—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.

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

##### SEC. 602. FINDINGS AND PURPOSE.

16 USC 461 note.

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

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102-271, traverses the Oil Region and connects several of its major sites, as do some of the river’s tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

118 STAT. 3368

PUBLIC LAW 108-447—DEC. 8, 2004

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

118 STAT. 3369

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

16 USC 461 note.

**SEC. 603. OIL REGION NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

Federal Register,  
publication.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 605(b).

16 USC 461 note.

**SEC. 604. COMPACT.**

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

16 USC 461 note.

**SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.**

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3369

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

118 STAT. 3370

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) **DEADLINE; TERMINATION OF FUNDING.**—

(1) **DEADLINE.**—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

118 STAT. 3370

PUBLIC LAW 108-447—DEC. 8, 2004

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

118 STAT. 3371

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

Reports.

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

16 USC 461 note.

**SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3371

guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area. 118 STAT. 3372

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria: Deadline.

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted. Deadline.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 605(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

**SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.**

16 USC 461 note.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

**SEC. 608. SUNSET.**

16 USC 461 note.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period

118 STAT. 3372

PUBLIC LAW 108-447—DEC. 8, 2004

beginning on the date that funds are first made available for this title.

118 STAT. 3373  
16 USC 461 note.

**SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

16 USC 461 note.

**SEC. 610. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

16 USC 461 note.

**SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

16 USC 461 note.

**SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title—

(1) not more than \$1,000,000 for any fiscal year; and

(2) not more than a total of \$10,000,000.

(b) **50 PERCENT MATCH.**—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3374

TITLE VII—MISSISSIPPI GULF COAST NATIONAL HERITAGE  
AREA ACTMississippi Gulf  
Coast National  
Heritage Area  
Act.  
16 USC 461 note.**SEC. 701. SHORT TITLE.**

This title may be cited as the “Mississippi Gulf Coast National Heritage Area Act”.

**SEC. 702. CONGRESSIONAL FINDINGS.**

16 USC 461 note.

Congress finds that—

(1) the 6-county area in southern Mississippi located on the Gulf of Mexico and in the Mississippi Coastal Plain has a unique identity that is shaped by—

(A) the coastal and riverine environment; and

(B) the diverse cultures that have settled in the area;

(2) the area is rich with diverse cultural and historical significance, including—

(A) early Native American settlements; and

(B) Spanish, French, and English settlements originating in the 1600s;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and other interested individuals for the establishment of the Mississippi Gulf Coast National Heritage Area to coordinate and assist in the preservation and interpretation of those resources;

(5) the Comprehensive Resource Management Plan, coordinated by the Mississippi Department of Marine Resources—

(A) is a collaborative effort of the Federal Government and State and local governments in the area; and

(B) is a natural foundation on which to establish the Heritage Area; and

(6) establishment of the Heritage Area would assist local communities and residents in preserving the unique cultural, historical, and natural resources of the area.

**SEC. 703. DEFINITIONS.**

16 USC 461 note.

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Gulf Coast National Heritage Area established by section 4(a).

(2) **COORDINATING ENTITY.**—The term “coordinating entity” means the coordinating entity for the Heritage Area designated by section 4(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 5.

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

(5) **STATE.**—The term “State” means the State of Mississippi.

**SEC. 704. MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA.**

16 USC 461 note.

(a) **ESTABLISHMENT.**—There is established in the State the Mississippi Gulf Coast National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the counties of Pearl River, Stone, George, Hancock, Harrison, and Jackson in the State.

(c) **COORDINATING ENTITY.**—

118 STAT. 3375

PUBLIC LAW 108-447—DEC. 8, 2004

(1) **IN GENERAL.**—The Mississippi Department of Marine Resources, in consultation with the Mississippi Department of Archives and History, shall serve as the coordinating entity for the Heritage Area.

(2) **OVERSIGHT COMMITTEE.**—The coordinating entity shall ensure that each of the 6 counties included in the Heritage Area is appropriately represented on any oversight committee.

16 USC 461 note.

**SEC. 705. MANAGEMENT PLAN.**

Deadline.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the coordinating entity shall develop and submit to the Secretary a management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) provide recommendations for the conservation, funding, management, interpretation, and development of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(2) identify sources of funding for the Heritage Area;

(3) include—

(A) an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(B) an analysis of ways in which Federal, State, tribal, and local programs may best be coordinated to promote the purposes of this Act;

(4) provide recommendations for educational and interpretive programs to inform the public about the resources of the Heritage Area; and

(5) involve residents of affected communities and tribal and local governments.

(c) **FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in subsection (a), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(d) **APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the coordinating entity in writing of the reasons for disapproval;

(B) make recommendations for revision of the management plan; and

(C) allow the coordinating entity to submit to the Secretary revisions to the management plan.

(e) **REVISION.**—After approval by the Secretary of the management plan, the coordinating entity shall periodically—

(1) review the management plan; and

(2) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

16 USC 461 note.

**SEC. 706. AUTHORITIES AND DUTIES OF COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan and otherwise carrying out this



Act, the coordinating entity may make grants to and provide technical assistance to tribal and local governments, and other public and private entities.

(b) DUTIES.—In addition to developing the management plan under section 5, in carrying out this Act, the coordinating entity shall—

- (1) implement the management plan; and
- (2) assist local and tribal governments and non-profit organizations in—
  - (A) establishing and maintaining interpretive exhibits in the Heritage Area;
  - (B) developing recreational resources in the Heritage Area;
  - (C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological, and natural resources of the Heritage Area;
  - (D) restoring historic structures that relate to the Heritage Area; and
  - (E) carrying out any other activity that the coordinating entity determines to be appropriate to carry out this Act, consistent with the management plan;
- (3) conduct public meetings at least annually regarding the implementation of the management plan; and
- (4) for any fiscal year for which Federal funds are made available under section 9—

- (A) submit to the Secretary a report that describes, for the fiscal year, the actions of the coordinating entity in carrying out this Act;

Reports.

- (B) make available to the Secretary for audit all records relating to the expenditure of funds and any matching funds; and

- (C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available to the Secretary for audit all records relating to the expenditure of the funds.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The coordinating entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

**SEC. 707. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

16 USC 461 note.

(a) IN GENERAL.—On the request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity for use in the development and implementation of the management plan.

(b) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this section, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

**SEC. 708. EFFECT OF ACT.**

16 USC 461 note.

Nothing in this Act—

- (1) affects or authorizes the coordinating entity to interfere with—

- (A) the right of any person with respect to private property; or

- (B) any local zoning ordinance or land use plan;

118 STAT. 3377

PUBLIC LAW 108-447—DEC. 8, 2004

(2) restricts an Indian tribe from protecting cultural or religious sites on tribal land;

(3) modifies, enlarges, or diminishes the authority of any State, tribal, or local government to regulate any use of land under any other law (including regulations);

(4)(A) modifies, enlarges, or diminishes the authority of the State to manage fish and wildlife in the Heritage Area, including the regulation of fishing and hunting; or

(B) authorizes the coordinating entity to assume any management authorities over such lands; or

(5) diminishes the trust responsibilities or government-to-government obligations of the United States to any federally recognized Indian tribe.

16 USC 461 note. **SEC. 709. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

Federal Lands  
Recreation  
Enhancement  
Act.  
16 USC 6801  
note.

## VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

### **SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.
- Sec. 812. Enforcement and protection of receipts.
- Sec. 813. Repeal of superseded admission and use fee authorities.
- Sec. 814. Relation to other laws and fee collection authorities.
- Sec. 815. Limitation on use of fees for employee bonuses.

16 USC 6801. **SEC. 802. DEFINITIONS.**

In this Act:

(1) **STANDARD AMENITY RECREATION FEE.**—The term “standard amenity recreation fee” means the recreation fee authorized by section 3(f).

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by section 3(g).

(3) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3378

of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) FEDERAL RECREATIONAL LANDS AND WATERS.—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 5.

(7) PASSHOLDER.—The term “passholder” means the person who is issued a recreation pass.

(8) RECREATION FEE.—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) RECREATION PASS.—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 5.

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

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

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

(11) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) SPECIAL ACCOUNT.—The term “special account” means the special account established in the Treasury under section 7 for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT FEE.—The term “special recreation permit fee” means the fee authorized by section 3(h).

#### SEC. 803. RECREATION FEE AUTHORITY.

16 USC 6802.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

118 STAT. 3379

PUBLIC LAW 108-447—DEC. 8, 2004

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—

An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3380

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and throughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

- (i) Designated developed parking.
- (ii) A permanent toilet facility.
- (iii) A permanent trash receptacle.
- (iv) Interpretive sign, exhibit, or kiosk.
- (v) Picnic tables.
- (vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

(A) Use of developed campgrounds that provide at least a majority of the following:

- (i) Tent or trailer spaces.
- (ii) Picnic tables.
- (iii) Drinking water.
- (iv) Access roads.
- (v) The collection of the fee by an employee or agent of the Federal land management agency.
- (vi) Reasonable visitor protection.
- (vii) Refuse containers.
- (viii) Toilet facilities.
- (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

- (i) Bathhouse with showers and flush toilets.
- (ii) Refuse containers.

- (iii) Picnic areas.
- (iv) Paved parking.
- (v) Attendants, including lifeguards.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

(h) **SPECIAL RECREATION PERMIT FEE.**—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

**SEC. 804. PUBLIC PARTICIPATION.**

16 USC 6803.

(a) **IN GENERAL.**—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act.

(b) **ADVANCE NOTICE.**—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

Federal Register, publication.

(c) **PUBLIC INVOLVEMENT.**—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

- (1) establishing guidelines for public involvement;
- (2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and
- (3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

Guidelines.

Federal Register, publication.

(d) **RECREATION RESOURCE ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—

(A) **AUTHORITY TO ESTABLISH.**—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) **NUMBER OF COMMITTEES.**—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act.

(C) **EXCEPTION.**—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) **USE OF OTHER ENTITIES.**—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of

law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

Deadline.



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3384

(V) Hunting and fishing.

(ii) Three persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) TERM.—

(A) LENGTH OF TERM.—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) EFFECT OF UNEXPECTED VACANCY.—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) QUORUM.—Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) APPROVAL PROCEDURES.—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

(A) NOTICE OF MEETINGS.—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

Newspaper,  
publication.  
Federal Register,  
publication.

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

Public  
information.

118 STAT. 3385

PUBLIC LAW 108-447—DEC. 8, 2004

(12) FEDERAL ADVISORY COMMITTEE ACT.—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.

16 USC 6804.

**SEC. 805. RECREATION PASSES.**

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section 6.

Federal Register,  
publication.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3386

(C) **MARKETING.**—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) **ADMINISTRATIVE GUIDELINES.**—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) **DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.**—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) **PROHIBITION ON OTHER NATIONAL RECREATION PASSES.**—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) **DISCOUNTED PASSES.**—

(1) **AGE DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) **DISABILITY DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) **SITE-SPECIFIC AGENCY PASSES.**—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) **REGIONAL MULTIENTITY PASSES.**—

(1) **PASSES AUTHORIZED.**—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) REGIONAL MULTIENTITY PASS AGREEMENT.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) EFFECT ON EXISTING PASSPORTS AND PERMITS.—

(1) EXISTING PASSPORTS.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

16 USC 6805.

**SEC. 806. COOPERATIVE AGREEMENTS.**

(a) FEE MANAGEMENT AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) REVENUE SHARING.—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) COUNTY PROPOSALS.—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3388

**SEC. 807. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.** 16 USC 6806.

(a) **SPECIAL ACCOUNT.**—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) **DEPOSITS.**—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) **DISTRIBUTION OF RECREATION FEES AND SINGLE-SITE AGENCY PASS REVENUES.**—

(1) **LOCAL DISTRIBUTION OF FUNDS.**—

(A) **RETENTION OF REVENUES.**—Not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) **REDUCTION.**—The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) **AGENCY-WIDE DISTRIBUTION OF FUNDS.**—The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) **OTHER AMOUNTS.**—Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) **DISTRIBUTION OF NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS REVENUES.**—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

(e) **DISTRIBUTION OF REGIONAL MULTIENTITY PASS REVENUES.**—Revenues collected from the sale of a regional multientity pass authorized under section 5(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

**SEC. 808. EXPENDITURES.**

16 USC 6807.

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under section 6(a) or a visitor reservation service.

(b) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section 5(a)(7); and

(2) a regional multientity pass authorized section 5(d) during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

16 USC 6808.

**SEC. 809. REPORTS.**

Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees, and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.

16 USC 6809.

**SEC. 810. SUNSET PROVISION.**

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.

16 USC 6810.

**SEC. 811. VOLUNTEERS.**

(a) **AUTHORITY TO USE VOLUNTEERS.**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

(b) **WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3390

an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 5(c).

(c) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—In accordance with the guidelines issued under section 5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) REGIONAL MULTIENTITY PASSES.—The Secretary may issue a regional multientity pass authorized under section 5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

**SEC. 812. ENFORCEMENT AND PROTECTION OF RECEIPTS.**

16 USC 6811.

(a) ENFORCEMENT AUTHORITY.—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

(b) EVIDENCE OF NONPAYMENT.—If the display of proof of payment of a recreation fee, or the payment of a recreation fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) JOINT LIABILITY.—The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) LIMITATION ON PENALTIES.—The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18, United States Code.

**SEC. 813. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.**

16 USC 6812.

(a) LAND AND WATER CONSERVATION FUND ACT.—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section 5(a)(3) is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

Federal Register,  
publication.  
16 USC 4601-6a.

(b) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), is repealed.

16 USC 4601-6a.

(c) ADMISSION PERMITS FOR REFUGE UNITS.—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the

Effective date.

118 STAT. 3391

PUBLIC LAW 108-447—DEC. 8, 2004

establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982).

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995).

(e) TREATMENT OF UNOBLIGATED FUNDS.—

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS.—Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT.—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS.—Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3392

**SEC. 814. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.** 16 USC 6813.

(a) **FEDERAL AND STATE LAWS UNAFFECTED.**—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) **RELATION TO REVENUE ALLOCATION LAWS.**—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500).

(2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).

(3) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

(6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869-4).

(7) Chapter 69 of title 31, United States Code.

(8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

(10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 4601-12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106-298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) **CONSIDERATION OF OTHER FUNDS COLLECTED.**—Amounts collected under any other law may not be disbursed under this Act.

118 STAT. 3393

PUBLIC LAW 108-447—DEC. 8, 2004

(d) **SOLE RECREATION FEE AUTHORITY.**—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law.

(e) **FEES CHARGED BY THIRD PARTIES.**—Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) **MIGRATORY BIRD HUNTING STAMP ACT.**—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

16 USC 6814.

**SEC. 815. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.**

Notwithstanding any other provision of law, fees collected under the authorities of the Act may not be used for employee bonuses.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

**HOUSE REPORTS:** Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

**SENATE REPORTS:** No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Dec. 8, Presidential statement.

**3. Consolidated Appropriations Resolution for FY 2003**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.  
That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**WILDLAND FIRE MANAGEMENT**

117 STAT. 217

For necessary expenses for fire preparedness, suppression oper-  
ations, fire science and research, emergency rehabilitation, haz-  
ardous fuels reduction, and rural fire assistance by the Department  
of the Interior, \$654,406,000, to remain available until expended,  
of which not to exceed \$12,374,000 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*,

117 STAT. 217

PUBLIC LAW 108-7—FEB. 20, 2003

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 in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *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.

117 STAT. 218

\* \* \* \* \*

117 STAT. 224

## 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 special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,565,565,000, of which \$10,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which \$85,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition

## PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 224

assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

117 STAT. 225

## UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,431,000.

## 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, \$61,667,000.

## URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$300,000, to remain available until expended.

## 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), \$69,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004: *Provided*, That, of the amount provided herein, \$2,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects

117 STAT. 225

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 226 by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$327,843,000, to remain available until expended, of which \$1,800,000 for the Virginia City Historic District and \$500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, of which not to exceed \$3,000,000 is for site acquisition for the proposed Morris Thompson Cultural and Visitors Center, to be made available to the Tanana Chiefs Conference under an Annual Funding Agreement through the Indian Self-Determination and Education Assistance Act, and of which \$400,000 is for the Alice Ferguson Foundation for facility upgrade and rehabilitation at the Hard Bargain Farm: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of \$5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105-325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.

Applicability.

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

16 USC 460l-10a note. The contract authority provided for fiscal year 2003 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, \$172,468,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$98,000,000 is for the State assistance program including \$3,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, \$15,000,000 may be for Federal grants,

## PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 226

including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

117 STAT. 227

## ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: *Provided*, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts

16 USC 1h.

16 USC 1i.

117 STAT. 227

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 228 received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

\* \* \* \* \*

117 STAT. 237

## 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 notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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 are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and 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



PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 237

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 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 are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and 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.

117 STAT. 238

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. 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; 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. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

\* \* \* \* \*

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a

117 STAT. 239

117 STAT. 239

PUBLIC LAW 108-7—FEB. 20, 2003

unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

\* \* \* \* \*

16 USC 460bb-3  
note.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. The proceeds of the agreements or leases or any statutorily authorized fees, hereafter shall be retained by the Secretary and such proceeds shall remain available until expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

117 STAT. 240

\* \* \* \* \*

SEC. 119. 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 Public Law 100-696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

\* \* \* \* \*

117 STAT. 242

SEC. 125. 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 governmental 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.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 242

SEC. 128. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance. 16 USC 459j-4 note.

\* \* \* \* \*

SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a nonprofit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305. 117 STAT. 243

\* \* \* \* \*

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase “appropriations made for the Bureau of Land Management” the phrase “including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs”.

SEC. 136. Public Law 107-106 is amended as follows: in section 5(a) strike “9 months after the date of enactment of the Act” and insert in lieu thereof “September 30, 2003”. 115 Stat. 1010.

SEC. 137. Notwithstanding any other provision of law, the funds provided in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act of 2002, Public Law 107-116, for the National Museum of African American History and Culture Plan for Action Presidential Commission shall remain available until expended.

\* \* \* \* \*

SEC. 140. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year. 117 STAT. 244  
16 USC 195 note.

SEC. 141. Section 6(f) of Public Law 88-578 as amended shall not apply to LWCF program #02-00010.

SEC. 142. Notwithstanding section 1(d) of Public Law 107-62, the National Park Service is authorized to obligate \$1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners. 40 USC 8903 note.

SEC. 143. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

\* \* \* \* \*

117 STAT. 245

PUBLIC LAW 108-7—FEB. 20, 2003

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

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

“(1) IN GENERAL.—Except”;

(2) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(3) by striking “(2) The Secretary” and inserting the following:

“(2) WAIVER.—The Secretary”;

(4) by striking “paragraph (1)” and inserting “paragraphs (1) and (3)”;

(5) by adding at the end the following:

“(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “Pursuant to” and inserting the following:

“(1) IN GENERAL.—Under”;

(2) by adding at the end the following:

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008.”.

\* \* \* \* \*

117 STAT. 246

SEC. 154. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

\* \* \* \* \*

117 STAT. 247

SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. (a) AUTHORITY.—The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled “Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement” and dated July 2000.

(b) CONDITION.—

(1) IN GENERAL.—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 247

under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) **AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.**—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) **FUNDING.**—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

**SEC. 158.** 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. 160. MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT ACT.** (a) **SHORT TITLE.**—This section may be cited as the “Moccasin Bend National Archeological District Act”.

(b) **DEFINITIONS.**—As used in this section:

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

(2) **ARCHEOLOGICAL DISTRICT.**—The term “archeological district” means the Moccasin Bend National Archeological District.

(3) **STATE.**—The term “State” means the State of Tennessee.

(4) **MAP.**—The term “Map” means the map entitled, “Boundary Map Moccasin Bend National Archeological District”, numbered 301/80098, and dated September 2002.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) **BOUNDARIES.**—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(3) **ACQUISITION OF LAND AND INTERESTS IN LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) **EASEMENT OUTSIDE BOUNDARY.**—To allow access between areas of the archeological district that on the date of the enactment of this section are noncontiguous, the Secretary may acquire by donation or purchase from

Moccasin Bend  
National  
Archeological  
District Act.  
Tennessee.  
16 USC 424c.  
117 STAT. 248

117 STAT. 248

PUBLIC LAW 108-7—FEB. 20, 2003

willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

Deadline.

(4) GENERAL MANAGEMENT PLAN.—Not later than 3 years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

117 STAT. 249

(e) REPEAL OF PREVIOUS ACQUISITION AUTHORITY.—The Act of August 3, 1950 (chapter 532; 16 U.S.C. 424a-4) is repealed.

\* \* \* \* \*

117 STAT. 264

OTHER RELATED AGENCIES

\* \* \* \* \*

117 STAT. 268

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall 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

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 268

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 PROVISIONS

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 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.

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), \$1,224,000: *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.

117 STAT. 269

\* \* \* \* \*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,667,000: *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, \$7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

\* \* \* \* \*

117 STAT. 269

PUBLIC LAW 108-7—FEB. 20, 2003

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$21,327,000 shall be available to the Presidio Trust, to remain available until expended.

117 STAT. 270

## TITLE III—GENERAL PROVISIONS

Contracts.  
Public  
information.

SEC. 301. 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.

SEC. 302. 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.

SEC. 303. 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. 304. 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.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. 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 2002.

SEC. 307. (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.

(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.



PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 270

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208). Deadline.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors. 117 STAT. 271

\* \* \* \* \*

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations. 117 STAT. 272

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

\* \* \* \* \*

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted. 117 STAT. 273

\* \* \* \* \*

SEC. 326. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004, qualify for General Service Administration contract airfares. 117 STAT. 276

SEC. 327. 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 fighting fires. 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. 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. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 328. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104-19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

117 STAT. 277

\* \* \* \* \*

SEC. 330. 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 appropriations Act.

\* \* \* \* \*

SEC. 332. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 333. In awarding a Federal Contract with funds made available by this Act, 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 the contract 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.

\* \* \* \* \*

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

117 STAT. 278

(1) at subsection (d)(1) by striking “An” and inserting in its place “Except as otherwise set forth in subsection (d)(3) of this section, an”;

(2) by creating the following new subsection:

“(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

“(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

“(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.”; and

(3) by creating the following new subsection:

“(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”.

\* \* \* \* \*

SEC. 340. 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

117 STAT. 279

117 STAT. 279

PUBLIC LAW 108-7—FEB. 20, 2003

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.

\* \* \* \* \*

117 STAT. 554

Approved February 20, 2003.

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
 CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

4. Department of Agriculture Appropriations for FY 2006

PUBLIC LAW 109–97—NOV. 10, 2005

119 STAT. 2120

Public Law 109–97  
109th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Nov. 10, 2005  
[H.R. 2744]

*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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 2006.

\* \* \* \* \*

TITLE VII

119 STAT. 2149

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

\* \* \* \* \*

SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, is amended as follows:

119 STAT. 2166

(1) Under the heading “National Park Service, Construction”—

*Ante*, p. 508.

(A) by striking “of which” after “\$301,291,000, to remain available until expended,” and inserting “and”;

(B) in the sixth proviso, by striking “hereinafter” and inserting “hereafter” and, after “Annex”, inserting the following: “and the Blue Ridge Parkway Regional Destination Visitor Center”; and

(C) in the seventh proviso, by striking “solicitation and contract” and inserting “solicitations and contracts”.

(2) Under the heading “National Park Service, Land Acquisition and State Assistance” by striking “\$74,824,000” and inserting “\$64,909,000”.

*Ante*, p. 509.

\* \* \* \* \*

(6) At the end of title IV—General Provisions, insert the following:

119 STAT. 2167  
*Ante*, p. 559.

“SEC. 440. REDESIGNATION OF WILDERNESS.

“(a) REDESIGNATION.—Section 140(c)(4) of division E of Public Law 108–447 is amended by striking ‘National’.

16 USC 1132  
note.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ‘Gaylord A. Nelson National Wilderness’ shall be deemed to be a reference to the ‘Gaylord A. Nelson Wilderness’.”.

119 STAT. 2167

PUBLIC LAW 109-97—NOV. 10, 2005

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006”.

Approved November 10, 2005.

---

LEGISLATIVE HISTORY—H.R. 2744:

HOUSE REPORTS: Nos. 109-102 (Comm. on Appropriations) and 109-255 (Comm. of Conference).

SENATE REPORTS: No. 109-92 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 8, considered and passed House.

Sept. 15, 19-22, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 2, 3, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 10, Presidential statement.

**5. Department of Defense Appropriations for FY 2004**

PUBLIC LAW 108–87—SEPT. 30, 2003

117 STAT. 1054

Public Law 108–87  
108th Congress

**An Act**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Sept. 30, 2003  
[H.R. 2658]

*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, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of  
Defense  
Appropriations  
Act, 2004.

\* \* \* \* \*

**TITLE VIII**

117 STAT. 1071

**GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 8121. (a) EXCHANGE REQUIRED.**—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the “recipient”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

117 STAT. 1100  
16 USC  
410aaa–56 note,  
431 note.

**(b) CONSIDERATION.**—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

**(c) EQUAL VALUE EXCHANGE; APPRAISAL.**—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

**(d) CASH EQUALIZATION.**—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary

117 STAT. 1100

PUBLIC LAW 108–87—SEPT. 30, 2003

shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

\* \* \* \* \*

117 STAT. 1109

This Act may be cited as the “Department of Defense Appropriations Act, 2004”.

Approved September 30, 2003.

---

**LEGISLATIVE HISTORY—H.R. 2658 (S. 1382):**

**HOUSE REPORTS:** Nos. 108–187 (Comm. on Appropriations) and 108–283 (Comm. of Conference).

**SENATE REPORTS:** No. 108–87 accompanying S. 1382 (Comm. on Appropriations).  
**CONGRESSIONAL RECORD**, Vol. 149 (2003):

July 8, considered and passed House.

July 14–17, considered and passed Senate, amended.

Sept. 24, House agreed to conference report.

Sept. 25, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 39 (2003):

Sept. 30, Presidential statement.



6. Department of Defense Appropriations for FY 2006

PUBLIC LAW 109-148—DEC. 30, 2005

119 STAT. 2680

Public Law 109-148  
109th Congress

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Dec. 30, 2005  
[H.R. 2863]

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

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

\* \* \* \* \*

Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006. Department of Defense Appropriations Act, 2006.

TITLE VIII

119 STAT. 2697

GENERAL PROVISIONS

\* \* \* \* \*

SEC. 8098. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$33,350,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: \$3,850,000 to the Intrepid Sea-Air-Space Foundation; \$1,000,000 to the Pentagon Memorial Fund, Inc.; \$4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; \$1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; \$500,000 to the Westchester County World Trade Center Memorial; \$1,000,000 to the Women in Military Service for America Memorial Foundation; \$2,000,000 to The Presidio Trust; \$500,000 to George Mason University for the Clinic for Legal Assistance to Servicemembers; \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$1,000,000 to the American Civil War Center at Historic Tredegar; \$1,500,000 to the Museum of Flight, American Heroes Collection; \$1,000,000 to the National Guard Youth Foundation; \$2,550,000 to the United Services Organization; \$1,700,000 to the Dwight D. Eisenhower Memorial Commission; \$1,000,000 to the Iraq Cultural Heritage Assistance Project; \$1,350,000 to the Pacific Aviation Museum-Pearl Harbor; \$1,500,000 to the Red Cross Consolidated Blood Services Facility; \$150,000 to the Telluride Adaptive Sports Program; \$4,000,000 to T.H.A.N.K.S USA; \$1,500,000 to the Battleship Texas Foundation to Restore and Preserve the Battleship Texas; and \$1,000,000 to the Pennsylvania Veterans Museum Media Armory.

119 STAT. 2720

Grants.

119 STAT. 2721

\* \* \* \* \*

119 STAT. 2745

PUBLIC LAW 109-148—DEC. 30, 2005

Emergency  
Supplemental  
Appropriations  
Act to Address  
Hurricanes in the  
Gulf of Mexico  
and Pandemic  
Influenza, 2006.

## DIVISION B

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO AD-  
DRESS HURRICANES IN THE GULF OF MEXICO AND PAN-  
DEMIC INFLUENZA, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to address hurricanes in the Gulf of Mexico and pandemic influenza for the fiscal year ending September 30, 2006, and for other purposes, namely:

## TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO  
ADDRESS HURRICANES IN THE GULF OF MEXICO

\* \* \* \* \*

119 STAT. 2765

## CHAPTER 5

## DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 2766

## NATIONAL PARK SERVICE

## CONSTRUCTION

For an additional amount for “Construction” for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$19,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

\* \* \* \* \*

119 STAT. 2832

This Act may be cited as the “Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006”.

Approved December 30, 2005.

---

LEGISLATIVE HISTORY—H.R. 2863:

HOUSE REPORTS: Nos. 109-119 (Comm. on Appropriations) and 109-359 (Comm. of Conference).

SENATE REPORTS: No. 109-141 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 20, considered and passed House.

Sept. 29, 30, Oct. 3-7, considered and passed Senate, amended.

Dec. 19, House agreed to conference report.

Dec. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Dec. 30, Presidential statement.

**7. Department of the Interior Appropriations for FY 2004**

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:*

Department of the Interior and Related Agencies Appropriations Act, 2004.

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**WILDLAND FIRE MANAGEMENT**

117 STAT. 1242

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, \$792,725,000, to remain available until expended, of which not to exceed \$12,374,000 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 of the funds provided, \$99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: *Provided further*, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: *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*,

117 STAT. 1242

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1243

That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) 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 \$12,000,000, 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.

\* \* \* \* \*

117 STAT. 1249

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 special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,629,641,000, of which \$10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,480,000, to remain available until September 30, 2005, is 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; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United

## PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1249

States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105-58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-Federal funds.

117 STAT. 1250

## UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,859,000.

## 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, \$62,544,000, of which \$1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105-58.

## URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$305,000, to remain available until expended.

## 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), \$74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That, of the amount provided herein, \$500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, \$33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds:

117 STAT. 1250

PUBLIC LAW 108-108—NOV. 10, 2003

*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.

## CONSTRUCTION

117 STAT. 1251

Deadlines.

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$333,995,000, to remain available until expended, of which \$300,000 for the L.Q.C. Lamar House National Historic Landmark and \$375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds in this or any other Act may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of \$5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: *Provided further*, That not to exceed \$800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

## PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1251

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601-10a is rescinded.

16 USC 4601-10a  
note.

## LAND ACQUISITION AND STATE ASSISTANCE

117 STAT. 1252

## (INCLUDING TRANSFERS 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, \$142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$95,000,000 is for the State assistance program including \$2,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer \$5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the United States Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the United States Army Corps of Engineers for this purpose: *Provided further*, That, subsequent to the transfer of the \$5,000,000 to the United States Fish and Wildlife Service and the transfer of funds, if any, to the United States Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval

117 STAT. 1252

PUBLIC LAW 108-108—NOV. 10, 2003

by the House and Senate Committees on Appropriations of a re-programming request by the Secretary detailing how the remaining funds will be expended for this purpose.

117 STAT. 1253

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed \$70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

\* \* \* \* \*

117 STAT. 1264

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1265

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



PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1265

to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and 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 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 are hereby designated by Congress to be “emergency requirements” pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and 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 in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

117 STAT. 1266

SEC. 104. 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; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment

117 STAT. 1266

PUBLIC LAW 108-108—NOV. 10, 2003

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. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

\* \* \* \* \*

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

\* \* \* \* \*

117 STAT. 1267

SEC. 117. 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 Public Law 100-696; 16 U.S.C. 460zz.

117 STAT. 1268

16 USC 460bb  
note.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

\* \* \* \* \*

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental 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.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1268

SEC. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

117 STAT. 1269  
16 USC 459j-4  
note.

\* \* \* \* \*

SEC. 132. 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. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

117 STAT. 1270  
Congaree  
National Park,  
designation.  
16 USC 410jjj  
note.

\* \* \* \* \*

SEC. 138. (a) SHORT TITLE.—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band’s ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe’s trust territory in Cherokee, North Carolina, and currently within

117 STAT. 1271  
Eastern Band of  
Cherokee Indians  
Land Exchange  
Act of 2003.  
16 USC 460a-5  
note.

117 STAT. 1271

PUBLIC LAW 108-108—NOV. 10, 2003

the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

117 STAT. 1272

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1272

## (c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior (“Secretary”) shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

117 STAT. 1273

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the “Ravensford Tract” on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

Deadline.

## (d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with

117 STAT. 1273

PUBLIC LAW 108-108—NOV. 10, 2003

the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the “No New Construction” area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

117 STAT. 1274

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

\* \* \* \* \*

Blue Ridge National Heritage Area Act of 2003. 16 USC 461 note.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the “Blue Ridge National Heritage Area Act of 2003”.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940’s; and

117 STAT. 1275

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1275

- (III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;
- (ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—
- (I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;
- (II) has received national recognition; and
- (III) has made the region one of the richest repositories of traditional music and folklife in the United States;
- (iii) the Cherokee heritage—
- (I) dating back thousands of years; and
- (II) offering—
- (aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;
- (bb) authentic tradition bearers;
- (cc) historic sites; and
- (dd) historically important collections of Cherokee artifacts; and
- (iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.
- (D) The artifacts and structures associated with those legacies are unusually well-preserved.
- (E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.
- (F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.
- (G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.
- (H) according to the 2002 reports entitled “The Blue Ridge Heritage and Cultural Partnership” and “Western North Carolina National Heritage Area Feasibility Study and Plan”, the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.
- (I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.
- (2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

## (c) DEFINITIONS.—

- (1) In this section:

117 STAT. 1276

117 STAT. 1276

PUBLIC LAW 108-108—NOV. 10, 2003

(A) HERITAGE AREA.—The term “Heritage Area” means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area approved under subsection (e).

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

(E) STATE.—The term “State” means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

Deadline.

117 STAT. 1277



## PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1277

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

Deadline.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

117 STAT. 1278

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a 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) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1279

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(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 shall be made available for any fiscal year.

117 STAT. 1280

117 STAT. 1280

PUBLIC LAW 108-108—NOV. 10, 2003

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) 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 section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of \$11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home;

and

(2) honoring the memory of Harriet Tubman.

\* \* \* \* \*

16 USC 1a-1  
note.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

\* \* \* \* \*

117 STAT. 1281

16 USC 431 note.

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

“(c) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled “Congaree National Park Boundary Map”, numbered 178/80015, and dated August 2003.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1281

“(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

“(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the monument;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

“(C) negatively affects the economic development of the areas surrounding the monument.

“(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.”.

\* \* \* \* \*

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

Regulations.  
16 USC 460m-20  
note.  
117 STAT. 1282

TITLE II—RELATED AGENCIES

\* \* \* \* \*

OTHER RELATED AGENCIES

117 STAT. 1296

\* \* \* \* \*

NATIONAL ENDOWMENT FOR THE HUMANITIES

117 STAT. 1300

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts

117 STAT. 1300

PUBLIC LAW 108-108—NOV. 10, 2003

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 PROVISIONS

117 STAT. 1301

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 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.

## 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), \$1,422,000: *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. 956(a)), as amended, \$7,000,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,000,000: *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, \$7,730,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1301

will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

\* \* \* \* \*

PRESIDIO TRUST

117 STAT. 1302

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. 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.  
Public  
information.

SEC. 302. 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.

SEC. 303. 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. 304. 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.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

\* \* \* \* \*

SEC. 307. (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.

(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

117 STAT. 1303

PUBLIC LAW 108-108—NOV. 10, 2003

(30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

Deadline.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

\* \* \* \* \*

117 STAT. 1304

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

117 STAT. 1305

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

\* \* \* \* \*

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

\* \* \* \* \*

117 STAT. 1307

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

Contracts.  
Wildfires.

SEC. 324. 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



## PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1307

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. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004-2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: *Provided further*, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: *Provided further*, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: *Provided further*, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized

117 STAT. 1308

Deadline.  
Reports.  
43 USC 1752  
note.

117 STAT. 1308

PUBLIC LAW 108-108—NOV. 10, 2003

as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

\* \* \* \* \*

SEC. 327. 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 appropriations Act.

\* \* \* \* \*

117 STAT. 1309

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, 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 the Secretaries may award 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 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.

SEC. 331. 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. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1309

- (1) by striking “September 30, 2004” and inserting “December 31, 2005”; and
- (2) by striking “2007” and inserting “2008”.

\* \* \* \* \*

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

117 STAT. 1315  
31 USC 501 note.

- (2) Paragraph (1) applies to programs, projects, and activities—
  - (A) of the Department of the Interior for which funds are appropriated by this Act;
  - (B) of the Forest Service; and
  - (C) of the Department of Energy for which funds are appropriated by this Act.

Applicability.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

Deadline.  
31 USC 501 note.

- (2) In this subsection, the term “Secretary concerned” means—
  - (A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;
  - (B) the Secretary of Agriculture, with respect to the Forest Service; and
  - (C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

- (A) the total number of competitions completed;
- (B) the total number of competitions announced, together with a list of the activities covered by such competitions;
- (C) the total number of full-time equivalent Federal employees studied under completed competitions;
- (D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;
- (E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;
- (F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;
- (G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

117 STAT. 1315

PUBLIC LAW 108-108—NOV. 10, 2003

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

117 STAT. 1316  
Deadline.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is \$500,000; and

(ii) with respect to the Department of the Interior is \$2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than \$5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1316

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

117 STAT. 1317

- (i) 10 percent of the more efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or
- (ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

31 USC 501 note.

\* \* \* \* \*

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

117 STAT. 1318

SEC. 344. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.646 percent of—

- (1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and
- (2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

117 STAT. 1318

PUBLIC LAW 108–108—NOV. 10, 2003

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

**8. Department of the Interior Appropriations for FY 2006**

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54  
109th Congress

**An Act**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**WILDLAND FIRE MANAGEMENT**

119 STAT. 500

(INCLUDING TRANSFER 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, \$766,564,000, to remain available until expended, of which not to exceed \$7,849,000 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 or related partnerships with State, local,

119 STAT. 500

PUBLIC LAW 109-54—AUG. 2, 2005

Guidelines. 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 \$9,000,000, 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.

119 STAT. 501

\* \* \* \* \*

119 STAT. 507

## 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 special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,744,074,000, of which \$9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$97,600,000, to remain available until September 30, 2007, is 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; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.



## PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 507

## UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$81,411,000.

## 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, \$54,965,000: *Provided*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

## 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), \$73,250,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That not to exceed \$5,000,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided further*, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: *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.

119 STAT. 508

## CONSTRUCTION

## (INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$301,291,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions, and of which \$400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available

119 STAT. 508

PUBLIC LAW 109-54—AUG. 2, 2005

to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further*, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

119 STAT. 509

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

The contract authority provided for fiscal year 2006 by 16 U.S.C. 4601-10a is rescinded.

16 USC 4601-10a  
note.

## 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. 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, \$74,824,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$30,000,000 is for the State assistance program including \$1,587,000 for program administration: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

Ellis Island.  
Deadline.  
Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

119 STAT. 510

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.

\* \* \* \* \*

119 STAT. 520

PUBLIC LAW 109-54—AUG. 2, 2005

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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.

119 STAT. 521

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 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; 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

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 521

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. 111. 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 Public Law 100-696; 16 U.S.C. 460zz.

119 STAT. 523

\* \* \* \* \*

SEC. 113. 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, and funds provided in division E of Public Law 108-447 (118 Stat. 3050) for land acquisition at the Niobrara National Scenic River, 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.

SEC. 114. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

\* \* \* \* \*

SEC. 124. 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.

119 STAT. 525  
New York.  
New Jersey.

SEC. 125. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108-108.

Mojave National  
Preserve.

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part

Applicability.  
Effective date.

119 STAT. 525

PUBLIC LAW 109-54—AUG. 2, 2005

VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005-2006 that commences on or about December 15, 2005.

\* \* \* \* \*

SEC. 128. Section 108(e) of the Act entitled “An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes” (16 U.S.C. 410jj-7) is amended by striking “twenty-five years from” and inserting “on the date that is 45 years after”.

\* \* \* \* \*

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3 note; 117 Stat. 239; division F of Public Law 108-7), is amended—

119 STAT. 526

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services.”

16 USC 460l-6a,  
6812.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

Applicability.  
16 USC 460l-6a  
note.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

Effective date.  
16 USC 460l-6a  
note.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

Captain John  
Smith.

SEC. 133. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith’s voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

“(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 526

“(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105-312); and

“(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

“(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.”

SEC. 134. (a) Notwithstanding section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) there is hereby appropriated to the Secretary of the Interior \$10,000,000, to remain available until expended, for necessary expenses for the Memorial to Martin Luther King, Jr., authorized in that Act.

(b) The funds appropriated in subsection (a) shall only be made available after the entire amount is matched by non-Federal contributions (not including in-kind contributions) that are pledged and received after July 26, 2005, but prior to the date specified in subsection (c).

(c) Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 is amended by striking “November 12, 2006” and inserting “November 12, 2008”.

119 STAT. 527

40 USC 8903 note.

\* \* \* \* \*

OTHER RELATED AGENCIES

119 STAT. 543

\* \* \* \* \*

COMMISSION OF FINE ARTS

119 STAT. 548

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,893,000: *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.

\* \* \* \* \*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,860,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

119 STAT. 548

PUBLIC LAW 109-54—AUG. 2, 2005

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, \$8,244,000: *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.

\* \* \* \* \*

119 STAT. 549

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,000,000 shall be available to the Presidio Trust, to remain available until expended.

\* \* \* \* \*

TITLE IV—GENERAL PROVISIONS

Contracts.  
Public  
information.

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.

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 employee of such department or agency except as otherwise provided by law.

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.

119 STAT. 550

SEC. 406. 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.

\* \* \* \* \*



PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 551

SEC. 414. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

\* \* \* \* \*

SEC. 421. 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.

119 STAT. 554

SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than \$3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

119 STAT. 554

## PUBLIC LAW 109-54—AUG. 2, 2005

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

119 STAT. 555

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

\* \* \* \* \*

SEC. 428. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

(1) in the first sentence, by striking “2005” and inserting “2008”;

(2) in the first sentence by striking “may pilot test agency-wide joint permitting and leasing programs” and inserting after “Congress,” the following: “may establish pilot programs involving the land management agencies referred to in this section to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department;”;

119 STAT. 556

(3) in the third sentence, by inserting “, National Park Service, Fish and Wildlife Service,” after “Bureau of Land Management”; and

(4) by adding at the end the following new sentence: “To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.”.

\* \* \* \* \*

119 STAT. 558

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended as follows:

118 Stat. 3105.

(1) by striking “seven”, “14910001”, and “, 14913007, and 14913008”;

(2) by inserting “and” after “14913005,”; and

(3) by striking all after “(2)” and inserting “immediately transfer to the Alaska SeaLife Center for various acquisitions, waterfront improvements and facilities that complement the new Federal facility, any remaining balance of previously appropriated funds.”.

119 STAT. 559

SEC. 439. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.476 percent of the budget authority provided for fiscal year 2006 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

## PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 559

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading “Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians”, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2006, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

Applicability.  
Reports.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

---

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**9. Department of Transportation Appropriations for FY 2006**

119 STAT. 2396

PUBLIC LAW 109-115—NOV. 30, 2005

Public Law 109-115  
109th Congress

**An Act**

Nov. 30, 2005  
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

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

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006.

**DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006**

Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

**TITLE I**

**DEPARTMENT OF TRANSPORTATION**

\* \* \* \* \*

Department of Transportation Appropriations Act, 2006.

119 STAT. 2403

**ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION**

23 USC 104 note.

**SEC. 110. (a)** For fiscal year 2006, the Secretary of Transportation shall—

119 STAT. 2404

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; the Bureau of Transportation Statistics; the programs, projects, and activities funded from the takedown authorized by section 112 of this Act; and the unobligated balances of funds made available for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of the Consolidated Appropriations Act, 2005 (Public Law 108-447) for which no obligation limitation has previously been made available;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated bal-

PUBLIC LAW 109–115—NOV. 30, 2005

119 STAT. 2404

ance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

119 STAT. 2405

119 STAT. 2405

PUBLIC LAW 109-115—NOV. 30, 2005

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 and 2006; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

Effective date.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

119 STAT. 2406

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

Deadline.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection

## PUBLIC LAW 109-115—NOV. 30, 2005

119 STAT. 2406

(a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(1) for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of Public Law 108-447 and under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

119 STAT. 2407

SEC. 112. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion miti-

gation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the equity bonus program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 2.75 percent of all sums so authorized: *Provided*, That of the amount so deducted in accordance with this section, \$600,000,000 shall be made available for surface transportation projects and \$25,000,000 shall be made available for highway priority projects as identified under this section in the statement of the managers accompanying this Act: *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code: *Provided further*, That funds made available under this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 113. Notwithstanding any other provision of law, projects and activities described in the statement of managers accompanying this Act under the headings “Federal-Aid Highways” and “Federal Transit Administration” shall be eligible for fiscal year 2006 funds made available for the project for which each project or activity is so designated: *Provided*, That the Federal share payable on account of any such projects and activities subject to this section shall be the same as the share required by the Federal program under which each project or activity is designated unless otherwise provided in this Act.

SEC. 114. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

119 STAT. 2408

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

\* \* \* \* \*



PUBLIC LAW 109-115—NOV. 30, 2005

119 STAT. 2412

FEDERAL RAILROAD ADMINISTRATION

\* \* \* \* \*

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION 119 STAT. 2420

\* \* \* \* \*

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

\* \* \* \* \*

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION 119 STAT. 2424

(INCLUDING TRANSFERS OF FUNDS)

\* \* \* \* \*

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”. Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon. 49 USC 40128 note.

\* \* \* \* \*

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006”. 119 STAT. 2523

Approved November 30, 2005.

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109-153 (Comm. on Appropriations) and 109-307 (Comm. of Conference).

SENATE REPORTS: Nos. 109-106 accompanying S. 1446 and 109-109 (both from Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17-20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 30, Presidential statement.

**10. District of Columbia Appropriations for FY 2005**

118 STAT. 1322

PUBLIC LAW 108-335—OCT. 18, 2004

**Public Law 108-335  
108th Congress****An Act**Oct. 18, 2004  
[H.R. 4850]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

District of  
Columbia  
Appropriations  
Act, 2005.

*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 District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

\* \* \* \* \*

118 STAT. 1339

**TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

118 STAT. 1350

**SEC. 344. TRANSFER TO DISTRICT OF COLUMBIA. (a) TRANSFER OF JURISDICTION.—**

Deadline.

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, subject to subsection (b), the Director of the National Park Service (referred to in this section as the “NPS”), acting on behalf of the Secretary of the Interior, shall transfer jurisdiction to the government of the District of Columbia, without consideration, the property described in paragraph (2).

118 STAT. 1351

(2) **PROPERTY.**—The property referred to in paragraph (1) is—

(A) a portion of National Park Service land in Anacostia Park, U.S. Reservation 343, Section G, the boundaries of which are the Anacostia River to the west, Watts Branch to the south, Kenilworth Aquatic Gardens to the north, and Anacostia Avenue to the east which includes the community center currently occupied under permit by the District of Columbia known as the “Kenilworth Parkside Community Center”; and

(B) all of U.S. Reservation 523.

**(b) CONDITIONS OF TRANSFER.—**

(1) **TERM.**—Jurisdiction will be transferred from the NPS to the District of Columbia.

(2) **CONDITION OF TRANSFER.**—The transfer of jurisdiction under subsection (a)(1) shall be subject to such terms and conditions, to be included in a Declaration of Covenants to be mutually executed between NPS and the District of Columbia to ensure that the property transferred under that subsection—

(A) is used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities; and

(B) nothing in this Act precludes the District of Columbia from entering into a lease for all or part of the property with a public not-for-profit entity for the management or maintenance of the property.

**(3) TERMINATION.—**

(A) **IN GENERAL.**—The transfer under subsection (a)(1) shall terminate if—

## PUBLIC LAW 108-335—OCT. 18, 2004

118 STAT. 1351

(i) any term or condition of the transfer described in paragraph (2) or contained within the Declaration of Covenants described in paragraph (2) is violated, as determined by the NPS; and

(ii) the violation is not corrected by the date that is 90 days after the date on which the Mayor of the District of Columbia receives from the NPS a written notice of the violation.

Deadline.

(B) DETERMINATION OF CORRECTION.—A violation of a term or condition of the transfer under subsection (a)(1) shall be determined to have been corrected under subparagraph (A)(ii) if, after notification of the violation, the District of Columbia and the NPS enter into an agreement that the NPS considers to be adequate to ensure that the property transferred will be used in a manner consistent with paragraph (2).

(4) PROHIBITION OF CIVIL ACTIONS.—No person may bring a civil action relating to a violation of any term or condition of the transfer described in paragraph (2) before the date that is 90 days after the person notifies the Mayor of the District of Columbia of the alleged violation (including the intent of the person to bring a civil action for termination of the transfer under paragraph (3)).

(5) REMOVAL OF STRUCTURES; REHABILITATION.—The transfer under subsection (a)(1) shall be subject to the condition that, in the event of a termination of the transfer under paragraph (3), the District of Columbia shall bear the cost of removing structures on, or rehabilitating, the property transferred.

(6) ADMINISTRATION OF PROPERTY.—If the transfer under subsection (a)(1) is terminated under paragraph (3), the property covered by the transfer shall be returned to the NPS and administered as a unit of the National Park System in the District of Columbia in accordance with—

118 STAT. 1352

(A) the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.); and

(B) other laws (including regulations) generally applicable to units of the National Park System.

\* \* \* \* \*

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

118 STAT. 1353

Approved October 18, 2004.

LEGISLATIVE HISTORY—H.R. 4850 (S. 2826):

HOUSE REPORTS: Nos. 108-610 (Comm. on Appropriations) and 108-734 (Comm. of Conference).

SENATE REPORTS: No. 108-354 accompanying S. 2826 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 20, considered and passed House.

Sept. 22, considered and passed Senate, amended, in lieu of S. 2826.

Oct. 6, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Oct. 18, Presidential statement.

**11. Emergency Supplemental Appropriations for  
FY 2005**

119 STAT. 231

PUBLIC LAW 109-13—MAY 11, 2005

Public Law 109-13  
109th Congress

An Act

May 11, 2005  
[H.R. 1268]

Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

*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 “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

**DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005**

- Title I—Defense Related Appropriations
- Title II—International Programs and Assistance for Reconstruction and the War on Terror
- Title III—Domestic Appropriations for the War on Terror
- Title IV—Indian Ocean Tsunami Relief
- Title V—Other Emergency Appropriations
- Title VI—General Provisions and Technical Corrections

**DIVISION B—REAL ID ACT OF 2005**

**SEC. 3. 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.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

**DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

\* \* \* \* \*

PUBLIC LAW 109-13—MAY 11, 2005

119 STAT. 281

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

REFERENCES TO EMERGENCY REQUIREMENTS

SEC. 6002. Any reference in this Act to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress) shall be treated as a reference to the emergency legislation section of H. Con. Res. 95 (109th Congress), if H. Con. Res. 95 (109th Congress) is adopted prior to the enactment of this Act.

\* \* \* \* \*

WEST YELLOWSTONE VISITOR INFORMATION CENTER

119 STAT. 288

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

119 STAT. 289

\* \* \* \* \*

GULF ISLANDS NATIONAL SEASHORE

SEC. 6034. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with extraction of the oil and gas minerals reserved by the State of Mississippi in the deed referenced in subsection (b):

Mississippi. Minerals.

- (1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and
- (2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore to identify the oil and gas minerals located within the boundaries of the Gulf Islands National Seashore under the surface estate conveyed by the State of Mississippi, all of which oil and gas minerals the State of Mississippi reserved the right to extract.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in the section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

Contracts.

\* \* \* \* \*

119 STAT. 301

PUBLIC LAW 109-13—MAY 11, 2005

## PREPACKAGED NEWS

SEC. 6076. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

\* \* \* \* \*

119 STAT. 323

Approved May 11, 2005.

---

LEGISLATIVE HISTORY—H.R. 1268:

HOUSE REPORTS: Nos. 109-16 (Comm. on Appropriations) and 109-72 (Comm. of Conference).

SENATE REPORTS: No. 109-52 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 15, 16, considered and passed House.

Apr. 11-15, 18-21, considered and passed Senate, amended.

May 5, House agreed to conference report.

May 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

May 11, Presidential statement.

**12. Emergency Supplemental Appropriations for  
FY 2006**

PUBLIC LAW 109-234—JUNE 15, 2006

120 STAT. 418

Public Law 109-234  
109th Congress

**An Act**

Making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

June 15, 2006  
[H.R. 4939]

*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, 2006, and for other purposes, namely:*

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.  
120 STAT. 443

\* \* \* \* \*

**TITLE II**

**FURTHER HURRICANE DISASTER RELIEF AND RECOVERY**

\* \* \* \* \*

**CHAPTER 5**

120 STAT. 460

**DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

120 STAT. 461

**HISTORIC PRESERVATION FUND**

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$43,000,000, to remain available until September 30, 2007: *Provided*, That of the funds provided under this heading, \$40,000,000 shall be provided to State Historic Preservation Officers, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That preference shall be given to grants based upon, but not limited to, properties located within National Heritage Areas, owner-occupied houses, and an ability to spend the funds expeditiously: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: *Provided further*, That the amounts provided under this heading

Grants.

120 STAT. 461

PUBLIC LAW 109-234—JUNE 15, 2006

are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

\* \* \* \* \*

120 STAT. 490

This Act may be cited as the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006”.

Approved June 15, 2006.

---

**LEGISLATIVE HISTORY—H.R. 4939:**

HOUSE REPORTS: Nos. 109-388 (Comm. on Appropriations) and 109-494 (Comm. of Conference).

SENATE REPORTS: No. 109-230 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 152 (2006):

Mar. 15, 16, considered and passed House.

Apr. 25-27, May 1-4, considered and passed Senate, amended.

June 12, House considered conference report.

June 13, House agreed to conference report. Senate considered conference report.

June 14, 15, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

June 15, Presidential statement.



**13. Energy and Water Development Appropriations Act for FY 2004**

PUBLIC LAW 108–137—DEC. 1, 2003

117 STAT. 1827

Public Law 108–137  
108th Congress

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Dec. 1, 2003  
[H.R. 2754]

*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, 2004, for energy and water development, and for other purposes, namely:

Energy and  
Water  
Development  
Appropriations  
Act, 2004.

**TITLE I**

**DEPARTMENT OF DEFENSE—CIVIL**

**DEPARTMENT OF THE ARMY**

**CORPS OF ENGINEERS—CIVIL**

\* \* \* \* \*

**CONSTRUCTION, GENERAL**

117 STAT. 1828

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended,

\* \* \* \* \*

*Provided further,* That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representa-

117 STAT. 1829  
Florida.  
Deadline.  
Reports.

117 STAT. 1829

PUBLIC LAW 108–137—DEC. 1, 2003

Florida.  
Notice.

tives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final:

\* \* \* \* \*

117 STAT. 1868

This Act may be cited as the “Energy and Water Development Appropriations Act, 2004”.

Approved December 1, 2003.

---

LEGISLATIVE HISTORY—H.R. 2754 (S. 1424):

HOUSE REPORTS: Nos. 108–212 (Comm. on Appropriations) and 108–357 (Comm. of Conference).

SENATE REPORTS: No. 108–105 accompanying S. 1424 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 18, considered and passed House.

Sept. 11, 15, 16, considered and passed Senate, amended, in lieu of S. 1424.

Sept. 17, further amended in Senate.

Nov. 18, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 1, Presidential statement.

III. NATIONAL PARKS

1. Black Canyon of the Gunnison

PUBLIC LAW 108–128—NOV. 17, 2003

117 STAT. 1355

Public Law 108–128  
108th Congress

An Act

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

Nov. 17, 2003  
[S. 677]

*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 “Black Canyon of the Gunnison Boundary Revision Act of 2003”.

Black Canyon of the Gunnison Boundary Revision Act of 2003.  
16 USC 410fff note.

**SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–2(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and

(2) by adding at the end the following:

“(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated April 2, 2003.”

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as “Tract C” on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

16 USC 410fff–2 note.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–3(a)(1)) is amended by striking “Map” and inserting “Map or the map described in section 4(a)(2)”.

117 STAT. 1356

PUBLIC LAW 108-128—NOV. 17, 2003

**SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

- (1) by striking “There” and inserting “(1) There”; and
- (2) by adding at the end the following:

“(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’, and dated April 2, 2003.”.

**SEC. 4. GRAZING PRIVILEGES.**

(a) **TRANSFER OF PRIVILEGES.**—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

“(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.”.

(b) **PRIVILEGES OF CERTAIN PARTNERSHIPS.**—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

- (1) by striking “and” at the end of subparagraph (A);
- (2) by redesignating subparagraph (B) as subparagraph (D);
- (3) by inserting after subparagraph (A) the following:

“(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

“(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and”;

- (4) in subparagraph (D) (as redesignated by paragraph

(2))—

(A) by striking “partnership, corporation, or” each place it appears and inserting “corporation or”; and

(B) by striking “subparagraph (A)” and inserting “subparagraphs (A), (B), or (C)”.

PUBLIC LAW 108–128—NOV. 17, 2003

117 STAT. 1357

**SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.**16 USC 410fff–2  
note.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications”, and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

Approved November 17, 2003.

---

**LEGISLATIVE HISTORY—S. 677:****HOUSE REPORTS:** No. 108–344 (Comm. on Resources).**SENATE REPORTS:** No. 108–96 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD,** Vol. 149 (2003):

July 17, considered and passed Senate.

Nov. 4, considered and passed House.

2. Channel Islands

120 STAT. 2083

PUBLIC LAW 109-364—OCT. 17, 2006

Public Law 109-364  
109th Congress

An Act

Oct. 17, 2006  
[H.R. 5122]

To authorize appropriations for fiscal year 2007 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.

John Warner  
National Defense  
Authorization  
Act for Fiscal  
Year 2007.

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “John Warner National Defense Authorization Act for Fiscal Year 2007”.

\* \* \* \* \*

120 STAT. 2100  
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

\* \* \* \* \*

120 STAT. 2369

TITLE X—GENERAL PROVISIONS

\* \* \* \* \*

120 STAT. 2398

Subtitle H—Other Matters

\* \* \* \* \*

120 STAT. 2406

SEC. 1077. INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS.

(a) ACCESS FOR MEMBERS, RETIRED MEMBERS, AND DISABLED VETERANS.—Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.

Reports.  
Deadline.

(b) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of an assessment of those lands under the jurisdiction of the Department of Defense and suitable for hunting or fishing and describing the actions necessary—

(1) to further increase the acreage made available to members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans for hunting and fishing; and

PUBLIC LAW 109-364—OCT. 17, 2006

120 STAT. 2406

(2) to make that acreage more accessible to disabled veterans.

(c) RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk. California.

\* \* \* \* \*

Approved October 17, 2006.

120 STAT. 2521

---

LEGISLATIVE HISTORY—H.R. 5122 (S. 2766) (S. 2767):

HOUSE REPORTS: Nos. 109-452 (Comm. on Armed Services and 109-702 (Comm. of Conference).

SENATE REPORTS: No. 109-254 accompanying S. 2766 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 152 (2006):

May 10, 11, considered and passed House.

June 22, considered and passed Senate, amended, in lieu of S. 2766.

Sept. 29, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 17, Presidential statement.

**3. Congaree**

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

**Public Law 108–108  
108th Congress****An Act**Nov. 10, 2003  
[H.R. 2691]Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2004, and for other purposes.Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 1264

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 1270  
Congaree  
National Park,  
designation.  
16 USC 410jjj  
note.

**SEC. 135.** Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

\* \* \* \* \*

117 STAT. 1281

16 USC 431 note.

**SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.** The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and  
(2) by adding at the end the following:

“(c) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled “Congaree National Park Boundary Map”, numbered 178/80015, and dated August 2003.

“(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

“(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the monument;



PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1281

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

“(C) negatively affects the economic development of the areas surrounding the monument.

“(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.”.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”. 117 STAT. 1321

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199  
108th Congress

An Act

Jan. 23, 2004  
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated  
Appropriations  
Act, 2004.

*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 “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

118 STAT. 4  
1 USC 1 note.

**SEC. 3. 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.

\* \* \* \* \*

118 STAT. 434  
7 USC 136a note.

(h) **EFFECTIVE DATE.**—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Miscellaneous  
Appropriations  
and Offsets Act,  
2004.

**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS**

\* \* \* \* \*

118 STAT. 442

**SEC. 139. CONGAREE NATIONAL PARK BOUNDARY REVISION.** (a) **IN GENERAL.**—Subsection (c) of the first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended by striking paragraph (6) and inserting the following:

“(6) **EFFECT.**—Nothing in this section—

“(A) affects the use of private land adjacent to the park;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the park;

“(C) shall negatively affect the economic development of the areas surrounding the park; or

“(D) affects the classification of the park under section 162 of the Clean Air Act (42 U.S.C. 7472).”.

16 USC 1132  
note.

(b) **DESIGNATION OF CONGAREE NATIONAL PARK WILDERNESS.**—

(1) **DESIGNATION.**—The wilderness established by section 2(a) of the Congaree Swamp National Monument Expansion and Wilderness Act (102 Stat. 2606) and known as the “Congaree Swamp National Monument Wilderness” shall be known and designated as the “Congaree National Park Wilderness”.

PUBLIC LAW 108–199—JAN. 23, 2004

118 STAT. 442

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness referred to in paragraph (1) shall be deemed to be a reference to the “Congaree National Park Wilderness”.

\* \* \* \* \*

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”. 118 STAT. 457

Approved January 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.  
 Nov. 5, 6, considered and passed Senate, amended.  
 Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):  
 Jan. 23, Presidential statement.

**4. Everglades**

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7  
108th Congress

**Joint Resolution**

Feb. 20, 2003  
[H.J. Res. 2]

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Consolidated  
Appropriations  
Resolution, 2003.

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.

**SEC. 3. REFERENCES.**

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

\* \* \* \* \*

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 237

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 247

**SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE  
OF FLORIDA.** (a) **AUTHORITY.**—The Corps of Engineers, using funds  
made available for modifications authorized by section 104 of the  
Everglades National Park Protection and Expansion Act of 1989  
(16 U.S.C. 410r-8), shall immediately carry out alternative 6D  
(including paying 100 percent of the cost of acquiring land or  
an interest in land) for the purpose of providing a flood protection  
system for the 8.5 square mile area described in the report entitled  
“Central and South Florida Project, Modified Water Deliveries to  
Everglades National Park, Florida, 8.5 Square Mile Area, General  
Reevaluation Report and Final Supplemental Environmental  
Impact Statement” and dated July 2000.

(b) **CONDITION.**—

## PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 247

(1) **IN GENERAL.**—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) **AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.**—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) **FUNDING.**—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

**LEGISLATIVE HISTORY—H.J. Res. 2:**

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

117 STAT. 1827

PUBLIC LAW 108-137—DEC. 1, 2003

Public Law 108-137  
108th Congress

An Act

Dec. 1, 2003  
[H.R. 2754]

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Energy and  
Water  
Development  
Appropriations  
Act, 2004.

*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, 2004, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

\* \* \* \* \*

117 STAT. 1828

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended,

\* \* \* \* \*

117 STAT. 1829  
Florida.  
Deadline.  
Reports.

*Provided further,* That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further,* That the Secretary of the Army shall provide the State of Florida with notice and

Florida.  
Notice.

PUBLIC LAW 108–137—DEC. 1, 2003

117 STAT. 1829

an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final:

\* \* \* \* \*

This Act may be cited as the “Energy and Water Development Appropriations Act, 2004”. 117 STAT. 1868

Approved December 1, 2003.

---

LEGISLATIVE HISTORY—H.R. 2754 (S. 1424):

HOUSE REPORTS: Nos. 108–212 (Comm. on Appropriations) and 108–357 (Comm. of Conference).

SENATE REPORTS: No. 108–105 accompanying S. 1424 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 18, considered and passed House.

Sept. 11, 15, 16, considered and passed Senate, amended, in lieu of S. 1424.

Sept. 17, further amended in Senate.

Nov. 18, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 1, Presidential statement.

118 STAT. 3919

PUBLIC LAW 108-483—DEC. 23, 2004

Public Law 108-483  
108th Congress

An Act

Dec. 23, 2004  
[H.R. 3785]

To authorize the exchange of certain land in Everglades National Park.

Florida.

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

**SECTION 1. EVERGLADES NATIONAL PARK.**

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended—

(1) in subsection (a)—

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

“(1) IN GENERAL.—The park boundary”;

(B) by striking “The map” and inserting the following:

“(2) AVAILABILITY OF MAP.—The map”; and

(C) by adding at the end the following:

“(3) ACQUISITION OF ADDITIONAL LAND.—

“(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

“(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.”; and

(2) by adding at the end the following:

“(h) LAND EXCHANGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(B) COUNTY.—The term ‘County’ means Miami-Dade County, Florida.

“(C) COUNTY LAND.—The term ‘County land’ means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as ‘Tract 605-01’ and ‘Tract 605-03’.

“(D) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(E) DISTRICT LAND.—The term ‘District land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.



PUBLIC LAW 108-483—DEC. 23, 2004

118 STAT. 3920

“(F) GENERAL SERVICES ADMINISTRATION LAND.—The term ‘General Services Administration land’ means the approximately 595.28 acres of land designated as ‘Site Alpha’ that is declared by the Department of the Navy to be excess land.

“(G) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C-111 Project, Everglades National Park’, numbered 160/80,007A, and dated May 18, 2004.

“(H) NATIONAL PARK SERVICE LAND.—The term ‘National Park Service land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

“(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

“(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

“(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

“(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

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

\* \* \* \* \*

Approved December 23, 2004.

118 STAT. 3921

---

LEGISLATIVE HISTORY—H.R. 3785 (S. 2046):

HOUSE REPORTS: No. 108-516 (Comm. on Resources).

SENATE REPORTS: No. 108-298 accompanying S. 2046 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Dec. 8, considered and passed Senate.

## 5. Glacier

120 STAT. 780

PUBLIC LAW 109–280—AUG. 17, 2006

**Public Law 109–280**  
**109th Congress**

**An Act**

Aug. 17, 2006  
[H.R. 4]

To provide economic security for all Americans, and for other purposes.

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

Pension  
Protection Act  
of 2006.

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

29 USC 1001  
note.

(a) **SHORT TITLE.**—This Act may be cited as the “Pension Protec-  
tion Act of 2006”.

\* \* \* \* \*

120 STAT. 1108

**TITLE XIII—OTHER PROVISIONS**

\* \* \* \* \*

120 STAT. 1109

**SEC. 1302. GOING-TO-THE-SUN ROAD.**

(a) **IN GENERAL.**—Section 1940 of the Safe, Accountable,  
Flexible, Efficient Transportation Equity Act: A Legacy for Users  
(119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as  
paragraphs (1) through (3), respectively; and

(C) by striking “\$10,000,000” each place that it appears  
and inserting “\$16,666,666”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in  
this section, funds authorized to be appropriated under this section  
shall be available for obligation in the same manner as if the  
funds were apportioned under chapter 1 of title 23, United States  
Code.”.

23 USC 101 note.

(b) **RESCISSION.**—Section 10212 of the Safe, Accountable,  
Flexible, Efficient Transportation Equity Act: A Legacy for Users  
(119 Stat. 1937) is amended by striking “\$8,543,000,000” each place  
it appears and inserting “\$8,593,000,000”.

\* \* \* \* \*

120 STAT. 1172

Approved August 17, 2006.

---

**LEGISLATIVE HISTORY—H.R. 4:**

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 28, considered and passed House.

Aug. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Aug. 17, Presidential remarks and statement.

**6. Grand Teton**

PUBLIC LAW 108–32—JUNE 17, 2003

117 STAT. 779

Public Law 108–32  
108th Congress**An Act**

To provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

June 17, 2003  
[S. 273]

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

Grand Teton  
National Park  
Land Exchange  
Act.  
16 USC 406d–1  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Grand Teton National Park Land Exchange Act”.

**SEC. 2. DEFINITIONS.**

16 USC 406d–1  
note.

As used in this Act:

(1) The term “Federal lands” means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term “Governor” means the Governor of the State of Wyoming.

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

(4) The term “State lands” means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled “Private, State & County Inholdings Grand Teton National Park”, dated March 2001, and numbered GTNP/0001.

**SEC. 3. ACQUISITION OF STATE LANDS.**

16 USC 406d–1  
note.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together

Reports.

117 STAT. 780

PUBLIC LAW 108–32—JUNE 17, 2003

with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

16 USC 406d–1  
note.

**SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.**

(a) **AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) **NO AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) **APPRAISAL COSTS.**—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

16 USC 406d–1  
note.

**SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.**

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”), and other laws, rules, and regulations applicable to Grand Teton National Park.

16 USC 406d–1  
note.

**SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Approved June 17, 2003.

---

**LEGISLATIVE HISTORY—S. 273:**

SENATE REPORTS: No. 108–14 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Apr. 3, considered and passed Senate.  
June 3, 5, considered and passed House.

PUBLIC LAW 108-176—DEC. 12, 2003

117 STAT. 2490

Public Law 108-176  
108th Congress

An Act

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

Dec. 12, 2003  
[H.R. 2115]

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

Vision 100—  
Century of  
Aviation  
Reauthorization  
Act.  
49 USC 40101  
note.

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

(a) **SHORT TITLE.**—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

\* \* \* \* \*

**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

117 STAT. 2493

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 3. APPLICABILITY.**

49 USC 106 note.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS**

117 STAT. 2586

\* \* \* \* \*

**SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.**

117 STAT. 2595

(a) **IN GENERAL.**—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

117 STAT. 2596

(b) **PUBLIC NOTICE AND COMMENT.**—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

117 STAT. 2596

PUBLIC LAW 108–176—DEC. 12, 2003

(c) DEFINITIONS.—In this section, the terms “Stage 2 aircraft” and “Stage 3 aircraft” have the same meaning as those terms have in chapter 475 of title 49, United States Code.

\* \* \* \* \*

117 STAT. 2598

Approved December 12, 2003.

---

LEGISLATIVE HISTORY—H.R. 2115 (S. 824):

HOUSE REPORTS: Nos. 108–143 (Comm. on Transportation and Infrastructure) and 108–240 and 108–334 (both from Comm. of Conference).

SENATE REPORTS: No. 108–41 accompanying S. 824 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 824.

Oct. 28, House recommitted conference report pursuant to H. Res. 337.

Oct. 30, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 12, Presidential statement.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

118 STAT. 3062

\* \* \* \* \*

**SEC. 146.** Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004-2005 that commences on or about December 15, 2004.

118 STAT. 3074

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Dec. 8, Presidential statement.

**7. Great Basin**

120 STAT. 2922

PUBLIC LAW 109-432—DEC. 20, 2006

Public Law 109-432  
109th Congress

## An Act

Dec. 20, 2006  
[H.R. 6111]To amend the Internal Revenue Code of 1986 to extend expiring provisions, and  
for other purposes.Tax Relief and  
Health Care Act  
of 2006.  
26 USC 1 note.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE, ETC.**(a) **SHORT TITLE.**—This Act may be cited as the “Tax Relief  
and Health Care Act of 2006”.

\* \* \* \* \*

120 STAT. 3000

## DIVISION C—OTHER PROVISIONS

\* \* \* \* \*

120 STAT. 3028  
White Pine  
County  
Conservation,  
Recreation, and  
Development Act  
of 2006.  
Nevada.  
120 STAT. 3045TITLE III—WHITE PINE COUNTY CON-  
SERVATION, RECREATION, AND DE-  
VELOPMENT

\* \* \* \* \*

Subtitle H—Amendments to the Southern  
Nevada Public Land Management Act of  
1998

\* \* \* \* \*

**SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.**Section 4(e) of the Southern Nevada Public Land Management  
Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007;  
117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “may be expended” and inserting  
“shall be expended”;

(ii) in clause (ii)—

(I) by inserting “, the Great Basin National  
Park,” after “the Red Rock Canyon National Con-  
servation Area”;(II) by inserting “and the Forest Service” after  
“the Bureau of Land Management”; and(III) by striking “Clark and Lincoln Counties”  
and inserting “Clark, Lincoln, and White Pine  
Counties”;(iii) in clause (iii), by inserting “and implementa-  
tion” before “of a multispecies habitat”;(iv) in clause (iv), by striking “Clark and Lincoln  
Counties,” and inserting “Clark, Lincoln, and White



PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 3045

Pine Counties and Washoe County (subject to paragraph (4)),”;

(v) in clause (v), by striking “Clark and Lincoln Counties” and inserting “Clark, Lincoln, and White Pine Counties”;

(vi) in clause (vii)—

(I) by striking “for development” and inserting “development”; and

(II) by striking “and” at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section 373(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

“(viii) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

“(I) located in the disposal boundary described in subsection (a); and

“(II) reserved for affordable housing;

“(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

“(I) subject to approval by the Secretary; and

“(II) not more than 10 years in duration;”;

and

(B) by inserting after subparagraph (C) the following:

“(D) **TRANSFER REQUIREMENT.**—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

“(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

“(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure.”;

and

(2) by adding at the end the following:

“(4) **LIMITATION FOR WASHOE COUNTY.**—Until December 31, 2011, Washoe County shall be eligible to nominate for expendi-

120 STAT. 3046

120 STAT. 3046

PUBLIC LAW 109-432—DEC. 20, 2006

ture amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.”.

\* \* \* \* \*

120 STAT. 3195

Approved December 20, 2006.

---

LEGISLATIVE HISTORY—H.R. 6111:

CONGRESSIONAL RECORD, Vol. 152 (2006):

Dec. 5, considered and passed House.

Dec. 7, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Dec. 20, Presidential remarks and statement.

**8. Great Smoky Mountains**

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2004.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 1264

\* \* \* \* \*

SEC. 138. (a) **SHORT TITLE.**—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

117 STAT. 1271  
Eastern Band of Cherokee Indians Land Exchange Act of 2003.  
16 USC 460a-5 note.

(b) **FINDINGS AND PURPOSES.**—

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

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band’s ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe’s trust territory in Cherokee, North Carolina, and currently within

117 STAT. 1271

PUBLIC LAW 108-108—NOV. 10, 2003

the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

117 STAT. 1272

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1272

## (c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior (“Secretary”) shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

117 STAT. 1273

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the “Ravensford Tract” on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

Deadline.

## (d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with

117 STAT. 1273

PUBLIC LAW 108–108—NOV. 10, 2003

the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

117 STAT. 1274

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the “No New Construction” area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.  
Sept. 17, 18, 22, 23, considered and passed Senate, amended.  
Oct. 30, House agreed to conference report.  
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):  
Nov. 10, Presidential statement.

PUBLIC LAW 108–343—OCT. 18, 2004

118 STAT. 1372

Public Law 108–343  
108th Congress

An Act

To authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Oct. 18, 2004

[S. 2319]

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

Tapoco Project  
Licensing Act  
of 2004.  
16 USC 403 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Tapoco Project Licensing Act of 2004”.

**SEC. 2. DEFINITIONS.**

16 USC 403 note.

In this Act:

(1) **APGI.**—The term “APGI” means Alcoa Power Generating Inc. (including its successors and assigns).

(2) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(3) **MAP.**—The term “map” means the map entitled “Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APGI”, numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) **PARK.**—The term “Park” means Great Smoky Mountains National Park.

(5) **PROJECT.**—The term “Project” means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

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

**SEC. 3. LAND EXCHANGE.**

16 USC 403 note.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Upon the conveyance by APGI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APGI title to the land identified in paragraph (3).

(2) **DESCRIPTION OF LAND TO BE CONVEYED BY APGI.**—The land to be conveyed by APGI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APGI power line; and

(B) as generally depicted on the map as “Proposed Property Transfer from APGI to National Park Service”.

(3) **DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.**—The land to be conveyed by the Secretary to APGI

are the approximately 110 acres of land within the Park that are—

- (A) adjacent to or flooded by the Chilhowee Reservoir;
- (B) within the boundary of the Project as of February 21, 2003; and

- (C) as generally depicted on the map as “Proposed Property Transfer from National Park Service to APGI”.

(b) **MINOR ADJUSTMENTS TO CONVEYED LAND.**—The Secretary and APGI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) **OPPORTUNITY TO MITIGATE.**—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APGI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) **CONSERVATION EASEMENT.**—The Secretary shall reserve a conservation easement over any land transferred to APGI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

- (1) specifically prohibit any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

- (2) authorize public access to the easement area, subject to National Park Service regulations; and

- (3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) **APPLICABILITY OF CERTAIN LAWS.**—Section 5(b) of Public Law 90-401 (16 U.S.C. 4601-22(b)), shall not apply to the land exchange authorized under this section.

(f) **REVERSION.**—

- (1) **IN GENERAL.**—The deed from the Secretary to APGI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

- (A) the Chilhowee Reservoir ceases to exist; or

- (B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

- (2) **APPLICABLE LAW.**—A reversion under this subsection shall not eliminate APGI’s responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) **BOUNDARY ADJUSTMENT.**—

- (1) **IN GENERAL.**—On completion of the land exchange authorized under this section, the Secretary shall—

- (A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

- (B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

- (2) **NATIONAL PARK SERVICE LAND.**—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.



## PUBLIC LAW 108-343—OCT. 18, 2004

118 STAT. 1374

(3) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1). Federal Register, publication.

**SEC. 4. PROJECT LICENSING.**

16 USC 403 note.

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

**SEC. 5. LAND ACQUISITION.**

16 USC 403 note.

(a) IN GENERAL.—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any non-governmental organization; and

(2) is identified as “Permanent Easement” or “Term Easement” on the map entitled “Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee”, numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

Federal Register, publication.

(c) LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.—

(1) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

Federal Register, publication.

(2) MANAGEMENT.—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.

118 STAT. 1375

PUBLIC LAW 108-343—OCT. 18, 2004

16 USC 403 note. **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 18, 2004.

---

**LEGISLATIVE HISTORY—S. 2319 (H.R. 4667):**

**HOUSE REPORTS:** No. 108-721, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Resources) both accompanying H.R. 4667.

**SENATE REPORTS:** No. 108-299 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

Sept. 15, considered and passed Senate.

Oct. 4, considered and passed House.

Public Law 109-54  
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

119 STAT. 520

\* \* \* \* \*

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

119 STAT. 526  
16 USC 460l-6a, 6812.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

Applicability.  
16 USC 460l-6a note.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

Effective date.  
16 USC 460l-6a note.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**9. Hawai'i Volcanoes**

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352  
108th Congress**An Act**Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

**SEC. 3. HAWAII VOLCANOES NATIONAL PARK.**

Section 5 of the Act of June 20, 1938 (16 U.S.C. 392c) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawai'i Volcanoes”.

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**10. Kenai Fjords**

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 2809

Public Law 108–447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

118 STAT. 3092

\* \* \* \* \*

**SEC. 344.** Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106–291 (\$1,630,000) and Public Law 108–199 (\$2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title

118 STAT. 3106  
Deadline.  
Real property.

118 STAT. 3105

PUBLIC LAW 108-447—DEC. 8, 2004

of the appropriate portions thereof to the Federal Government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that compliment the new Federal facility.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54  
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

\* \* \* \* \*

TITLE IV—GENERAL PROVISIONS

119 STAT. 549

\* \* \* \* \*

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended as follows:

119 STAT. 558

(1) by striking “seven”, “14910001,”, and “, 14913007, and 14913008”;

118 Stat. 3105.

(2) by inserting “and” after “14913005,”; and

(3) by striking all after “(2)” and inserting “immediately transfer to the Alaska SeaLife Center for various acquisitions, waterfront improvements and facilities that complement the new Federal facility, any remaining balance of previously appropriated funds.”.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**11. Mount Rainier**

118 STAT. 1194

PUBLIC LAW 108–312—OCT. 5, 2004

Public Law 108–312  
108th Congress**An Act**Oct. 5, 2004  
[H.R. 265]To provide for an adjustment of the boundaries of Mount Rainier National Park,  
and for other purposes.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*Mount Rainier  
National Park  
Boundary  
Adjustment Act  
of 2004.  
Washington.  
16 USC 91 note.**SECTION 1. SHORT TITLE.**This Act may be cited as the “Mount Rainier National Park  
Boundary Adjustment Act of 2004”.16 USC 110d  
note.**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Carbon River watershed within Pierce County in the State of Washington has unique qualities of ecological, economic, and educational importance, including clean water, productive salmon streams, important wildlife habitat, active geologic processes, outdoor recreational opportunities, scenic beauty, educational opportunities, and diverse economic opportunities.

(2) Mount Rainier National Park is one of the premier attractions in the State of Washington, providing recreational, educational, and economic opportunities that will be enhanced by the construction of new campgrounds and visitor contact facilities in the Carbon River valley outside old-growth forest habitats and above the flood plain.

(3) Coordination of management across national forest and national park lands in this corridor will enhance the conservation of the forest ecosystem and public enjoyment of these public lands.

(4) Protection and development of historic and recreational facilities in the Carbon River valley, such as trails and visitor centers, can be facilitated by the National Park Service.

16 USC 110d.

**SEC. 3. MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY ADJUSTMENT.**—The boundary of Mount Rainier National Park is modified to include the area within the boundary generally depicted on the map entitled “Mount Rainier National Park, Carbon River Boundary Adjustment”, numbered 105/92,002B, and dated June 2003. The Secretary of the Interior shall keep the map on file in the appropriate offices of the National Park Service.

(b) **LAND ACQUISITION.**—The Secretary of the Interior may acquire, only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange—



PUBLIC LAW 108–312—OCT. 5, 2004

118 STAT. 1195

(1) land or interests in land, totaling not more than 800 acres, and improvements thereon within the boundary generally depicted on the map referred to in subsection (a) for development of camping and other recreational facilities; and

(2) land or interests in land, totaling not more than one acre, and improvements thereon in the vicinity of Wilkeson, Washington, for a facility to serve visitors to public lands along the Carbon and Mowich Corridors.

(c) ADMINISTRATION OF ACQUIRED LANDS.—Lands acquired under this section shall be administered by the Secretary of the Interior as part of Mount Rainier National Park in accordance with applicable laws and regulations.

**SEC. 4. ASSOCIATED LANDS.**

The Secretary of Agriculture shall manage that portion of the Mt. Baker-Snoqualmie National Forest lying adjacent to Mt. Rainier National Park, as identified on the map referred to in section 3(a), to maintain the area's natural setting in a manner consistent with its management as of June 1, 2003.

Approved October 5, 2004.

---

**LEGISLATIVE HISTORY—H.R. 265:**

HOUSE REPORTS: No. 108–495 (Comm. on Resources).

SENATE REPORTS: No. 108–330 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 1, considered and passed House.

Sept. 15, considered and passed Senate.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54  
109th Congress

An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 507

NATIONAL PARK SERVICE

\* \* \* \* \*

119 STAT. 508

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$301,291,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the “Land Acquisition and State Assistance” account for Everglades National Park land acquisitions, and of which \$400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed

## PUBLIC LAW 109–54—AUG. 2, 2005

119 STAT. 508

engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further*, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

119 STAT. 509

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

---

**LEGISLATIVE HISTORY—H.R. 2361:**

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**12. Petrified Forest**

118 STAT. 2606

PUBLIC LAW 108–430—DEC. 3, 2004

Public Law 108–430  
108th Congress

**An Act**

Dec. 3, 2004  
[H.R. 1630]

To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

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

Petrified Forest  
National Park  
Expansion Act of  
2004.  
16 USC 119 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Petrified Forest National Park Expansion Act of 2004”.

16 USC 119 note.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Proposed Boundary Adjustments, Petrified Forest National Park”, numbered 110/80,044, and dated July 2004.

(2) **PARK.**—The term “Park” means the Petrified Forest National Park in the State.

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

(4) **STATE.**—The term “State” means the State of Arizona.

16 USC 119 note.

**SEC. 3. BOUNDARY REVISION.**

(a) **IN GENERAL.**—The Secretary is authorized to revise the boundary of the Park to include approximately 125,000 acres as depicted on the map.

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

16 USC 119 note.

**SEC. 4. ACQUISITION OF ADDITIONAL LAND.**

(a) **PRIVATE LAND.**—The Secretary may acquire from a willing seller, by donation, purchase with donated or appropriated funds, or exchange, any private land or interests in private land within the revised boundary of the Park. In acquiring private land and interests in private land within the revised boundary of the Park, the Secretary shall undertake to acquire such private land and interests in private land first by donation or exchange.

(b) **STATE LAND.**—

(1) **IN GENERAL.**—The Secretary may, with the consent of the State and in accordance with Federal and State law, acquire from the State any State land or interests in State land within the revised boundary of the Park.

Deadline.

(2) **PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition for State land or interests in State land under paragraph (1).

PUBLIC LAW 108-430—DEC. 3, 2004

118 STAT. 2607

(3) **MANAGEMENT AGREEMENT.**—If the Secretary is unable to acquire the State land under paragraph (1) within the 3-year period required by paragraph (2), the Secretary may enter into an agreement that would allow the National Park Service to manage State land within the revised boundary of the Park.

**SEC. 5. ADMINISTRATION.**

16 USC 119 note.

(a) **IN GENERAL.**—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) **TRANSFER OF JURISDICTION.**—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) **EXCHANGE AFTER ENACTMENT.**—Upon completion of an exchange of land after the date of the enactment of this Act, the Secretary shall transfer administrative jurisdiction over the exchanged lands within the boundary of the Park as depicted on the map to the National Park Service.

(d) **GRAZING.**—

(1) **IN GENERAL.**—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws, regulations, and Executive orders.

(2) **TERMINATION OF LEASES OR PERMITS.**—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(e) **AMENDMENT TO GENERAL MANAGEMENT PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

Deadline.

118 STAT. 2608

PUBLIC LAW 108-430—DEC. 3, 2004

16 USC 119 note. **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved December 3, 2004.

---

**LEGISLATIVE HISTORY—H.R. 1630:****HOUSE REPORTS:** No. 108-713 (Comm. on Resources).**CONGRESSIONAL RECORD**, Vol. 150 (2004):

Oct. 4, considered and passed House.

Oct. 10, considered and passed Senate, amended.

Nov. 19, House concurred in Senate amendment.

**13. Redwood**

PUBLIC LAW 109–131—DEC. 20, 2005

119 STAT. 2566

Public Law 109–131  
109th Congress

**An Act**

To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

Dec. 20, 2005  
[S. 136]

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

\* \* \* \* \*

**TITLE III—REDWOOD NATIONAL PARK  
BOUNDARY ADJUSTMENT**

119 STAT. 2569  
Redwood  
National Park  
Boundary  
Adjustment Act  
of 2005.  
16 USC 79a note.

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Redwood National Park Boundary Adjustment Act of 2005”.

**SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.**

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking “(a) The area” and all that follows through the period at the end and inserting the following: “(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.”;

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

“(2) The map referred to in paragraph (1) shall be—

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

“(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.”; and

(3) in the second sentence—

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

“(3) The Secretary;” and

(B) by striking “one hundred and six thousand acres” and inserting “133,000 acres”.

Approved December 20, 2005.

**LEGISLATIVE HISTORY—S. 136:**

SENATE REPORTS: No. 109–63 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Dec. 6, considered and passed House.

120 STAT. 2064

PUBLIC LAW 109–362—OCT. 17, 2006

Public Law 109–362  
109th Congress

An Act

Oct. 17, 2006  
[H.R. 233]

To designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

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

Northern  
California  
Coastal Wild  
Heritage  
Wilderness Act.  
Conservation.  
16 USC 460sss  
note.

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

(a) **SHORT TITLE.**—This Act may be cited as the “Northern California Coastal Wild Heritage Wilderness Act”.

\* \* \* \* \*

120 STAT. 2073

**SEC. 10. CONTINUATION OF TRADITIONAL COMMERCIAL SURF FISHING, REDWOOD NATIONAL AND STATE PARKS.**

(a) **AVAILABILITY OF LIMITED NUMBER OF PERMITS.**—For the sole purpose of continuing traditional commercial surf fishing, the Secretary of the Interior shall permit the right of entry for authorized vehicle access onto the wave slope area at that area known as Gold Bluffs Beach, Prairie Creek Redwoods State Park, and that portion of the beach north and south of Redwood Creek in Redwood National and State Parks. The number of permits issued under the authority of this section shall be limited to the number of valid permits that were held on the date of enactment of this Act. The permits so issued shall be perpetual and subject to the same conditions as the permits held on the date of the enactment of this Act.

(b) **WAVE SLOPE AREA DEFINED.**—In this section, the term “wave slope area” refers to the area that has been wet by the wave action of the previous high tide, but does not include any vegetated areas.

Approved October 17, 2006.

**LEGISLATIVE HISTORY—H.R. 233 (S. 128):**

SENATE REPORTS: No. 109–47 accompanying S. 128 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 24, considered and passed House.

Sept. 29, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 17, Presidential statement.



**14. Rocky Mountain**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 237

\* \* \* \* \*

117 STAT. 244  
16 USC 195 note.

SEC. 140. In fiscal year 2003 and each fiscal year thereafter,  
notwithstanding any other provision of law, with respect to a service  
contract for the provision solely of transportation services at Zion  
National Park or Rocky Mountain National Park, the Secretary  
of the Interior may obligate the expenditure of fees expected to  
be received in that fiscal year before the fees are received, so  
long as total obligations do not exceed fee collections retained at

117 STAT. 244

PUBLIC LAW 108-7—FEB. 20, 2003

Zion National Park or Rocky Mountain National Park, respectively,  
by the end of that fiscal year.

\* \* \* \* \*

117 STAT. 554

Approved February 20, 2003.

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

PRIVATE LAW 109-1—MAY 12, 2006

120 STAT. 3705

Private Law 109-1  
109th Congress

An Act

To require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

May 12, 2006  
[S. 584]

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

Betty Dick  
Residence  
Protection Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Betty Dick Residence Protection Act”.

**SEC. 2. PURPOSE.**

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 4(b) by Betty Dick for the remainder of her natural life.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the agreement between the National Park Service and Fred Dick entitled “Settlement Agreement” and dated July 17, 1980.

Fred Dick.

(2) **MAP.**—The term “map” means the map entitled “RMNP Land Occupancy” and dated September 2005, which identifies approximately 8 acres for the occupancy and use by the tenant.

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

(4) **TENANT.**—The term “tenant” means Betty Dick, widow of George Fredrick Dick, who held a 25-year reservation of occupancy and use at a property within the boundaries of Rocky Mountain National Park.

**SEC. 4. RIGHT OF OCCUPANCY.**

(a) **IN GENERAL.**—The Secretary shall allow the tenant to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of the tenant, subject to the requirements of this Act.

(b) **DESCRIPTION OF PROPERTY.**—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as “residence” and “occupancy area”.

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this Act, the occupancy and use of the property identified in subsection (b) by the tenant shall be subject to the same terms and conditions specified in the Agreement.

(2) **PAYMENTS.**—

120 STAT. 3706

PRIVATE LAW 109-1—MAY 12, 2006

(A) IN GENERAL.—In exchange for the continued occupancy and use of the property, the tenant shall annually pay to the Secretary an amount equal to  $\frac{1}{25}$  of the amount specified in section 3(B) of the Agreement.

(B) ADVANCE PAYMENT REQUIRED.—The annual payments required under subparagraph (A) shall be paid in advance by not later than May 1 of each year.

(C) DISPOSITION.—Amounts received by the Secretary under this paragraph shall be—

(i) deposited in a special account in the Treasury of the United States; and

(ii) made available, without further appropriation, to the Rocky Mountain National Park until expended.

(3) PUBLIC ACCESS.—The public shall have access to both banks of the main channel of the Colorado River.

(d) TERMINATION.—The right of occupancy and use authorized under this Act—

(1) shall not be extended to any individual other than the tenant; and

(2) shall terminate—

(A) on the death of the tenant;

(B) if the tenant does not make a payment required under subsection (c)(2); or

(C) if the tenant otherwise fails to comply with the terms of this Act.

(e) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than the tenant.

Approved May 12, 2006.

PUBLIC LAW 109–93—OCT. 26, 2005

119 STAT. 2104

Public Law 109–93  
109th Congress

An Act

To adjust the boundary of Rocky Mountain National Park in the State of Colorado.

Oct. 26, 2005

[S. 55]

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

Rocky Mountain  
National Park  
Boundary  
Adjustment Act  
of 2005.  
16 USC 191 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Rocky Mountain National Park Boundary Adjustment Act of 2005”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **FEDERAL PARCEL.**—The term “Federal parcel” means the parcel of approximately 70 acres of Federal land near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(2) **MAP.**—The term “map” means the map numbered 121/80,154, dated June 2004.

(3) **NON-FEDERAL PARCELS.**—The term “non-Federal parcels” means the 3 parcels of non-Federal land comprising approximately 5.9 acres that are located near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

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

**SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT.**

(a) **EXCHANGE OF LAND.**—

(1) **IN GENERAL.**—The Secretary shall accept an offer to convey all right, title, and interest in and to the non-Federal parcels to the United States in exchange for the Federal parcel.

(2) **CONVEYANCE.**—Not later than 60 days after the date on which the Secretary receives an offer under paragraph (1), the Secretary shall convey the Federal parcel in exchange for the non-Federal parcels.

Deadline.

(3) **CONSERVATION EASEMENT.**—As a condition of the exchange of land under paragraph (2), the Secretary shall reserve a perpetual easement to the Federal parcel for the purposes of protecting, preserving, and enhancing the conservation values of the Federal parcel.

(b) **BOUNDARY ADJUSTMENT; MANAGEMENT OF LAND.**—On acquisition of the non-Federal parcels under subsection (a)(2), the Secretary shall—

(1) adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels; and

119 STAT. 2105

PUBLIC LAW 109–93—OCT. 26, 2005

(2) manage the non-Federal parcels as part of the Park, in accordance with any laws (including regulations) applicable to the Park.

Approved October 26, 2005.

---

LEGISLATIVE HISTORY—S. 55 (H.R. 774):

HOUSE REPORTS: No. 109–108 accompanying H.R. 774 (Comm. on Resources).

SENATE REPORTS: No. 109–19 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Oct. 18, considered and passed House.

15. Sequoia

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

SEC. 3. 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.

118 STAT. 2810  
1 USC 1 note.

SEC. 4. 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, 2005.

\* \* \* \* \*

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

118 STAT. 3039  
Department of the Interior and Related Agencies Appropriations Act, 2005.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

118 STAT. 3062

\* \* \* \* \*

SEC. 139.

118 STAT. 3068  
California.  
Federal buildings and facilities.

\* \* \* \* \*

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3480) is amended—

16 USC 45f.

(1) in subsection (c)(2), by striking “Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later.”; and

118 STAT. 3069

(2) in subsection (d)(2)(B), by inserting “and to their heirs, successors, and assigns” after “those persons who were lessees or permittees of record on the date of enactment of this Act”.

(c)(1) The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

16 USC 45a-1 note.

(2) Section 3 of Public Law 99-338 is amended to read as follows:

100 Stat. 641.

“SEC. 3. The permit shall contain the following provisions:

118 STAT. 3069

PUBLIC LAW 108-447—DEC. 8, 2004

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

“(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”.

(3) Public Law 99-338 is further amended by adding at the end the following new section:

“SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.”.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.



**16. Shenandoah**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. 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.

118 STAT. 2810  
1 USC 1 note.

**SEC. 4. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

118 STAT. 3048

\* \* \* \* \*

**CONSTRUCTION**

118 STAT. 3049

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$307,362,000, to remain available until expended, of which \$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight

118 STAT. 3049

PUBLIC LAW 108–447—DEC. 8, 2004

93 Memorial: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail.

118 STAT. 3050

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108–599 (Comm. on Appropriations) and 108–792 (Comm. of Conference).

SENATE REPORTS: No. 108–346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**17. Wind Cave**

PUBLIC LAW 109–71—SEPT. 21, 2005

119 STAT. 2011

Public Law 109–71  
109th Congress

**An Act**

To revise the boundary of the Wind Cave National Park in the State of South  
Dakota.

Sept. 21, 2005  
[S. 276]

*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 “Wind Cave National Park  
Boundary Revision Act of 2005”.

Wind Cave  
National Park  
Boundary  
Revision Act of  
2005.  
16 USC 141a  
note.  
16 USC 141a  
note.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) MAP.—The term “map” means the map entitled “Wind  
Cave National Park Boundary Revision”, numbered 108/80,030,  
and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National  
Park in the State.

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

(4) STATE.—The term “State” means the State of South  
Dakota.

**SEC. 3. LAND ACQUISITION.**

16 USC 141a  
note.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or  
interest in land described in subsection (b)(1) for addition to  
the Park.

(2) MEANS.—An acquisition of land under paragraph (1)  
may be made by donation, purchase from a willing seller with  
donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection  
(a)(1) shall consist of approximately 5,675 acres, as generally  
depicted on the map.

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

(3) REVISION.—The boundary of the Park shall be adjusted  
to reflect the acquisition of land under subsection (a)(1).

**SEC. 4. ADMINISTRATION.**

16 USC 141a  
note.

(a) IN GENERAL.—The Secretary shall administer any land  
acquired under section 3(a)(1) as part of the Park in accordance  
with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

119 STAT. 2012

PUBLIC LAW 109–71—SEPT. 21, 2005

(1) **IN GENERAL.**—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) **MAP AND ACREAGE.**—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

16 USC 141a  
note.

**SEC. 5. GRAZING.**

(a) **GRAZING PERMITTED.**—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) **LIMITATION.**—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) **PURCHASE OF PERMIT OR LEASE.**—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) **TERMINATION OF LEASES OR PERMITS.**—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

Approved September 21, 2005.

---

**LEGISLATIVE HISTORY—S. 276:**

SENATE REPORTS: No. 109–21 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):  
July 26, considered and passed Senate.  
Sept. 13, considered and passed House.

**18. Yellowstone**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. 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.

118 STAT. 2810  
1 USC 1 note.

**SEC. 4. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of the Interior and Related Agencies Appropriations Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

118 STAT. 3062

\* \* \* \* \*

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004-2005 that commences on or about December 15, 2004.

118 STAT. 3074

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

119 STAT. 231

PUBLIC LAW 109–13—MAY 11, 2005

Public Law 109–13  
109th Congress

An Act

May 11, 2005  
[H.R. 1268]

Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

Emergency  
Supplemental  
Appropriations  
Act for Defense,  
the Global War  
on Terror, and  
Tsunami Relief,  
2005.

*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 “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”.

\* \* \* \* \*

**SEC. 3. 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.

Emergency  
Supplemental  
Appropriations  
Act for Defense,  
the Global War  
on Terror, and  
Tsunami Relief,  
2005.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

\* \* \* \* \*

119 STAT. 281

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

\* \* \* \* \*

119 STAT. 288

WEST YELLOWSTONE VISITOR INFORMATION CENTER

119 STAT. 289

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

\* \* \* \* \*

119 STAT. 323

Approved May 11, 2005.

LEGISLATIVE HISTORY—H.R. 1268:

HOUSE REPORTS: Nos. 109–16 (Comm. on Appropriations) and 109–72 (Comm. of Conference).

SENATE REPORTS: No. 109–52 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 15, 16, considered and passed House.

Apr. 11–15, 18–21, considered and passed Senate, amended.

May 5, House agreed to conference report.

May 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

May 11, Presidential statement.

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54  
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:*

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

119 STAT. 520

\* \* \* \* \*

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005-2006 that commences on or about December 15, 2005.

119 STAT. 525  
Applicability.  
Effective date.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**19. Yosemite**

119 STAT. 2566

PUBLIC LAW 109–131—DEC. 20, 2005

**Public Law 109–131  
109th Congress****An Act**Dec. 20, 2005  
[S. 136]

To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

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

\* \* \* \* \*

**TITLE I—YOSEMITE NATIONAL PARK  
AUTHORIZED PAYMENTS****SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.**

(a) **IN GENERAL.**—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park;

or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

119 STAT. 2567

(b) **LIMITATION ON USE OF FUNDS.**—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) **LIMITATION ON AMOUNT OF FUNDS.**—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) **SOURCE OF PAYMENTS.**—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); and



(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note; Public Law 104-134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

**SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.**

(a) **FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.**—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting “**AND YOSEMITE NATIONAL PARK**” after “**ZION NATIONAL PARK**”;

119 STAT. 2568

(2) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “for transportation systems or” after “appropriated funds”; and

(3) in the second sentence by striking “facilities” and inserting “systems or facilities”.

(b) **CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.**—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking “service contract” and inserting “service contract, cooperative agreement, or other contractual arrangement”.

\* \* \* \* \*

Approved December 20, 2005.

119 STAT. 2569

**LEGISLATIVE HISTORY—S. 136:**

SENATE REPORTS: No. 109-63 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Dec. 6, considered and passed House.

**20. Zion**

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7  
108th Congress**Joint Resolution**Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.Consolidated  
Appropriations  
Resolution, 2003.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.**SEC. 3. REFERENCES.**Except as expressly provided otherwise, any reference to “this  
Act” contained in any division of this joint resolution shall be  
treated as referring only to the provisions of that division.

\* \* \* \* \*

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003****JOINT RESOLUTION**Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:**TITLE I—DEPARTMENT OF THE INTERIOR****BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

117 STAT. 237

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 244  
16 USC 195 note.**SEC. 140.** In fiscal year 2003 and each fiscal year thereafter,  
notwithstanding any other provision of law, with respect to a service  
contract for the provision solely of transportation services at Zion  
National Park or Rocky Mountain National Park, the Secretary  
of the Interior may obligate the expenditure of fees expected to  
be received in that fiscal year before the fees are received, so  
long as total obligations do not exceed fee collections retained at

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 244

Zion National Park or Rocky Mountain National Park, respectively,  
by the end of that fiscal year.

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.



## IV. NATIONAL PARKS AND PRESERVES

### 1. Denali

PUBLIC LAW 106–486—NOV. 9, 2000

114 STAT. 2201

Public Law 106–486  
106th Congress

#### An Act

To review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

Nov. 9, 2000

[S. 698]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

Approved November 9, 2000.

---

#### LEGISLATIVE HISTORY—S. 698:

SENATE REPORTS: No. 106–71 (Comm. on Energy and Natural Resources).

#### CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



**2. Glacier Bay**

113 STAT. 57

PUBLIC LAW 106-31—MAY 21, 1999

Public Law 106-31  
106th Congress**An Act**May 21, 1999  
[H.R. 1141]

Making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

1999 Emergency  
Supplemental  
Appropriations  
Act.*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, 1999, and for other purposes, namely:

## TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

\* \* \* \* \*

113 STAT. 71

## CHAPTER 5

## DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

113 STAT. 72

## GENERAL PROVISION, THIS CHAPTER

Alaska.

16 USC 410hh-4  
note.

SEC. 501. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking “February 1, 1999” and inserting “August 1, 1999”; and

(B) by striking “1996” and inserting “1998”; and

(2)(A) by striking “of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,”; and

(B) by striking “the period January 1, 1999, through December 31, 2004, based on the individual’s net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996.” and inserting “for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual’s net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.”.

PUBLIC LAW 106-31—MAY 21, 1999

113 STAT. 72

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

“(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.”.

113 STAT. 73

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

16 USC 410hh-4 note.

“(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”.

Publication.

Federal Register, publication.

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional \$26,000,000 is hereby appropriated to “Departmental Management, Department of the Interior”, to remain available until expended, of which \$3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which \$23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

\* \* \* \* \*

This Act may be cited as the “1999 Emergency Supplemental Appropriations Act”.

Approved May 21, 1999.

---

LEGISLATIVE HISTORY—H.R. 1141 (S. 544):

HOUSE REPORTS: Nos. 106-64 (Comm. on Appropriations) and 106-143 (Comm. of Conference).

SENATE REPORTS: No. 106-8 accompanying S. 544 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 24, considered and passed House.

Mar. 25, considered and passed Senate, amended, in lieu of S. 544.

May 18, House agreed to conference report.

May 20, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

May 21, Presidential statement.





PUBLIC LAW 106-176—MAR. 10, 2000

114 STAT. 23

Public Law 106-176  
106th Congress

An Act

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands. Mar. 10, 2000  
[H.R. 149]

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

**SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.**

Omnibus Parks Technical Corrections Act of 2000.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”. 16 USC 1 note.

(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

**TITLE I—TECHNICAL CORRECTIONS TO DIVISION I**

\* \* \* \* \*

**SEC. 118. GLACIER BAY NATIONAL PARK.**

114 STAT. 28

Section 3 of Public Law 91-383 (16 U.S.C. 1a-2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking “bearing the cost of such exhibits and demonstrations;” and inserting “bearing the cost of such exhibits and demonstrations.”

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking “; and” and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

\* \* \* \* \*

Approved March 10, 2000.

114 STAT. 34

**LEGISLATIVE HISTORY—H.R. 149:**

HOUSE REPORTS: No. 106-17 (Comm. on Resources).

SENATE REPORTS: No. 106-125 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.



114 STAT. 922

PUBLIC LAW 106–291—OCT. 11, 2000

Public Law 106–291  
106th Congress

An Act

Oct. 11, 2000  
[H.R. 4578]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2001.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

114 STAT. 941

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

114 STAT. 945

SEC. 128. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking “permit LP–GLBA005–93” and inserting “permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each”.

114 STAT. 946

\* \* \* \* \*

114 STAT. 1029

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

Approved October 11, 2000.

LEGISLATIVE HISTORY—H.R. 4578:

HOUSE REPORTS: No. 106–646 (Comm. on Appropriations) and No. 106–914 (Comm. of Conference).

SENATE REPORTS: No. 106–312 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13–15, considered and passed House.

July 10, 12, 17, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report.

Oct. 3–5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 11, Presidential statement and remarks.



PUBLIC LAW 106-455—NOV. 7, 2000

114 STAT. 1953

Public Law 106-455  
106th Congress

An Act

To address resource management issues in Glacier Bay National Park, Alaska.

Nov. 7, 2000

[S. 501]

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

Glacier Bay  
National Park  
Resource  
Management Act  
of 2000.  
16 USC 410hh-4  
note.  
16 USC 410hh-4  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 2000”.

**SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term “local residents” means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term “outer waters” means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term “park” means Glacier Bay National Park;

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of Alaska.

**SEC. 3. COMMERCIAL FISHING.**

16 USC 410hh-4  
note.

(a) **IN GENERAL.**—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) **MANAGEMENT PLAN.**—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) **SAVINGS.**—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) **STUDY.**—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State,

114 STAT. 1954

PUBLIC LAW 106-455—NOV. 7, 2000

the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

Deadline.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the congressional committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such committees on a biennial basis.

16 USC 410hh-4  
note.**SEC. 4. SEA GULL EGG COLLECTION STUDY.**

(a) **STUDY.**—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) **RECOMMENDATIONS.**—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

16 USC 410hh-4  
note.**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved November 7, 2000.

**LEGISLATIVE HISTORY—S. 501:**

SENATE REPORTS: No. 106-128 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.  
Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 107-63  
107th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Nov. 5, 2001  
[H.R. 2217]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2002.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

115 STAT. 436

115 STAT. 442  
Deadline.  
16 USC 410hh-2  
note.

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: *Provided*, That such EIS, upon its completion, shall be used by the Secretary to set the maximum level of vessel entries: *Provided further*, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: *Provided further*, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2002”.

115 STAT. 473

Approved November 5, 2001.

LEGISLATIVE HISTORY—H.R. 2217:

- HOUSE REPORTS: No. 107-103 (Comm. on Appropriations) and 107-234 (Comm. of Conference).
- SENATE REPORTS: No. 107-36 (Comm. on Appropriations).
- CONGRESSIONAL RECORD, Vol. 147 (2001):
  - June 21, considered and passed House.
  - July 11, 12, considered and passed Senate, amended.
  - Oct. 17, House and Senate agreed to conference report.
- WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):
  - Nov. 5, Presidential statement.



### 3. Great Sand Dunes

114 STAT. 2527

PUBLIC LAW 106-530—NOV. 22, 2000

Public Law 106-530  
106th Congress

An Act

Nov. 22, 2000  
[S. 2547]

To provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

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

Great Sand  
Dunes National  
Park and  
Preserve Act of  
2000.  
16 USC 410hhh  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Great Sand Dunes National Park and Preserve Act of 2000”.

16 USC 410hhh.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2528

- (B) contributes to the protection of—
- (i) the sand sheet associated with the dune mass;
  - (ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and
  - (iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;
- (5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;
- (6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—
- (A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and
  - (B) expanded visitor use opportunities;
- (7) land in and adjacent to the Great Sand Dunes National Monument is—
- (A) recognized for the culturally diverse nature of the historical settlement of the area;
  - (B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and
  - (C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and
- (8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

**SEC. 3. DEFINITIONS.**

16 USC 410hhh-1.

In this Act:

- (1) **ADVISORY COUNCIL.**—The term “Advisory Council” means the Great Sand Dunes National Park Advisory Council established under section 8(a).
- (2) **LUIS MARIA BACA GRANT NO. 4.**—The term “Luis Maria Baca Grant No. 4” means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.
- (3) **MAP.**—The term “map” means the map entitled “Great Sand Dunes National Park and Preserve”, numbered 140/80,032 and dated September 19, 2000.
- (4) **NATIONAL MONUMENT.**—The term “national monument” means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.
- (5) **NATIONAL PARK.**—The term “national park” means the Great Sand Dunes National Park established in section 4.
- (6) **NATIONAL WILDLIFE REFUGE.**—The term “wildlife refuge” means the Baca National Wildlife Refuge established in section 6.

114 STAT. 2529

PUBLIC LAW 106-530—NOV. 22, 2000

(7) PRESERVE.—The term “preserve” means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term “resources” means the resources described in section 2.

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

(10) USES.—The term “uses” means the uses described in section 2.

16 USC 410hhh–  
2.  
Effective date.  
Notification.  
Federal Register,  
publication.

**SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.**

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary’s determination in the Federal Register.

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

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Great Sand Dunes National Monument” shall be considered a reference to “Great Sand Dunes National Park”.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

16 USC 410hhh–  
3.

**SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.**

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.



## PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2530

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

**SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.**

16 USC 410hhh-4, 668dd note.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

Effective date. Federal Register, publication.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

**SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.**

16 USC 410hhh-5.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4); and

(B) 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.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL.—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the

## PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2532

map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve 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.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDERNESS PROTECTION.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

**SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS.**

16 USC 410hhh-6.

(a) ACQUISITION AUTHORITY.—(1) Within the area depicted on the map as the “Acquisition Area” or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands to the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) FOREST SERVICE ADMINISTRATION.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

16 USC 410hhh-  
7.

**SEC. 9. WATER RIGHTS.**

(a) SAN LUIS VALLEY PROTECTION, COLORADO.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

“(3) adversely affect the purposes of—

“(A) the Great Sand Dunes National Monument;

“(B) the Great Sand Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

“(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

“(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

“(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).”.

(b) EFFECT ON WATER RIGHTS.—

(1) IN GENERAL.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water

## PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2534

levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified

114 STAT. 2535

PUBLIC LAW 106-530—NOV. 22, 2000

in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

16 USC 410hhh-8.

**SEC. 10. ADVISORY COUNCIL.**

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory council to be known as the “Great Sand Dunes National Park Advisory Council”.

(b) **DUTIES.**—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) **MEMBERS.**—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) **APPLICABLE LAW.**—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) **VACANCY.**—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) **CHAIRPERSON.**—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) **NO COMPENSATION.**—Members of the Advisory Council shall serve without compensation.

(h) **TERMINATION.**—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2536

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 410hh-  
9.

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

Approved November 22, 2000.

---

**LEGISLATIVE HISTORY—S. 2547:**

SENATE REPORTS: No. 106-479 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 25, considered and passed House.



4. **Katmai**

114 STAT. 23

PUBLIC LAW 106–176—MAR. 10, 2000

Public Law 106–176  
106th Congress

## An Act

Mar. 10, 2000  
[H.R. 149]

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

Omnibus Parks  
Technical  
Corrections Act  
of 2000.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.**

16 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).TITLE I—TECHNICAL CORRECTIONS TO  
DIVISION I

\* \* \* \* \*

114 STAT. 30

**SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.**

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking “**REGULATIONS**” and inserting “**REGULATION**”.

(2) In subsection (c), by striking “this Act” and inserting “this section”.

\* \* \* \* \*

114 STAT. 34

Approved March 10, 2000.

---

**LEGISLATIVE HISTORY—H.R. 149:****HOUSE REPORTS:** No. 106–17 (Comm. on Resources).**SENATE REPORTS:** No. 106–125 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.





V. NATIONAL PRESERVES

1. Big Cypress

PUBLIC LAW 108-483—DEC. 23, 2004

118 STAT. 3919

Public Law 108-483  
108th Congress

An Act

To authorize the exchange of certain land in Everglades National Park.

Dec. 23, 2004  
[H.R. 3785]

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

Florida.

\* \* \* \* \*

**SEC. 2. BIG CYPRESS NATIONAL PRESERVE.**

Subsection (d)(3) of the first section of Public Law 93-440  
(16 U.S.C. 698f) is amended by striking “The amount described  
in paragraph (1)” and inserting “The amount described in paragraph  
(2)”.

118 STAT. 3921

Approved December 23, 2004.

LEGISLATIVE HISTORY—H.R. 3785 (S. 2046):

HOUSE REPORTS: No. 108-516 (Comm. on Resources).

SENATE REPORTS: No. 108-298 accompanying S. 2046 (Comm. on Energy and  
Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Dec. 8, considered and passed Senate.

**2. Mojave**

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7  
108th Congress**Joint Resolution**Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.Consolidated  
Appropriations  
Resolution, 2003.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.**SEC. 3. REFERENCES.**Except as expressly provided otherwise, any reference to “this  
Act” contained in any division of this joint resolution shall be  
treated as referring only to the provisions of that division.

\* \* \* \* \*

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003****JOINT RESOLUTION**Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

\* \* \* \* \*

117 STAT. 270

**TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

117 STAT. 276

**SEC. 328.** A grazing permit or lease issued by the Secretary  
of the Interior or a grazing permit issued by the Secretary of  
Agriculture where National Forest System lands are involved that  
expires, is transferred, or waived during fiscal year 2003 shall  
be renewed under section 402 of the Federal Land Policy and  
Management Act of 1976, as amended (43 U.S.C. 1752), section  
19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title  
III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et  
seq.), or, if applicable, section 510 of the California Desert Protection  
Act (16 U.S.C. 410aaa-50). The terms and conditions contained  
in the expired, transferred, or waived permit or lease shall continue  
in effect under the renewed permit or lease until such time as  
the Secretary of the Interior or Secretary of Agriculture as appro-  
priate completes processing of such permit or lease in compliance

## PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 276

with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104-19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

117 STAT. 277

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

117 STAT. 1054

PUBLIC LAW 108–87—SEPT. 30, 2003

Public Law 108–87  
108th Congress

An Act

Sept. 30, 2003  
[H.R. 2658]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Department of  
Defense  
Appropriations  
Act, 2004.

*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, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

\* \* \* \* \*

117 STAT. 1071

TITLE VIII

GENERAL PROVISIONS

\* \* \* \* \*

117 STAT. 1100  
16 USC  
410aaa–56 note,  
431 note.

SEC. 8121. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the “recipient”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west  $\frac{1}{2}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

## PUBLIC LAW 108–87—SEPT. 30, 2003

117 STAT. 1100

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

\* \* \* \* \*

This Act may be cited as the “Department of Defense Appropriations Act, 2004”. 117 STAT. 1109

Approved September 30, 2003.

---

LEGISLATIVE HISTORY—H.R. 2658 (S. 1382):

HOUSE REPORTS: Nos. 108–187 (Comm. on Appropriations) and 108–283 (Comm. of Conference).

SENATE REPORTS: No. 108–87 accompanying S. 1382 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 8, considered and passed House.

July 14–17, considered and passed Senate, amended.

Sept. 24, House agreed to conference report.

Sept. 25, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Sept. 30, Presidential statement.

117 STAT. 1241

PUBLIC LAW 108-108—NOV. 10, 2003

Public Law 108-108  
108th Congress

An Act

Nov. 10, 2003  
[H.R. 2691]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Department of the Interior and Related Agencies Appropriations Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

\* \* \* \* \*

117 STAT. 1302

TITLE III—GENERAL PROVISIONS

\* \* \* \* \*

117 STAT. 1308

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004-2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: *Provided further*, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding

Deadline. Reports. 43 USC 1752 note.

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1308

levels requested in the Secretaries' budget proposals: *Provided further*, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: *Provided further*, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”. 117 STAT. 1321

Approved November 10, 2003.

---

**LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):**

**HOUSE REPORTS:** Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

**SENATE REPORTS:** No. 108–89 accompanying S. 1391 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 149 (2003):**

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):**

Nov. 10, Presidential statement.

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress

An Act

Dec. 8, 2004  
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated  
Appropriations  
Act, 2005.

*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 “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.

**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005**

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

118 STAT. 3062

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

118 STAT. 3070

**SEC. 141.** Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

HOUSE REPORTS: Nos. 108–599 (Comm. on Appropriations) and 108–792 (Comm. of Conference).

SENATE REPORTS: No. 108–346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.



**3. Tallgrass Prairie**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 17. TALLGRASS PRAIRIE NATIONAL PRESERVE.**

118 STAT. 1398

Section 1006(b) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4208) is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

16 USC 698u-4.

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

#### 4. Timucuan Ecological and Historic

118 STAT. 1214

PUBLIC LAW 108–321—OCT. 5, 2004

Public Law 108–321  
108th Congress

#### An Act

Oct. 5, 2004  
[H.R. 3768]

To expand the Timucuan Ecological and Historic Preserve, Florida.

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

Timucuan  
Ecological and  
Historic Preserve  
Boundary  
Revision Act of  
2004.  
16 USC 698n  
note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004”.

#### SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE, FLORIDA.

Section 201(a) of Public Law 100–249 (16 U.S.C. 698n) is amended—

(1) by striking “(a) ESTABLISHMENT.—There is hereby” and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is”; and

(2) by adding at the end the following:

“(2) MODIFICATION OF BOUNDARY.—

“(A) IN GENERAL.—In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled ‘Timucuan Ecological and Historic Preserve American Beach Adjustment’, numbered 006/80012 and dated June 2003.

“(B) DUTIES OF SECRETARY.—The Secretary of the Interior shall—

“(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

“(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.”.

118 STAT. 1215

Approved October 5, 2004.

---

#### LEGISLATIVE HISTORY—H.R. 3768:

HOUSE REPORTS: No. 108–493 (Comm. on Resources).

SENATE REPORTS: No. 108–333 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 17, considered and passed House.

Sept. 15, considered and passed Senate.

VI. NATIONAL HISTORICAL PARKS

1. Chaco Culture

PUBLIC LAW 108–413—OCT. 30, 2004

118 STAT. 2325

Public Law 108–413  
108th Congress

An Act

To authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

Oct. 30, 2004  
[S. 643]

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

Hibben Center  
Act.

**SECTION 1. SHORT TITLE.**

16 USC 410ii  
note.

This Act may be cited as the “Hibben Center Act”.

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) **TERM; RENT.**—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) **IMPROVEMENTS.**—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

**SEC. 3. GRANT.**

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

(1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and

(2) the cost of improvements, not to exceed \$2,488,000.

**SEC. 4. COOPERATIVE AGREEMENT.**

16 USC 410ii  
note.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

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

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—S. 643 (H.R. 3258):**

**HOUSE REPORTS:** No. 108-743 accompanying H.R. 3258 (Comm. on Resources).

**SENATE REPORTS:** No. 108-94 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): July 17, considered and passed Senate.

Vol. 150 (2004): Sept. 28, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

**2. Colonial**

PUBLIC LAW 109-418—DEC. 19, 2006

120 STAT. 2882

Public Law 109-418  
109th Congress

**An Act**

To amend the National Trails System Act to designate the Captain John Smith  
Chesapeake National Historic Trail.

Dec. 19, 2006  
[H.R. 5466]

*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 “Captain John Smith Chesapeake  
National Historic Trail Designation Act”.

Captain John  
Smith  
Chesapeake  
National Historic  
Trail Designation  
Act.  
16 USC 1241  
note.

\* \* \* \* \*

**SEC. 3. CHANGE IN AUTHORIZATION.**

Section 4 of the Act of July 3, 1930 (16 U.S.C. 81f), is amended  
in the first sentence by striking “10,472,000” and inserting  
“8,572,000”.

120 STAT. 2883

Approved December 19, 2006.

---

LEGISLATIVE HISTORY—H.R. 5466:  
CONGRESSIONAL RECORD, Vol. 152 (2006):  
Dec. 5, considered and passed House.  
Dec. 7, considered and passed Senate.

### 3. Cumberland Gap

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199  
108th Congress

An Act

Jan. 23, 2004  
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated  
Appropriations  
Act, 2004.

*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 “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

118 STAT. 4  
1 USC 1 note.

**SEC. 3. 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.

\* \* \* \* \*

118 STAT. 434  
Miscellaneous  
Appropriations  
and Offsets Act,  
2004.

**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND  
OFFSETS**

\* \* \* \* \*

118 STAT. 446  
Fern Lake  
Conservation and  
Recreation Act,  
Kentucky.  
Tennessee.  
16 USC 268a.

**SEC. 150. (a) SHORT TITLE.** This Act may be cited as the “Fern Lake Conservation and Recreation Act”.

**(b) FINDINGS AND PURPOSES.—**

(1) **FINDINGS.—**The Congress finds the following:

(A) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(B) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park’s most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(C) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(D) The 4,500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(2) **PURPOSES.—**The purposes of the Act are—

## PUBLIC LAW 108-199—JAN. 23, 2004

118 STAT. 446

(A) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(B) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

(c) LAND ACQUISITION AND CONVEYANCE AUTHORITY, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.—

(1) DEFINITIONS.—In this section:

(A) FERN LAKE.—The term “Fern Lake” means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(B) LAND.—The term “land” means land, water, interests in land, and any improvements on the land.

(C) PARK.—The term “park” means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

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

(2) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled “Cumberland Gap National Historical Park, Fern Lake Watershed”, numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(3) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Subject to paragraph (4), the Secretary shall revise the boundaries of the park to include the land acquired under paragraph (2). The Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(4) CONVEYANCE OF FERN LAKE.—

(A) CONVEYANCE REQUIRED.—If the Secretary acquires Fern Lake, the Secretary shall convey, notwithstanding any other law and without consideration, to the city of Middlesboro, Kentucky, all right, title, and interest of the United States in and to Fern Lake, up to the normal operating elevation of 1,200.4 feet above sea level, along with the dam and all appurtenances associated with the withdrawal and delivery of water from Fern Lake.

(B) TERMS OF CONVEYANCE.—In executing the conveyance under subparagraph (4)(A), the Secretary may retain an easement for scenic and recreational purposes.

(C) REVERSIONARY INTEREST.—In the event Fern Lake is no longer used as a source of municipal water supply for the city of Middlesboro, Kentucky, and its environs, ownership of Fern Lake shall revert to the United States and it shall be managed by the Secretary as part of the park.

118 STAT. 447

118 STAT. 447

## PUBLIC LAW 108–199—JAN. 23, 2004

118 STAT. 448 (5) CONSULTATION REQUIREMENTS.—In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

\* \* \* \* \*

118 STAT. 457

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

Approved January 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.

Nov. 5, 6, considered and passed Senate, amended.

Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Jan. 23, Presidential statement.



**4. Dayton Aviation Heritage**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION J—OTHER MATTERS**

118 STAT. 3341

\* \* \* \* \*

**TITLE V—NATIONAL AVIATION  
HERITAGE AREA**

118 STAT. 3361  
National  
Aviation  
Heritage Area  
Act.

\* \* \* \* \*

**SEC. 513. WRIGHT COMPANY FACTORY STUDY AND REPORT.**

118 STAT. 3367  
16 USC 461 note.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) **CONTENTS.**—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

118 STAT. 3368

PUBLIC LAW 108-447—DEC. 8, 2004

(b) REPORT.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**5. Harper’s Ferry**

PUBLIC LAW 108–307—SEPT. 24, 2004

118 STAT. 1133

Public Law 108–307  
108th Congress

**An Act**

To revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

Sept. 24, 2004  
[S. 1576]

*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 “Harpers Ferry National Historical Park Boundary Revision Act of 2004”.

Harpers Ferry  
National  
Historical Park  
Boundary  
Revision Act  
of 2004.  
West Virginia.  
16 USC 450bb  
note.

**SEC. 2. HARPERS FERRY NATIONAL HISTORICAL PARK.**

The first section of the Act of June 30, 1944 (58 Stat. 645, chapter 328; 16 U.S.C. 450bb), is amended to read as follows:

**“SECTION 1. HARPERS FERRY NATIONAL HISTORICAL PARK.**

“(a) **IN GENERAL.**—To carry out the purposes of this Act, the Secretary of the Interior (referred to in this Act as the ‘Secretary’) is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the boundaries as generally depicted on the map entitled ‘Boundary Map, Harpers Ferry National Historical Park’, numbered 385–80,021A, and dated April 1979.

“(b) **BRADLEY AND RUTH NASH ADDITION.**—The Secretary is authorized to acquire, by donation only, approximately 27 acres of land or interests in land that are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on the map entitled ‘Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park’, numbered 385–80056, and dated April 1, 1989.

“(c) **BOUNDARY EXPANSION.**—

“(1) **IN GENERAL.**—The Secretary is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the area depicted as ‘Private Lands’ on the map entitled ‘Harpers Ferry National Historical Park Proposed Boundary Expansion’, numbered 385/80,126, and dated July 14, 2003.

“(2) **ADMINISTRATION.**—The Secretary shall—

“(A) transfer to the National Park Service for inclusion in the Harpers Ferry National Historical Park (referred to in this Act as the ‘Park’) the land depicted on the map referred to in paragraph (1) as ‘U.S. Fish and Wildlife Service Lands’ and revise the boundary of the Park accordingly; and

“(B) revise the boundary of the Park to include the land depicted on the map referred to in paragraph (1) as ‘Appalachian NST’ and exclude that land from the boundary of the Appalachian National Scenic Trail.

“(d) MAXIMUM NUMBER OF ACRES.—The number of acres of the Park shall not exceed 3,745.

“(e) MAPS.—The maps referred to in this section shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(f) ACQUIRED LAND.—Land or an interest in land acquired under this section shall become a part of the Park, subject to the laws (including regulations) applicable to the Park.

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

**SEC. 3. CONFORMING AMENDMENTS.**

Sections 2 and 3 of the Act of June 30, 1944 (58 Stat. 646, chapter 328; 16 U.S.C. 450bb-1, 450bb-2), are amended by striking “Secretary of the Interior” each place it appears and inserting “Secretary”.

Approved September 24, 2004.

---

**LEGISLATIVE HISTORY—S. 1576:**

HOUSE REPORTS: No. 108-655 (Comm. on Resources).

SENATE REPORTS: No. 108-236 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 19, considered and passed Senate.

Sept. 13, considered and passed House.

**6. Kalaupapa**

PUBLIC LAW 109–54—AUG. 2, 2005

119 STAT. 499

Public Law 109–54  
109th Congress

**An Act**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:*

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

119 STAT. 520

\* \* \* \* \*

SEC. 128. Section 108(e) of the Act entitled “An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes” (16 U.S.C. 410jj–7) is amended by striking “twenty-five years from” and inserting “on the date that is 45 years after”.

119 STAT. 525

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

119 STAT. 564

Approved August 2, 2005.

**LEGISLATIVE HISTORY—H.R. 2361:**

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**7. Kaloko-Honokōhau**

117 STAT. 1875

PUBLIC LAW 108–142—DEC. 2, 2003

**Public Law 108–142  
108th Congress****An Act**Dec. 2, 2003  
[S. 254]

To revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Kaloko-  
Honokōhau  
National  
Historical Park  
Addition Act of  
2003.  
16 USC 396d  
note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Kaloko-Honokōhau National Historical Park Addition Act of 2003”.

**SEC. 2. ADDITIONS TO KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK.**

Section 505(a) of Public Law 95–625 (16 U.S.C. 396d(a)) is amended—

(1) by striking “(a) In order” and inserting “(a)(1) In order”;  
(2) by striking “1978,” and all that follows and inserting “1978.”; and(3) by adding at the end the following new paragraphs:  
“(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as ‘Tract A’ on the map entitled ‘Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment’, numbered PWR (PISO) 466/82,043 and dated April 2002.

“(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

117 STAT. 1876

**SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

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

Approved December 2, 2003.

---

**LEGISLATIVE HISTORY—S. 254:****HOUSE REPORTS:** No. 108–296 (Comm. on Resources).**SENATE REPORTS:** No. 108–10 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD,** Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Nov. 18, considered and passed House.

**8. Keweenaw**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.

**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

118 STAT. 3048

\* \* \* \* \*

**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, \$61,832,000: *Provided*, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program’s final strategic plan: *Provided further*, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading

118 STAT. 3048

PUBLIC LAW 108-447—DEC. 8, 2004

to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.



**9. Lewis and Clark**

PUBLIC LAW 108–387—OCT. 30, 2004

118 STAT. 2234

Public Law 108–387  
108th Congress**An Act**

To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

Oct. 30, 2004  
[H.R. 3819]

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

**TITLE I—LEWIS AND CLARK NATIONAL  
HISTORICAL PARK DESIGNATION ACT**

Lewis and Clark  
National  
Historical Park  
Designation Act.

**SEC. 101. SHORT TITLE.**

16 USC 410kkk  
note.

This title may be cited as the “Lewis and Clark National Historical Park Designation Act”.

**SEC. 102. DEFINITIONS.**

16 USC 410kkk.

As used in this title:

(1) **PARK.**—The term “park” means the Lewis and Clark National Historical Park designated in section 103.

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

**SEC. 103. LEWIS AND CLARK NATIONAL HISTORICAL PARK.**

16 USC  
410kkk–1.

(a) **DESIGNATION.**—In order to preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area, and for the purpose of commemorating the culmination and the winter encampment of the Lewis and Clark Expedition in the winter of 1805–1806 following its successful crossing of the North American Continent, there is designated as a unit of the National Park System the Lewis and Clark National Historical Park.

(b) **BOUNDARIES.**—The boundaries of the park are those generally depicted on the map entitled “Lewis and Clark National Historical Park, Boundary Map”, numbered 405/80027, and dated December 2003, and which includes—

(1) lands located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop and designated as the Fort Clatsop National Memorial by Public Law 85–435, including the site of the salt cairn (specifically, lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by that expedition and adjacent portions of the old trail which led overland from the fort to the coast;

(2) lands identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in this subsection; and

(3) lands located along the lower Columbia River in the State of Washington associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805, which are identified as “Station Camp”, “Clark’s Dismal Nitch”, and “Cape Disappointment” on the map referred to in this subsection.

(c) ACQUISITION OF LAND.—

(1) AUTHORIZATION.—The Secretary is authorized to acquire land, interests in land, and improvements therein within the boundaries of the park, as identified on the map referred to in subsection (b), by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by such other means as the Secretary deems to be in the public interest.

(2) CONSENT OF LANDOWNER REQUIRED.—The lands authorized to be acquired under paragraph (1) (other than corporately owned timberlands within the area identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in subsection (b)) may be acquired only with the consent of the owner.

Contracts.

(3) ACQUISITION OF FORT CLATSOP 2002 ADDITION LANDS.—If the owner of corporately owned timberlands within the area identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in subsection (b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary shall enter into a memorandum of understanding with the owner regarding the manner in which such lands shall be managed after acquisition by the United States.

(d) CAPE DISAPPOINTMENT.—

(1) TRANSFER.—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the park.

(2) WITHDRAWN LAND.—

(A) NOTICE.—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(B) TRANSFER.—On receipt of a notice under subparagraph (A), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the park.

(3) MEMORIAL TO THOMAS JEFFERSON.—All withdrawals of the 20-acre parcel depicted as a “Memorial to Thomas Jefferson” on the map referred to in subsection (b) are revoked, and the Secretary shall establish a memorial to Thomas Jefferson on the parcel.

(4) MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the park known as “Cape Disappointment State Park”.

## PUBLIC LAW 108-387—OCT. 30, 2004

118 STAT. 2236

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

**SEC. 104. ADMINISTRATION.**16 USC  
410kkk-2.

(a) **IN GENERAL.**—The park shall be administered by the Secretary in accordance with this title and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (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.).

(b) **MANAGEMENT PLAN.**—Not later than 3 years after funds are made available for this purpose, the Secretary shall prepare an amendment to the General Management Plan for Fort Clatsop National Memorial to guide the management of the park.

Deadline.

(c) **COOPERATIVE MANAGEMENT.**—In order to facilitate the presentation of a comprehensive picture of the Lewis and Clark Expedition's experiences in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon in accordance with the authority provided under section 3(l) of Public Law 91-383 (112 Stat. 3522; 16 U.S.C. 1a-2).

**SEC. 105. REPEAL OF SUPERSEDED LAW.**

(a) **IN GENERAL.**—Public Law 85-435 (72 Stat. 153; 16 U.S.C. 450mm et seq.), regarding the establishment and administration of Fort Clatsop National Memorial, is repealed.

16 USC  
450mm—  
450mm-3.  
16 USC  
410kkk-3.

(b) **REFERENCES.**—Any reference in any law (other than this title), regulation, document, record, map or other paper of the United States to “Fort Clatsop National Memorial” shall be considered a reference to the “Lewis and Clark National Historical Park”.

**SEC. 106. PRIVATE PROPERTY PROTECTION.**16 USC  
410kkk-4.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the park shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate the use of private land within the boundary of the park.

118 STAT. 2236

PUBLIC LAW 108–387—OCT. 30, 2004

16 USC  
410kkk-5.**SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

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

\* \* \* \* \*

118 STAT. 2237

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—H.R. 3819 (S. 2167):****HOUSE REPORTS:** No. 108–570 (Comm. on Resources).**SENATE REPORTS:** No. 108–322 accompanying S. 2167 (Comm. on Energy and  
Natural Resources).**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 19, considered and passed House.

Oct. 10, considered and passed Senate.

**10. Minute Man**

PUBLIC LAW 109–419—DEC. 20, 2006

120 STAT. 2884

Public Law 109–419  
109th Congress**An Act**

To direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

Dec. 20, 2006  
[H.R. 394]

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

**SECTION 1. BOUNDARY ADJUSTMENT STUDY.**

(a) DEFINITIONS.—For the purposes of this Act:

(1) BARRETT’S FARM.—The term “Barrett’s Farm” means the Colonel James Barrett Farm listed on the National Register of Historic Places, including the house and buildings on the approximately 6 acres of land in Concord, Massachusetts.

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

(b) STUDY.—Not later than 2 years after the date that funds are made available for this section, the Secretary shall conduct a boundary study to evaluate the significance of Barrett’s Farm in Concord, Massachusetts, as well as the suitability and feasibility of its inclusion in the National Park System as part of Minute Man National Historical Park.

(c) CONTENT OF STUDY.—The study shall include an analysis of the following:

(1) The significance of Barrett’s Farm in relation to the Revolutionary War.

(2) Opportunities for public enjoyment of the site as part of the Minute Man National Historical Park.

(3) Any operational, management, and private property issues that need to be considered if Barrett’s Farm were added to the Minute Man National Historical Park.

(4) A determination of the feasibility of administering Barrett’s Farm considering its size, configuration, ownership, costs, and other factors, as part of Minute Man National Historical Park.

(5) An evaluation of the adequacy of other alternatives for management and resource protection of Barrett’s Farm.

(d) SUBMISSION OF REPORT.—Upon completion of the study, the Secretary shall submit a report on the findings of the study

120 STAT. 2885

PUBLIC LAW 109-419—DEC. 20, 2006

to the Committee on Energy and Natural Resources of the Senate  
and the Committee on Resources of the House of Representatives.

Approved December 20, 2006.

---

**LEGISLATIVE HISTORY—H.R. 394:**

**HOUSE REPORTS:** No. 109-135 (Comm. on Resources).

**SENATE REPORTS:** No. 109-311 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Sept. 20, considered and passed House.

Vol. 152 (2006): Dec. 7, considered and passed Senate.

**11. New Bedford Whaling**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 237

\* \* \* \* \*

SEC. 154. Section 511(g)(2)(A) of the Omnibus Parks and Public  
Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is  
amended by striking “\$2,000,000” and inserting “\$5,000,000”.

117 STAT. 246

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

**LEGISLATIVE HISTORY—H.J. Res. 2:**

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

## 12. Rosie the Riveter/World War II Home Front

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress

### An Act

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

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

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1396

#### SEC. 6. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg et seq.) is amended—

16 USC 410ggg.

(1) in section 2(b), by striking “numbered 963/80000” and inserting “numbered 963/80,000”; and

16 USC 410ggg.

(2) in section 3—

(A) in subsection (a)(1), by striking “August 35” and inserting “August 25”;

(B) in subsection (b)(1), by striking “the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A”; and

(C) in subsection (e)(2), by striking “the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A.”

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

---

#### LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.



VII. NATIONAL BATTLEFIELDS

1. Fort Donelson

PUBLIC LAW 108–367—OCT. 25, 2004

118 STAT. 1743

Public Law 108–367  
108th Congress

An Act

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

Oct. 25, 2004  
[S. 524]

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

Fort Donelson  
National  
Battlefield  
Expansion Act of  
2004.  
Tennessee.  
16 USC 428 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fort Donelson National Battlefield Expansion Act of 2004”.

**SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

16 USC 428p.

(a) DESIGNATION; PURPOSE.—There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

(1) the Battle of Fort Donelson in February 1862; and

(2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) BOUNDARIES.—The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled “Fort Donelson National Battlefield Boundary Adjustment” numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) EXPANSION OF BOUNDARIES.—The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.

**SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.**

16 USC 428p–1.

(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

118 STAT. 1744

PUBLIC LAW 108-367—OCT. 25, 2004

(b) **LAND ELIGIBLE FOR ACQUISITION.**—The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—

(1) within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

(c) **BOUNDARY REVISION.**—Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

(d) **LIMITATION ON TOTAL ACREAGE OF PARK.**—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

16 USC 428p-2.

**SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.**

The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and 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.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

Contracts.

**SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.**

The Secretary of Agriculture and the Secretary of the Interior shall enter into a memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.

118 STAT. 1745

**SEC. 6. CONFORMING AMENDMENT.**

The first section of Public Law 86-738 (16 U.S.C. 428k) is amended by striking “Tennessee” and all that follows through the period at the end and inserting “Tennessee.”.

Approved October 25, 2004.

---

**LEGISLATIVE HISTORY—S. 524:**

SENATE REPORTS: No. 108-230 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 19, considered and passed Senate.

Oct. 8, considered and passed House.

**2. Wilson’s Creek**

PUBLIC LAW 108–394—OCT. 30, 2004

118 STAT. 2247

Public Law 108–394  
108th Congress

**An Act**

To amend Public Law 86–434 establishing Wilson’s Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

Oct. 30, 2004  
[H.R. 4481]

*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 “Wilson’s Creek National Battlefield Boundary Adjustment Act of 2004”.

Wilson’s Creek  
National  
Battlefield  
Boundary  
Adjustment Act  
of 2004.  
16 USC 430kk  
note.

**SEC. 2. EXPANSION OF BOUNDARIES, WILSON’S CREEK NATIONAL BATTLEFIELD, MISSOURI.**

(a) BOUNDARY EXPANSION; PRIVATE PROPERTY PROTECTIONS.—The first section of Public Law 86–434 (16 U.S.C. 430kk) is amended—

(1) by striking “That the Secretary” and inserting the following:

**“SECTION 1. WILSON’S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.**

“(a) ESTABLISHMENT, INITIAL BOUNDARIES.—The Secretary”; and

(2) by adding at the end the following new subsections:

“(b) EXPANSION OF BOUNDARIES.—(1) The boundaries of the Wilson’s Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels ‘1, 2, 3, 4, 5, and 6’ on the map entitled ‘Wilson’s Creek National Battlefield Proposed Boundary’, numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

“(c) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(d) LIABILITY.—The revision of the boundaries of the Wilson’s Creek National Battlefield by subsection (b) shall not be considered

to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

“(g) EFFECT OF EXPANSION.—The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexisting regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act (16 U.S.C. 430mm) is amended by adding at the end the following new sentence: “There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).”.

Approved October 30, 2004.

---

LEGISLATIVE HISTORY—H.R. 4481 (S. 2432):

HOUSE REPORTS: No. 108-651 (Comm. on Resources).

SENATE REPORTS: No. 108-371 accompanying S. 2432 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 13, considered and passed House.

Oct. 10, considered and passed Senate.

VIII. NATIONAL MILITARY PARKS

1. Chickamauga and Chattanooga

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Consolidated Appropria-  
tions Resolution, 2003”.

Consolidated  
Appropriations  
Resolution, 2003.

\* \* \* \* \*

SEC. 3. REFERENCES.

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

117 STAT. 12  
1 USC 1 note.

\* \* \* \* \*

DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 237

\* \* \* \* \*

SEC. 160. MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT  
ACT. (a) SHORT TITLE.—This section may be cited as the “Moccasin  
Bend National Archeological District Act”.

Moccasin Bend  
National  
Archeological  
District Act.  
Tennessee.  
16 USC 424c.  
117 STAT. 248

(b) DEFINITIONS.—As used in this section:

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

(2) ARCHEOLOGICAL DISTRICT.—The term “archeological dis-  
trict” means the Moccasin Bend National Archeological District.

(3) STATE.—The term “State” means the State of Tennessee.

(4) MAP.—The term “Map” means the map entitled, “Boundary Map Moccasin Bend National Archeological District”, numbered 301/80098, and dated September 2002.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) BOUNDARIES.—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(3) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the archeological district that on the date of the enactment of this section are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(4) GENERAL MANAGEMENT PLAN.—Not later than 3 years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

Deadline.

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 249

(e) REPEAL OF PREVIOUS ACQUISITION AUTHORITY.—The Act of August 3, 1950 (chapter 532; 16 U.S.C. 424a-4) is repealed.

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

**2. Vicksburg**

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352  
108th Congress**An Act**Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1397

**SEC. 15. VICKSBURG NATIONAL MILITARY PARK.**

118 STAT. 1398

Section 3(b) of the Vicksburg National Military Park Boundary Modification Act of 2002 (16 U.S.C. 430h–11) is amended by striking “the Secretary add it” and inserting “the Secretary shall add the property”.

\* \* \* \* \*

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.



IX. NATIONAL HISTORIC SITES

1. Allegheny Portage Railroad

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 16. ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE.**

118 STAT. 1398

Section 2(2) of the Allegheny Portage Railroad National Historic Site Boundary Revision Act (Public Law 107-369; 116 Stat. 3069) is amended by striking “NERO 423/80,014 and dated May 01” and inserting “NERO 423/80,014A and dated July 02”.

16 USC 461 note.

\* \* \* \* \*

Approved October 21, 2004.

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**2. Carter G. Woodson Home**

117 STAT. 2873

PUBLIC LAW 108–192—DEC. 19, 2003

Public Law 108–192  
108th Congress

**An Act**

Dec. 19, 2003  
[H.R. 1012]

To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

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

Carter G.  
Woodson Home  
National Historic  
Site Act.  
16 USC 461 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Carter G. Woodson Home National Historic Site Act”.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) **CARTER G. WOODSON HOME.**—The term “Carter G. Woodson Home” means the property located at 1538 Ninth Street, Northwest, in the District of Columbia, as depicted on the map.

(2) **HISTORIC SITE.**—The term “historic site” means the Carter G. Woodson Home National Historic Site.

(3) **MAP.**—The term “map” means the map entitled “Carter G. Woodson Home National Historic Site”, numbered 876/82338–A and dated July 22, 2003.

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

**SEC. 3. CARTER G. WOODSON HOME NATIONAL HISTORIC SITE.**

(a) **ESTABLISHMENT.**—Upon acquisition by the Secretary of the Carter G. Woodson Home, or interests therein, the Secretary shall establish the historic site as a unit of the National Park System by publication of a notice to that effect in the Federal Register.

(b) **ADDITIONS TO HISTORIC SITE.**—

(1) **IN GENERAL.**—The Secretary may acquire any of the 3 properties immediately north of the Carter G. Woodson Home located at 1540, 1542, and 1544 Ninth Street, Northwest, described on the map as “Potential Additions to National Historic Site”, for addition to the historic site.

(2) **BOUNDARY REVISION.**—Upon the acquisition of any of the properties described in paragraph (1), the Secretary shall revise the boundaries of the historic site to include the property.

(c) **AVAILABILITY OF MAP.**—The map shall be available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) **ACQUISITION AUTHORITY.**—The Secretary may acquire the Carter G. Woodson Home or any of the properties described in subsection (b)(1), including interests therein, and any improvements

## PUBLIC LAW 108-192—DEC. 19, 2003

117 STAT. 2874

to the land by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(e) ADMINISTRATION.—(1) The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—The Secretary shall prepare a general management plan for the historic site not later than three years after the date on which funds are made available for that purpose. Deadline.

**SEC. 4. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private entities to provide public interpretation and education of African-American heritage in the Shaw area of the District of Columbia.

(b) REHABILITATION.—In order to achieve cost efficiencies in the restoration of properties within the historic site, the Secretary may enter into an agreement with public or private entities to restore and rehabilitate the Carter G. Woodson Home and other properties within the boundary of the historic site, subject to such terms and conditions as the Secretary deems necessary.

(c) AGREEMENT WITH THE ASSOCIATION FOR THE STUDY OF AFRICAN-AMERICAN LIFE AND HISTORY.—In order to reestablish the historical connection between the Carter G. Woodson Home and the association Dr. Woodson founded, and to facilitate interpretation of Dr. Woodson's achievements, the Secretary may enter into an agreement with The Association for the Study of African-American Life and History that allows the association to use a portion of the historic site for its own administrative purposes. Such agreement shall ensure that the association's use of a portion of the historic site is consistent with the administration of the historic site, including appropriate public access and rent, and such other terms and conditions as the Secretary deems necessary.

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

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

Approved December 19, 2003.

**LEGISLATIVE HISTORY—H.R. 1012:**

SENATE REPORTS: No. 108-138 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

May 14, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment.

**3. Fort Vancouver**

117 STAT. 872

PUBLIC LAW 108–63—JULY 29, 2003

**Public Law 108–63  
108th Congress****An Act**July 29, 2003  
[H.R. 733]

To authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

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

McLoughlin  
House Addition  
to Fort  
Vancouver  
National Historic  
Site Act.  
16 USC 450ff  
note.

**SECTION 1. SHORT TITLE; DEFINITIONS.**

(a) **SHORT TITLE.**—This Act may be cited as the “McLoughlin House Addition to Fort Vancouver National Historic Site Act”.

(b) **DEFINITIONS.**—For the purposes of this Act, the following definitions apply:

(1) **CITY.**—The term “City” means Oregon City, Oregon.

(2) **McLOUGHLIN HOUSE.**—The term “McLoughlin House” means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior’s Order of June 27, 1941, and generally depicted on the map entitled “McLoughlin House, Fort Vancouver National Historic Site”, numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

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

**SEC. 2. McLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.**

(a) **ACQUISITION.**—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) **MAP AVAILABILITY.**—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) **BOUNDARIES; ADMINISTRATION.**—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) **NAME CHANGE.**—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the “McLoughlin House National Historic Site” to the “McLoughlin House”.

(e) **FEDERAL LAWS.**—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference

## PUBLIC LAW 108-63—JULY 29, 2003

117 STAT. 873

in a law, map, regulation, document, paper, or other record of the United States to the “McLoughlin House National Historic Site” (other than this Act) shall be deemed a reference to the “McLoughlin House”, a unit of Fort Vancouver National Historic Site.

Approved July 29, 2003.

---

LEGISLATIVE HISTORY—H.R. 733:

SENATE REPORTS: No. 108-66 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 8, considered and passed House.

June 16, considered and passed Senate, amended.

July 16, House concurred in Senate amendments.

**4. Harry S Truman**

118 STAT. 2250

PUBLIC LAW 108–396—OCT. 30, 2004

**Public Law 108–396  
108th Congress****An Act**Oct. 30, 2004  
[H.R. 4579]

To modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Truman Farm  
Home Expansion  
Act.  
16 USC 461 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Truman Farm Home Expansion Act”.

**SEC. 2. HARRY S TRUMAN NATIONAL HISTORIC SITE BOUNDARY MODIFICATION.**

The first section of Public Law 98–32 (16 U.S.C. 461 note) is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

“(d) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire, by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or any other means, the land described in paragraph (2) for inclusion in the Harry S Truman National Historic Site.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of the approximately 5 acres of land (including the structure located south of the Truman Farm Home site), as generally depicted on the map entitled ‘Harry S Truman National Historic Site Proposed Boundary’, numbered 492/80,027, and dated April 17, 2003.

“(3) BOUNDARY MODIFICATION.—On acquisition of the land under this subsection, the Secretary shall modify the boundary of the Harry S Truman National Historic Site to reflect the acquisition of the land.”.

Approved October 30, 2004.

**LEGISLATIVE HISTORY—H.R. 4579:**

HOUSE REPORTS: No. 108–703 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Sept. 28, considered and passed House.  
Oct. 10, considered and passed Senate.

**5. John Muir**

PUBLIC LAW 108–385—OCT. 30, 2004

118 STAT. 2227

Public Law 108–385  
108th Congress**An Act**

To adjust the boundary of the John Muir National Historic Site, and for other purposes.

Oct. 30, 2004  
[H.R. 3706]*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 “John Muir National Historic Site Boundary Adjustment Act”.

John Muir  
National Historic  
Site Boundary  
Adjustment Act.  
16 USC 461 note.**SEC. 2. BOUNDARY ADJUSTMENT.**(a) **BOUNDARY.**—The boundary of the John Muir National Historic Site is adjusted to include the lands generally depicted on the map entitled “Boundary Map, John Muir National Historic Site” numbered PWR–OL 426–80,044a and dated August 2001.(b) **LAND ACQUISITION.**—The Secretary of the Interior is authorized to acquire the lands and interests in lands identified as the “Boundary Adjustment Area” on the map referred to in subsection (a) by donation, purchase with donated or appropriated funds, exchange, or otherwise.(c) **ADMINISTRATION.**—The lands and interests in lands described in subsection (b) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—H.R. 3706:****HOUSE REPORTS:** No. 108–555 (Comm. on Resources).**SENATE REPORTS:** No. 108–378 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD,** Vol. 150 (2004):

June 21, considered and passed House.

Oct. 10, considered and passed Senate.

**6. Kate Mullany**

118 STAT. 2625

PUBLIC LAW 108–438—DEC. 3, 2004

Public Law 108–438  
108th Congress

**An Act**

Dec. 3, 2004  
[S. 1241]

To establish the Kate Mullany National Historic Site in the State of New York,  
and for other purposes.

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

Kate Mullany  
National Historic  
Site Act.  
16 USC 461 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Kate Mullany National Historic Site Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CENTER.—The term “Center” means the American Labor Studies Center.

(2) HISTORIC SITE.—The term “historic site” means the Kate Mullany National Historic Site established by section 3(a).

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

**SEC. 3. KATE MULLANY NATIONAL HISTORIC SITE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established as an affiliated area of the National Park System the Kate Mullany National Historic Site in the State of New York.

(2) COMPONENTS.—The historic site shall consist of the home of Kate Mullany, located at 350 Eighth Street in Troy, New York.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Center shall own, administer, and operate the historic site.

(2) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the Act of August 25, 1916 (commonly known as 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.).

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with the Center under which the Secretary may provide to the Center technical, planning, interpretive, construction, and preservation assistance for—



PUBLIC LAW 108–438—DEC. 3, 2004

118 STAT. 2626

(A) the preservation of the historic site; and

(B) educational, interpretive, and research activities relating to the historic site and any related sites.

(2) The Secretary may provide to the Center financial assistance in an amount equal to not more than \$500,000 to assist the Center in acquiring from a willing seller the structure adjacent to the historic site, located at 352 Eighth Street in Troy, New York. On acquisition of the structure, the Secretary shall revise the boundary of the historic site to reflect the acquisition. The non-Federal share of the total cost of acquiring the structure shall be at least 50 percent.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 full fiscal years after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Center, shall develop a general management plan for the historic site. Deadline.

(2) CONTENTS.—The general management plan shall define the role and responsibilities of the Secretary with respect to the interpretation and preservation of the historic site.

(3) APPLICABLE LAW.—The general management plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)).

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

Approved December 3, 2004.

---

#### LEGISLATIVE HISTORY—S. 1241:

SENATE REPORTS: No. 108–295 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Nov. 17, considered and passed House.

## 7. Lincoln Home

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

### Public Law 109–54 109th Congress

#### An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 520

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 526  
16 USC 460l–6a,  
6812.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

Applicability.  
16 USC 460l–6a  
note.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

Effective date.  
16 USC 460l–6a  
note.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

\* \* \* \* \*

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

#### LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**8. Little Rock Central High School**

PUBLIC LAW 109–146—DEC. 22, 2005

119 STAT. 2676

Public Law 109–146  
109th Congress**An Act**

To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

Dec. 22, 2005  
[H.R. 358]

*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 “Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act”.

Little Rock  
Central High  
School  
Desegregation  
50th Anniversary  
Commemorative  
Coin Act.  
31 USC 5112  
note.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the “Little Rock Nine” (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

**SEC. 3. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the “Secretary”) shall mint and issue not more than 500,000 \$1 coins 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.

119 STAT. 2677

PUBLIC LAW 109-146—DEC. 22, 2005

(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 section 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.**—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year “2007”; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

**SEC. 5. ISSUANCE OF COINS.**

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) **TERMINATION OF MINTING AUTHORITY.**—No coins shall be minted under this Act after December 31, 2007.

**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS AT A DISCOUNT.**—

(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) **SURCHARGE REQUIRED.**—All sales shall include a surcharge of \$10 per coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the

## PUBLIC LAW 109-146—DEC. 22, 2005

119 STAT. 2678

Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) 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.

(d) CREDITABLE FUNDS.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of the Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

Approved December 22, 2005.

---

LEGISLATIVE HISTORY—H.R. 358:

HOUSE REPORTS: No. 109-134, Pt. 1 (Comm. on Financial Services).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 27, considered and passed House.

Nov. 18, considered and passed Senate, amended.

Dec. 18, House concurred in Senate amendment.

**9. Martin Luther King, Jr.**

118 STAT. 1198

PUBLIC LAW 108–314—OCT. 5, 2004

**Public Law 108–314  
108th Congress****An Act**Oct. 5, 2004  
[H.R. 1616]

To authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

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

Martin Luther King, Junior, National Historic Site Land Exchange Act.  
16 USC 461 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Martin Luther King, Junior, National Historic Site Land Exchange Act”.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Public Law 96–438 established the Martin Luther King, Junior, National Historic Site, and allows acquisition, by donation only, of lands owned by the State.

(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for firefighting equipment to reach.

(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

(b) PURPOSE.—The purpose of this Act is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

118 STAT. 1199

**SEC. 3. LAND EXCHANGE.**

Section 2(b)(1) of the Act of October 10, 1980 (Public Law 96–428; 94 Stat. 1839; 16 U.S.C. 461 note) is amended by striking the period and inserting “or exchange.”.

Approved October 5, 2004.

**LEGISLATIVE HISTORY—H.R. 1616:**

HOUSE REPORTS: No. 108–255 (Comm. on Resources).

SENATE REPORTS: No. 108–332 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 28, considered and passed House.

Vol. 150 (2004): Sept. 15, considered and passed Senate.

**10. Sand Creek Massacre**

PUBLIC LAW 109-45—AUG. 2, 2005

119 STAT. 445

Public Law 109-45  
109th Congress

**An Act**

To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

Aug. 2, 2005  
[H.R. 481]

*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 “Sand Creek Massacre National Historic Site Trust Act of 2005”.

Sand Creek  
Massacre  
National Historic  
Trust Act of  
2005.  
16 USC 461 note.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **FACILITY.**—The term “facility” means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(2) **IMPROVEMENT.**—The term “improvement” means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

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

(4) **TRIBE.**—The term “Tribe” means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) **TRUST PROPERTY.**—The term “trust property” means the real property, including rights to all minerals, and excluding the improvements, formerly known as the “Dawson Ranch”, consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

**SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.**

(a) **LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.**—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) **TRUST.**—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

**SEC. 4. IMPROVEMENTS AND FACILITIES.**

(a) **IMPROVEMENTS.**—The Secretary may acquire by donation the improvements in fee.

(b) **FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) **OWNERSHIP.**—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) **FEDERAL FUNDS.**—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

**SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.**

Deadline.

(a) **SURVEY OF BOUNDARY LINE.**—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) **PUBLICATION OF LAND DESCRIPTION.**—

Federal Register, publication.

(1) **IN GENERAL.**—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) **EFFECT.**—The description shall, on publication, constitute the official description of the trust property.

**SEC. 6. ADMINISTRATION OF TRUST PROPERTY.**

(a) **IN GENERAL.**—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

(b) **ACCESS FOR ADMINISTRATION.**—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).



## PUBLIC LAW 109-45—AUG. 2, 2005

119 STAT. 447

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

**SEC. 7. ACQUISITION OF PROPERTY.**

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465) is amended by inserting “or exchange” after “only by donation”.

Approved August 2, 2005.

---

**LEGISLATIVE HISTORY—H.R. 481 (S. 57):**

HOUSE REPORTS: No. 109-107 (Comm. on Resources).

SENATE REPORTS: No. 109-20 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 27, considered and passed House.

July 26, considered and passed Senate.



X. NATIONAL MEMORIALS AND MEMORIAL PARKS

1. Adams

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

Consolidated  
Appropriations  
Resolution, 2003.

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

SEC. 3. REFERENCES.

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 237

\* \* \* \* \*

SEC. 142. Notwithstanding section 1(d) of Public Law 107-  
62, the National Park Service is authorized to obligate \$1,000,000

117 STAT. 244  
40 USC 8903  
note.

117 STAT. 244

PUBLIC LAW 108-7—FEB. 20, 2003

made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

\* \* \* \* \*

117 STAT. 554

Approved February 20, 2003.

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

**2. Eisenhower**

PUBLIC LAW 109–220—MAY 5, 2006

120 STAT. 335

Public Law 109–220  
109th Congress**Joint Resolution**Approving the location of the commemorative work in the District of Columbia  
honoring former President Dwight D. Eisenhower.May 5, 2006  
[S.J. Res. 28]

Whereas section 8908(b)(1) of title 40, United States Code provides that the location of a commemorative work in the area described as Area I shall be deemed authorized only if approved by law not later than 150 days after notification to Congress and others that the commemorative work may be located in Area I;

40 USC 8903  
note.

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note) authorizes the Dwight D. Eisenhower Memorial Commission to establish a memorial on Federal land in the District of Columbia to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that the memorial should be located in Area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the location of the commemorative work to honor Dwight D. Eisenhower, authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note), within Area I as depicted on the map referred to in section 8908(a) of title 40, United States Code, is approved.

Approved May 5, 2006.

---

LEGISLATIVE HISTORY—S.J. Res. 28 (H.J. Res. 78):

HOUSE REPORTS: No. 109–425 accompanying H.J. Res. 78 (Comm. on Resources).

SENATE REPORTS: No. 109–227 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):

Apr. 4, considered and passed Senate.

Apr. 25, considered and passed House.

**3. Jefferson National Expansion**

118 STAT. 1388

PUBLIC LAW 108–348—OCT. 20, 2004

Public Law 108–348  
108th Congress**An Act**Oct. 20, 2004  
[S. 2895]

To authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. ILLUMINATION OF GATEWAY ARCH IN HONOR OF BREAST CANCER AWARENESS MONTH.**

In honor of breast cancer awareness month, the Secretary of the Interior shall authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights for a certain period of time in October, to be designated by the Secretary of the Interior.

Approved October 20, 2004.

---

**LEGISLATIVE HISTORY—S. 2895:**

CONGRESSIONAL RECORD, Vol. 150 (2004):

Oct. 5, considered and passed Senate.

Oct. 8, considered and passed House.

**4. Johnstown Flood**

PUBLIC LAW 108–313—OCT. 5, 2004

118 STAT. 1196

Public Law 108–313  
108th Congress**An Act**

To provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

Oct. 5, 2004  
[H.R. 1521]

*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 “Johnstown Flood National Memorial Boundary Adjustment Act of 2004”.

Johnstown Flood  
National  
Memorial  
Boundary  
Adjustment Act  
of 2004.  
16 USC 431 note.

**SEC. 2. BOUNDARY OF JOHNSTOWN FLOOD NATIONAL MEMORIAL.**

The boundary of the Johnstown Flood National Memorial (“Memorial”) is modified to include the area as generally depicted on the map entitled “Johnstown Flood National Memorial, Cambria County, Commonwealth of Pennsylvania”, numbered N.E.R.O. 427/80,008 and dated June, 2003. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

**SEC. 3. ACQUISITION OF LANDS.**

The Secretary of the Interior (“Secretary”) is authorized to acquire from willing sellers the land or interests in land as described in section 2 by donation, purchase with donated or appropriated funds, or exchange.

**SEC. 4. ADMINISTRATION OF LANDS.**

Lands added to the Memorial by section 2 shall be administered by the Secretary as part of the Memorial in accordance with applicable laws and regulations.

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

In addition to amounts otherwise made available for land acquisition, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

118 STAT. 1197

Approved October 5, 2004.

**LEGISLATIVE HISTORY—H.R. 1521:**

HOUSE REPORTS: No. 108–301 (Comm. on Resources).

SENATE REPORTS: No. 108–276 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 15, considered and passed House.

Vol. 150 (2004): Sept. 15, considered and passed Senate.

**5. Lincoln**

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352  
108th Congress

**An Act**

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

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

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

40 USC 8903  
note.

**SEC. 4. “I HAVE A DREAM” PLAQUE AT LINCOLN MEMORIAL.**

Section 2 of Public Law 106–365 (114 Stat. 1409) is amended by striking “and expand contributions” and inserting “and expend contributions”.

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.



**6. Martin Luther King, Jr.**

PUBLIC LAW 108–125—NOV. 11, 2003

117 STAT. 1347

Public Law 108–125  
108th Congress**An Act**To extend the authority for the construction of a memorial to  
Martin Luther King, Jr.Nov. 11, 2003  
[S. 470]*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.**40 USC 8903  
note.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), as amended, is amended to read as follows:

“(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.

Termination  
date.

Approved November 11, 2003.

---

**LEGISLATIVE HISTORY—S. 470 (H.R. 1209):**

HOUSE REPORTS: No. 108–203 accompanying H.R. 1209 (Comm. on Resources).

SENATE REPORTS: No. 108–90 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 17, considered and passed Senate.

Oct. 28, considered and passed House.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54  
109th Congress

An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 520

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 526

SEC. 134. (a) Notwithstanding section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333) there is hereby appropriated to the Secretary of the Interior \$10,000,000, to remain available until expended, for necessary expenses for the Memorial to Martin Luther King, Jr., authorized in that Act.

119 STAT. 527

(b) The funds appropriated in subsection (a) shall only be made available after the entire amount is matched by non-Federal contributions (not including in-kind contributions) that are pledged and received after July 26, 2005, but prior to the date specified in subsection (c).

40 USC 8903  
note.

(c) Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 is amended by striking “November 12, 2006” and inserting “November 12, 2008”.

\* \* \* \* \*

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**7. Mt. Soledad Veterans**

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 2809

Public Law 108–447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. 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.

118 STAT. 2810  
1 USC 1 note.

**SEC. 4. 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, 2005.

\* \* \* \* \*

**DIVISION J—OTHER MATTERS**

118 STAT. 3341

**TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS**

Miscellaneous  
Appropriations  
and Offsets Act,  
2005.

\* \* \* \* \*

118 STAT. 3346  
California.  
16 USC 431 note.

**SEC. 116. (a) DESIGNATION OF NATIONAL VETERANS MEMORIAL.**—The Mt. Soledad Veterans Memorial located within the Soledad Natural Park in San Diego, California, which consists of a 29 foot-tall cross and surrounding granite memorial walls containing plaques engraved with the names and photographs of veterans of the United States Armed Forces, is hereby designated as a national memorial honoring veterans of the United States Armed Forces.

**(b) ACQUISITION AND ADMINISTRATION BY UNITED STATES.**—Not later than 90 days after the date on which the City of San Diego, California, offers to donate the Mt. Soledad Veterans Memorial to the United States, the Secretary of the Interior shall accept, on behalf of the United States, all right, title, and interest of the City in and to the Mt. Soledad Veterans Memorial.

Deadline.

**(c) ADMINISTRATION OF MEMORIAL.**—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of the Interior shall administer the Mt. Soledad Veterans Memorial as a unit of the National Park System, except that the Secretary shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance by the Association of the cross and surrounding granite memorial walls and plaques of the Memorial.

118 STAT. 3347

PUBLIC LAW 108-447—DEC. 8, 2004

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map NO. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with a radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution NO. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by a survey prepared jointly by the City of San Diego and the Secretary of the Interior. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**8. National Mall and Memorial Parks**

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1241

Public Law 108–108  
108th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

\* \* \* \* \*

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term “special event” shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

117 STAT. 1280  
16 USC 1a–1  
note.

117 STAT. 1281

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

117 STAT. 1321

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

9. Oklahoma City

117 STAT. 1241

PUBLIC LAW 108-108—NOV. 10, 2003

Public Law 108-108  
108th Congress

An Act

Nov. 10, 2003  
[H.R. 2691]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Department of the Interior and Related Agencies Appropriations Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

\* \* \* \* \*

117 STAT. 1249

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 special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,629,641,000, of which \$10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,480,000, to remain available until September 30, 2005, is 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; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105-58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-Federal funds.

117 STAT. 1250

\* \* \* \* \*

## 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, \$62,544,000, of which \$1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105–58.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”. 117 STAT. 1321

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

Public Law 108–199  
108th Congress

An Act

Jan. 23, 2004  
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated  
Appropriations  
Act, 2004.

*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 “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

118 STAT. 4  
1 USC 1 note.

**SEC. 3. 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.

\* \* \* \* \*

118 STAT. 279  
Transportation,  
Treasury, and  
Independent  
Agencies  
Appropriations  
Act, 2004.

**DIVISION F—DEPARTMENTS OF TRANSPORTATION AND  
TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004**

An Act

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

\* \* \* \* \*

118 STAT. 340

**TITLE V—GENERAL PROVISIONS**

**THIS ACT**

(INCLUDING TRANSFERS OF FUNDS)

\* \* \* \* \*

118 STAT. 347  
Oklahoma City  
National  
Memorial Act  
Amendments of  
2003.  
16 USC 450ss  
note.

**SEC. 544. AMENDMENTS TO OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997.** (a) **SHORT TITLE.**—This section may be cited as the “Oklahoma City National Memorial Act Amendments of 2003”.

(b) **FOUNDATION DEFINED; CONFORMING AMENDMENT.**—Section 3 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss–1) is amended—



(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by inserting immediately preceding paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following new paragraph:

“(1) FOUNDATION.—The term ‘Foundation’ means the Oklahoma City National Memorial Foundation, a not-for-profit corporation that is—

“(A) described in section 501(c)(3) of the Internal Revenue Code of 1986;

“(B) exempt from taxation under section 501(a) of such Code; and

“(C) dedicated to the support of the Memorial.”; and

(3) in paragraph (3), by striking “designated under section 5(a)”.

(c) ADMINISTRATION OF MEMORIAL BY FOUNDATION.—Section 4 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-2) is amended—

(1) in subsection (a)—

(A) by striking “a unit” and inserting “an affiliate”; and

(B) by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

“(b) ADMINISTRATION OF MEMORIAL.—The Foundation shall administer the Memorial in accordance with this Act and the general objectives of the ‘Memorial Mission Statement’, adopted March 26, 1996, by the Foundation.”; and

(4) in subsection (c) (as so redesignated by paragraph (2) of this subsection) by striking “1997 (hereafter)” and all that follows through the final period and inserting “1997. The map shall be on file and available for public inspection in the appropriate office of the Foundation.”.

(d) TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.—Section 5 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-3) is amended to read as follows:

**“SEC. 5. TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.**

“(a) TRANSFER OF MEMORIAL PROPERTY.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Oklahoma City National Memorial Act Amendments of 2003, the Trust shall transfer to the Foundation—

Deadline.

“(A) all assets of the Trust, including all real and personal property of the Memorial, any appurtenances, buildings, facilities, monuments, contents, artifacts, contracts and contract rights, accounts, deposits, intangibles, trademarks, trade names, copyrights, all other intellectual property, all other real and personal property of every kind and character comprising the Memorial, and any amounts appropriated for the Trust;

“(B) any property owned by the Trust that is adjacent or related to the Memorial; and

“(C) all property maintained for the Memorial, together with all rights, authorities, and duties relating to the

118 STAT. 348

ownership, administration, operation, and management of the Memorial.

“(2) SUBSEQUENT GIFTS.—Any artifact, memorial, or other personal property that is received by, or is intended by any person to be given to, the Trust after the date of transfer of property under paragraph (1) shall be the property of the Foundation.

“(b) ASSUMPTION OF TRUST OBLIGATIONS.—Any obligations of the Trust relating to the Memorial that have been approved by the Trust before the date on which the property is transferred under subsection (a) shall become the responsibility of the Foundation on the date of the transfer.

Deadline.  
Notification.

“(c) DISSOLUTION OF TRUST.—Not later than 30 days after the transfer under subsection (a) is completed—

“(1) the Trust shall be dissolved; and

“(2) the Trust shall notify the Secretary of the date of dissolution.

“(d) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary, acting through the National Park Service, is authorized to enter into 1 or more cooperative agreements with the Foundation for the National Park Service to provide interpretive services related to the Memorial and such other assistance as may be agreed upon between the Secretary and the Foundation. The costs of the services and other agreed assistance shall be paid by the Secretary.

“(e) GENERAL SERVICES ADMINISTRATION AUTHORITY.—The Administrator of General Services shall provide, on a non-reimbursable basis, services necessary for the facilitation of the transfer of the Memorial to the Foundation.

“(f) LIMITATION.—Nothing in this Act shall prohibit the use of State and local law enforcement for the purposes of security related to the Memorial.”

(e) REPEAL OF DUTIES AND AUTHORITIES OF TRUST.—

(1) IN GENERAL.—Section 6 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-4) is repealed.

16 USC 450ss-4  
note.

(2) EFFECTIVE DATE.—The repeal under this subsection shall take effect upon the transfer of the Memorial property, rights, authorities, and duties pursuant to the amendments made by subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-5) is amended—

(1) in paragraph (1), by inserting “for an endowment fund subject to paragraph (2)” after “the sum of \$5,000,000”; and

(2) in paragraph (2)—

(A) by striking “Trust or to the Oklahoma City Memorial”; and

(B) by striking “or operation” and inserting “operation, or endowment”.

16 USC 450ss-3  
note.

118 STAT. 349

(g) AUTHORIZATION OF SECRETARY TO REIMBURSE PREVIOUS COSTS PAID BY FOUNDATION OR TRUST.—To the extent that funds are made available for the Trust, the Secretary of the Interior shall reimburse the Oklahoma City National Memorial Foundation for funds obligated or expended by the Oklahoma City National Memorial Foundation or the Oklahoma City National Memorial Trust to the Secretary of the Interior for interpretive services, security, and other costs and services related to the Oklahoma City National Memorial before the date of the enactment of this

Act. The Oklahoma City National Memorial Foundation may use such reimbursed funds for the operation, maintenance, and permanent endowment of the Oklahoma City National Memorial.

(h) REPEAL OF DISPOSITION OF SITE OF ALFRED P. MURRAH FEDERAL BUILDING.—Section 8 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss–6) is repealed.

(i) REPEAL OF STUDY REQUIREMENT.—Section 9 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss–7) is repealed.

\* \* \* \* \*

Approved January 23, 2004.

118 STAT. 457

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.  
 Nov. 5, 6, considered and passed Senate, amended.  
 Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):  
 Jan. 23, Presidential statement.

**10. Ukraine Famine**

120 STAT. 1864

PUBLIC LAW 109–340—OCT. 13, 2006

**Public Law 109–340  
109th Congress****An Act**Oct. 13, 2006  
[H.R. 562]

To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

*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. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) **IN GENERAL.**—The Government of Ukraine is authorized to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932–1933.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), except that sections 8902(a)(1), 8906(b)(1), 8908(b)(2), and 8909(b) shall not apply with respect to the memorial.

40 USC 8903  
note.**SEC. 2. LIMITATION ON PAYMENT OF EXPENSES.**

The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

Approved October 13, 2006.

---

**LEGISLATIVE HISTORY—H.R. 562:**

**SENATE REPORTS:** No. 109–244 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Nov. 16, considered and passed House.

Vol. 152 (2006): Sept. 29, considered and passed Senate.

**11. USS Arizona**

PUBLIC LAW 109–163—JAN. 6, 2006

119 STAT. 3136

Public Law 109–163  
109th Congress

**An Act**

To authorize appropriations for fiscal year 2006 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.

Jan. 6, 2006  
[H.R. 1815]

*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 2006”.

National Defense  
Authorization  
Act for Fiscal  
Year 2006.

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF  
DEFENSE AUTHORIZATIONS**

119 STAT. 3152

\* \* \* \* \*

**TITLE X—GENERAL PROVISIONS**

119 STAT. 3417

\* \* \* \* \*

**Subtitle B—Naval Vessels and Shipyards**

119 STAT. 3422

\* \* \* \* \*

**SEC. 1017. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL AND  
OTHER MEMORIALS AT PEARL HARBOR.**

119 STAT. 3425  
Hawaii.  
16 USC 431 note.

(a) **ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for a memorial for the U.S.S. Oklahoma (BB–37). The Secretary of the Interior shall establish the memorial at the identified site by authorizing the USS Oklahoma Memorial Foundation to construct a memorial. The Secretary shall certify that—

Deadline.

- (1) the USS Oklahoma Memorial Foundation has sufficient funding to complete construction of the memorial; and
- (2) the memorial meets the requirements of subsection (c).

Certification.

(b) **ADMINISTRATION OF THE MEMORIAL.**—Once established, the Secretary of the Interior shall administer the USS Oklahoma Memorial as a part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any agreement between the Secretary of the Interior and the Secretary of the Navy. The Secretary of the Navy shall retain administrative jurisdiction over the land where the USS Oklahoma Memorial is established.

119 STAT. 3426

(c) **REQUIREMENTS FOR PEARL HARBOR MEMORIALS.**—The site selection, design, and construction of the USS Oklahoma Memorial and any memorials established after the date of the enactment

of this Act that are associated with the attack at Pearl Harbor on December 7, 1941, shall be consistent with the requirements in the document titled “Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials”, dated April 2005.

(d) ESTABLISHMENT AND OPERATION OF TRANSPORTATION SYSTEM.—The Secretary of the Interior may establish and operate a transportation system over roads linking the USS Arizona Memorial Visitor Center with one or more of the existing and future historic sites and historic visitor attractions within the Pearl Harbor Naval Complex, including Ford Island. Transportation on this system may be provided with or without charge, directly or through a contract or concessioner, and without regard to whether service is provided to sites or attractions that are under the jurisdiction of or administered by the National Park Service.

\* \* \* \* \*

---

LEGISLATIVE HISTORY—H.R. 1815 (S. 1042) (S. 1043):

HOUSE REPORTS: Nos. 109–89 (Comm. on Armed Services) and 109–360 (Comm. of Conference).

SENATE REPORTS: No. 109–69 accompanying S. 1042 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 25, considered and passed House.

Nov. 15, considered and passed Senate, amended, in lieu of S. 1042.

Dec. 18, House agreed to conference report.

Dec. 19, 21, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Jan. 6, Presidential statement.

**12. Vietnam Veterans**

PUBLIC LAW 108–126—NOV. 17, 2003

117 STAT. 1348

Public Law 108–126  
108th Congress**An Act**

To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

Nov. 17, 2003  
[H.R. 1442]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*District of  
Columbia.**TITLE I—VIETNAM VETERANS  
MEMORIAL VISITOR CENTER****SEC. 101. VISITOR CENTER.**

Public Law 96–297 (16 U.S.C. 431 note) is amended by adding at the end the following:

**“SEC. 6. VISITOR CENTER.****“(a) AUTHORIZATION.—****“(1) IN GENERAL.—**The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.**“(2) LOCATION.—**The visitor center shall be located underground.**“(3) CONSULTATION ON DESIGN PHASE.—**The Vietnam Veterans Memorial Fund, Inc., shall consult with educators, veterans groups, and the National Park Service in developing the proposed design of the visitor center.**“(b) COMPLIANCE WITH STANDARDS APPLICABLE TO COMMEMORATIVE WORKS.—**Chapter 89 of title 40, United States Code, shall apply, including provisions related to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that—**“(1)** final approval of the visitor center shall not be withheld;**“(2)** the provisions of subsections (b) and (c) of section 8908 of title 40, United States Code, requiring further approval by law for the location of a commemorative work within Area I and prohibiting the siting of a visitor center within the Reserve shall not apply;**“(3)** the size of the visitor center shall be limited to the minimum necessary—

“(A) to provide for appropriate educational and interpretive functions; and

“(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall; and

“(4) the visitor center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

“(c) OPERATION AND MAINTENANCE.—

“(1) IN GENERAL.—The Secretary of the Interior shall—

“(A) operate and maintain the visitor center, except that the Secretary shall enter into a written agreement with the Vietnam Veterans Memorial Fund, Inc., for specified maintenance needs of the visitor center, as determined by the Secretary; and

“(B) as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.

“(2) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—Paragraph (1)(A) does not waive the requirements of section 8906(b) of title 40, United States Code, with respect to the visitor center.

“(d) FUNDING.—The Vietnam Veterans Memorial Fund, Inc., shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay any expense of the establishment of the visitor center.”.

\* \* \* \* \*

---

LEGISLATIVE HISTORY—H.R. 1442:

HOUSE REPORTS: No. 108-295 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 15, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Nov. 6, House concurred in Senate amendment.



## XI. NATIONAL MONUMENTS

### 1. African Burial Ground

PROCLAMATION 7984—FEB. 27, 2006

120 STAT. 3763

**Proclamation 7984 of February 27, 2006**

#### **Establishment of the African American Burial Ground National Monument**

*By the President of the United States of America*

*A Proclamation*

In Lower Manhattan, at the corners of Duane and Elk Streets, lies an undeveloped parcel of approximately 15,000 square feet that constitutes a remaining portion of New York City's early African Burial Ground. The site is part of an approximately 7-acre National Historic Landmark established on April 19, 1993. From the 1690s to the 1790s, the African Burial Ground served as the final resting place of enslaved and free Africans in New York City, New York. It contains the remains of those interred, as well as the archeological resources and artifacts associated with their burials. Prior to the date of this proclamation, the site was administered by the General Services Administration (GSA), and it will be the location of a memorial, to be constructed soon according to a design selected on April 29, 2005, through a competition conducted by the GSA with the participation of the National Park Service (NPS) and other interested parties.

120 STAT. 3764

Whereas the African Burial Ground National Monument will promote understanding of related resources, encourage continuing research, and present interpretive opportunities and programs for visitors to better understand and honor the culture and vital contributions of generations of Africans and Americans of African descent to our Nation;

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 would be in the public interest to preserve the portion of the African Burial Ground at the corner of Duane and Elk Streets in New York City, and certain lands as necessary for the care and management of the historic and scientific objects therein, as the African Burial Ground National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the African Burial Ground National Monument for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States with the boundaries described on the accompanying land description, which is attached and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 15,000 square feet, which is the smallest area

120 STAT. 3764

## PROCLAMATION 7984—FEB. 27, 2006

compatible with the proper care and management of the objects to be protected.

All Federal lands and interests of lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of the Interior (Secretary), acting through the NPS, shall administer the national monument consistent with the purposes and provisions of this proclamation and applicable laws and regulations governing management of units of the national park system. For the purposes of preserving, interpreting, and enhancing public understanding and appreciation of the national monument and its meaning to society, the Secretary, acting through the NPS, shall develop an interagency agreement with the Administrator of General Services and, within 3 years of the date of this proclamation, prepare a management plan for the national monument. The management plan shall, among other provisions, set forth the desired relationship of the national monument to other related resources, programs, and organizations in New York City and other locations, provide for maximum public involvement in its development, and identify steps to be taken to provide interpretive opportunities for the entirety of the National Historic Landmark and related sites in New York City. Further, to the extent authorized by law, the Secretary, acting through the NPS, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

120 STAT. 3765

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 the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, 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 twenty-seventh day of February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH

## PROCLAMATION 7984—FEB. 27, 2006

120 STAT. 3766

DESCRIPTION OF LANDS CONSTITUTING THE  
AFRICAN BURIAL GROUND NATIONAL MONUMENT

This document describes the lands that are set apart and reserved as the African Burial Ground National Monument pursuant to the accompanying proclamation. A legal description of the tract is set out below. The tract also appears on the map entitled "African Burial Ground National Monument," dated December 2005, Map Number 762/80,000, which is attached to this document for reference purposes. The United States owns this tract in fee simple.

The national monument will also include all rights, hereditaments, easements, and appurtenances to property owned by the United States, belonging or otherwise appertaining, as well as any associated Federally owned property of historical interest.

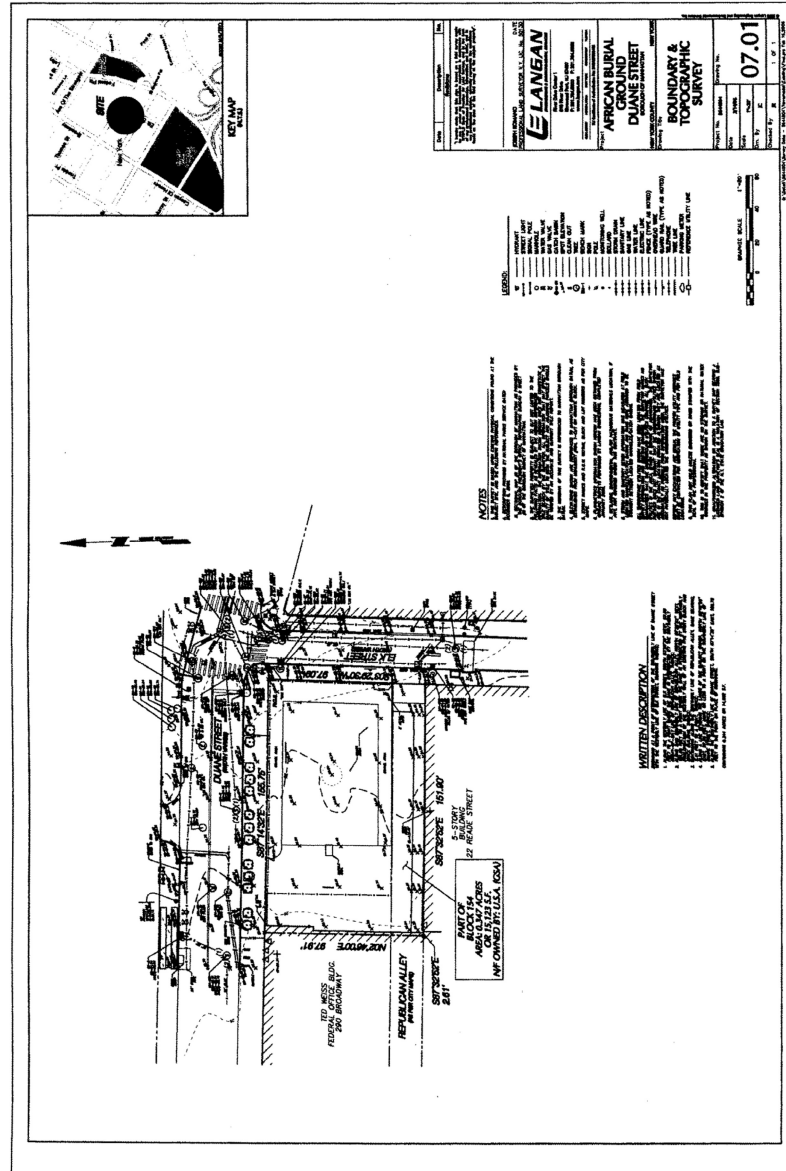
All that certain tract or parcel of land lying and being situated in the Borough of Manhattan, City of New York, State of New York, and being more particularly described as follows:

BEGINNING at a point of intersection of the southerly line of Duane Street with the westerly line of Elk Street, said point having coordinates based on Sheet 5 of the Borough of Manhattan, Borough Survey of N 6,782.392, W 8,295.507, said point of beginning being South 03° 29' 30" West, 5.00 feet from an X-cut set in the concrete sidewalk and North 87° 14' 32" West, 5.00 feet from a cap set in the concrete sidewalk, running, thence;

1. Along the westerly line of Elk Street, South 03° 29' 30" West, 97.09 feet to a point where the same is intersected by the southerly right-of-way line of Republican Alley, thence;
2. Along said southerly line of Republican Alley, North 87° 32' 52" West, 151.90 feet to a point where the same is intersected by the northerly prolongation of the westerly wall of an existing five story block and brick building, thence;
3. Continuing along the southerly line of Republican Alley, same bearing, 2.61 feet to a point, thence;
4. Along a line severing the lands of the subject owner, North 02° 46' East, 97 feet, more or less to a point on the southerly line of Duane Street, thence;
5. Along the southerly line of Duane Street, South 87° 14' 32" East, 155.75 feet to the point or place of BEGINNING.

Containing 0.35 of an acre, more or less.

Being a portion of a parcel called "Government Office Building Site" acquired by the United States of America included in a Final Judgment of Condemnation, 90 Civ. (HGM), dated December 13, 1990.



**2. Aztec Ruins**

PUBLIC LAW 108–413—OCT. 30, 2004

118 STAT. 2325

Public Law 108–413  
108th Congress

**An Act**

To authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

Oct. 30, 2004  
[S. 643]

*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 “Hibben Center Act”.

Hibben Center  
Act.  
16 USC 410ii  
note.

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) **TERM; RENT.**—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) **IMPROVEMENTS.**—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

**SEC. 3. GRANT.**

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

(1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and

(2) the cost of improvements, not to exceed \$2,488,000.

**SEC. 4. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

16 USC 410ii  
note.

118 STAT. 2326

PUBLIC LAW 108-413—OCT. 30, 2004

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

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—S. 643 (H.R. 3258):**

**HOUSE REPORTS:** No. 108-743 accompanying H.R. 3258 (Comm. on Resources).

**SENATE REPORTS:** No. 108-94 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): July 17, considered and passed Senate.

Vol. 150 (2004): Sept. 28, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

**3. Cape Krusenstern**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

117 STAT. 270

\* \* \* \* \*

**SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT  
TRUSTS.** (a) Section 1629b of title 43, United States Code, is  
amended—

117 STAT. 278

(1) at subsection (d)(1) by striking “An” and inserting in  
its place “Except as otherwise set forth in subsection (d)(3)  
of this section, an”;

(2) by creating the following new subsection:

“(d)(3) A resolution described in subsection (a)(3) of this section  
shall be considered to be approved by the shareholders of a Native  
Corporation if it receives the affirmative vote of shares  
representing—

“(A) a majority of the shares present or represented by  
proxy at the meeting relating to such resolution, or

“(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.”; and

(3) by creating the following new subsection:

“(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”.

\* \* \* \* \*

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.



**4. Castillo de San Marcos**

PUBLIC LAW 108–480—DEC. 23, 2004

118 STAT. 3907

Public Law 108–480  
108th Congress**An Act**

To authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

Dec. 23, 2004  
[H.R. 2457]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Florida.  
16 USC 431 note.**TITLE I—CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION ACT**

Castillo de San Marcos National Monument Preservation and Education Act.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Preservation and Education Act”.

**SEC. 102. VISITOR CENTER.**

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the “Secretary”) may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the “Monument”).

(b) **PREFERRED ALTERNATIVE.**—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

**SEC. 103. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

**SEC. 104. BOUNDARY EXPANSION.**

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 102 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

118 STAT. 3908

PUBLIC LAW 108-480—DEC. 23, 2004

(b) ADMINISTRATION OF NEWLY ACQUIRED LAND.—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) BOUNDARY MODIFICATION.—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

**SEC. 105. PROJECT APPROVAL.**

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 102, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Castillo de San  
Marcos National  
Monument  
Boundary  
Adjustment Act  
of 2004.

**TITLE II—CASTILLO DE SAN MARCOS  
NATIONAL MONUMENT BOUNDARY  
MODIFICATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830’s, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City’s archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

**SEC. 203. BOUNDARY ADJUSTMENT.**

(a) CONVEYANCE OF LAND.—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of

PUBLIC LAW 108–480—DEC. 23, 2004

118 STAT. 3909

the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) BOUNDARY REVISION.—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

Effective date.

Approved December 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2457:

HOUSE REPORTS: No. 108–639 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Sept. 13, considered and passed House.  
Dec. 8, considered and passed Senate.

**5. Fort Frederica**

118 STAT. 2339

PUBLIC LAW 108–417—NOV. 30, 2004

Public Law 108–417  
108th Congress

**An Act**

Nov. 30, 2004  
[H.R. 1113]

To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

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

16 USC 433g  
note.

**SECTION 1. EXCHANGE OF LANDS.**

(a) **IN GENERAL.**—Notwithstanding section 5(b) of Public Law 90–401 (16 U.S.C. 4601–22(b)), the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as “NPS Lands for Exchange” on the map entitled “Fort Frederica National Monument 2003 Boundary Revision” numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as “Private Lands for Addition” on the same map.

(b) **MAP AVAILABILITY.**—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC 433g  
note.

**SEC. 2. BOUNDARY ADJUSTMENT.**

Upon completion of the land exchange under subsection (a) of section 1, the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.

Approved November 30, 2004.

**LEGISLATIVE HISTORY—H.R. 1113:**

HOUSE REPORTS: No. 108–201 (Comm. on Resources).

SENATE REPORTS: No. 108–374 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Sept. 23, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.

## 6. Governors Island

PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 2996

**Proclamation 7647 of February 7, 2003**

### **Establishment of the Governors Island National Monument**

*By the President of the United States of America*

*A Proclamation*

On the north tip of Governors Island, at the confluence of the Hudson and East Rivers, stand two fortifications that served as an outpost to protect New York City from sea attack. These two important historic objects, Castle Williams and Fort Jay, are part of a National Historic Landmark District designated in 1985. Between 1806 and 1811, these fortifications were constructed as part of the First and Second American Systems of Coastal Fortification. Castle Williams and Fort Jay represent two of the finest examples of defensive structures in use from the Renaissance to the American Civil War. They also played important roles in the War of 1812, the American Civil War, and World Wars I and II.

These fortifications were built on the most strategic defensive positions on the island. Fort Jay, constructed between 1806 and 1809, is on the highest point of the island from which its glacis originally sloped down to the waterfront on all sides. Castle Williams, constructed between 1807 and 1811, occupies a rocky promontory as close as possible to the harbor channels and served as the most important strategic defensive point in the entrance to the New York Harbor.

117 STAT. 2997

Governors Island was managed by the United States Army and the United States Coast Guard for nearly 200 years, but is no longer required for defense or Coast Guard purposes. It provides an excellent opportunity for the public to observe and understand the harbor history, its defense, and its ecology. Its proximity to lower Manhattan also makes it an appropriate location from which to reflect upon the tragic events of September 11, 2001.

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 the 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.

A Governors Island National Monument was established by Proclamation 7402 of January 19, 2001, in order to protect the two fortifications. The monument, however, remained subject to Public Law 105–33, section 9101, 111 Stat. 670 (August 5, 1997), which required the entire island, including the monument lands, to be sold with a right of first offer to the State and City of New York.

WHEREAS the State and City of New York each executed a consent and waiver of the right of first offer regarding Governors Island; and WHEREAS the portion of Governors Island described on the accompanying land description was sold to the National Trust for Historic Preservation (National Trust), on January 31, 2003, and the remainder

117 STAT. 2997

## PROCLAMATION 7647—FEB. 7, 2003

of Governors Island was sold to the Governors Island Preservation and Education Corporation (GIPEC) of the State and City of New York, on January 31, 2003; and

WHEREAS the National Trust, on January 31, 2003, relinquished and conveyed to the United States of America all lands owned by the National Trust on Governors Island; and

WHEREAS such relinquishment and conveyance have been accepted by the Secretary of the Interior (Secretary) pursuant to the Antiquities Act; and

WHEREAS it appears that it would be in the public interest to preserve Castle Williams, Fort Jay, and certain lands and buildings necessary for the care and management of the Castle and Fort as the Governors Island National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Governors Island National Monument for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries described on the accompanying land description, which is attached to and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 22 acres, together with appurtenant easements for all necessary purposes and any associated federally owned personal property of historic interest, which is the smallest area compatible with the property care and management of the objects to be protected.

117 STAT. 2998

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary shall manage the monument consistent with the purposes and provisions of this proclamation. For the purpose of preserving, restoring, and enhancing the public visitation and appreciation of the monument, the Secretary shall prepare a management plan for the monument within 3 years of the date of this proclamation. Further, to the extent authorized by law, the Secretary shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The establishment of this monument is subject to valid existing rights, if any such rights are present.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

GEORGE W. BUSH

## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 2998

**Description of Lands in Governors Island National Monument**

This document describes the lands that are set apart and reserved as the Governors Island National Monument pursuant to the accompanying proclamation. The national monument boundaries include the lands identified as Tract 01–101, Tract 01–102, Tract 01–103, and Tract 01–104. Legal descriptions of these tracts are set out below. These tracts also appear on the map entitled “Governors Island National Monument, Boundary Map,” dated August 20, 2002, map number 019/80,001A, which is attached to this document for reference purposes.

The United States owns Tract 01–101, Tract 01–102, and Tract 01–103 in fee simple. Within Tract 01–104, the United States owns a perpetual and exclusive right and easement consisting of the right, but not the obligation, to utilize, occupy, manage, reconstruct, remodel, maintain, and improve approximately 1,000 square feet on the first (1st) floor in the Building known as “Building 140” located on that portion of the land known and identified as Tract 01–104. As set out in the accompanying proclamation, the National Park Service will manage all property owned by the United States within the national monument boundary.

117 STAT. 2999

The national monument will also include all rights, hereditaments, easements, and appurtenances to property owned by the United States, belonging or otherwise appertaining, as well as any associated federally owned personal property of historic interest.

**Tract 01–101**

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

**Beginning** at a point at the intersection of the southerly side of Andes Road and the base of a concrete retaining wall on the southerly side of Andes Road, said point of beginning being South 14° 28' 10" West, 141.01 feet from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,056.72 and East 626,751.86, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following forty four (44) courses and distances:

1. South 80° 58' 48" East, along the said intersection of the southerly side of Andes Road and the base of a concrete retaining wall on the southerly side of Andes Road, 55.80 feet to a point;
2. South 45° 14' 55" East, along the intersection of the base of a concrete retaining wall and sidewalk, 4.40 feet to a point;
3. South 24° 46' 24" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 13.37 feet to a point;
4. South 16° 56' 20" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 13.16 feet to a point;
5. South 10° 05' 36" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 15.64 feet to a point on the westerly edge of a brick sidewalk;
6. South 05° 40' 25" West, along the said westerly edge of a brick sidewalk, 274.67 feet to a point;

117 STAT. 2999

## PROCLAMATION 7647—FEB. 7, 2003

7. North  $84^{\circ} 45' 49''$  West, along the northerly edge of said brick sidewalk, 84.24 feet to a point;

8. South  $45^{\circ} 45' 14''$  West, along the northwesterly edge of said brick sidewalk, 24.85 feet to a point on the back of the concrete curb on the northerly side of the cul-de-sac on Evans Road;

9. A non-tangent curve to the left, along the said back of the concrete curb on the northerly side of the cul-de-sac on Evans Road, having a radius of 34.00 feet, a central angle of  $132^{\circ} 11' 45''$  and an arc length of 78.45 feet to a point, said curve having a chord bearing and distance of South  $69^{\circ} 51' 24''$  West, 62.17 feet;

117 STAT. 3000

10. North  $81^{\circ} 25' 23''$  West, leaving the said back of the concrete curb and crossing the Parade Ground, 764.47 feet to a point on the northeasterly face of a concrete curb on the northeasterly side of Comfort Road;

11. North  $23^{\circ} 06' 23''$  West, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, 94.46 feet to a point of curve;

12. A curve to the right, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, having a radius of 80.00 feet, a central angle of  $41^{\circ} 01' 44''$  and an arc length of 57.29 feet to a point of reverse curve;

13. A curve to the left, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, having a radius of 70.67 feet, a central angle of  $41^{\circ} 04' 47''$  and an arc length of 50.67 feet to a point of tangent;

14. North  $23^{\circ} 09' 26''$  West, along the intersection of the northeasterly side of Comfort Road and the said face of a concrete curb on the northeasterly side of Comfort Road, 240.84 feet to a point;

15. North  $46^{\circ} 15' 33''$  West, along the said intersection of the northeasterly side of Comfort Road and the said face of a concrete curb on the northeasterly side of Comfort Road and its northwesterly projection thereof, 111.36 feet, crossing Tampa Road to a point at the intersection of the northerly side of an access road and the face of a concrete curb on the northerly side of the access road;

16. South  $86^{\circ} 21' 32''$  West, along the said intersection of the northerly side of an access road and the face of a concrete curb on the northerly side of the access road and its westerly projection thereof, 133.51 feet to a point;

17. North  $85^{\circ} 02' 31''$  West, crossing Hay Road and along the back of a concrete curb on the southerly side of an asphalt parking lot, 139.69 feet to a point at the intersection of the easterly side of an access road and the face of a concrete curb on the easterly side of the access road;

18. North  $06^{\circ} 11' 10''$  East, along the said intersection of the easterly side of an access road and the face of a concrete curb on the easterly side of the access road, 8.97 feet;

19. North  $84^{\circ} 30' 23''$  West, passing through a brick connecting-wall between Building 513A and Building 515, and along the back of a concrete curb, 200.29 feet to a point at the intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road;



## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 3000

20. North 09° 30' 51" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road and its northerly projection thereof, 35.34 feet to a point;

21. North 16° 40' 16" East, along the said easterly side of Carder Road, 98.56 feet to a point at the intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road;

22. North 17° 39' 33" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road, 180.86 feet to a point;

117 STAT. 3001

23. North 23° 48' 41" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road, 83.68 feet to a point of curve;

24. A curve to the right, along the said intersection of the easterly and southerly side of Carder Road and the face of a concrete curb on the easterly and southerly side of Carder Road, having a radius of 100.46 feet, a central angle of 69° 53' 28" and an arc length of 122.55 feet to a point of tangent;

25. South 86° 17' 52" East, continuing along the said intersection of the southerly side of Carder Road and the face of a concrete curb on the southerly side of Carder Road and its easterly projection thereof, 149.02 feet, crossing Hay Road to a point;

26. South 08° 57' 35" West, along the easterly side of Hay Road, 120.18 feet to a point;

27. South 12° 12' 20" East, 62.43 feet, crossing Andes Road to a point at the intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road;

28. A non-tangent curve to the right, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road, having a radius of 58.00 feet, a central angle of 48° 54' 20" and an arc length of 49.51 feet to a point of tangent, said curve having a chord bearing and distance of North 70° 02' 51" East, 48.02 feet;

29. South 85° 29' 59" East, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road and its easterly projection thereof, 123.62 feet to a point;

30. South 85° 29' 44" East, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road, 428.81 feet to a point;

31. South 85° 17' 33" East, along the southerly face of a concrete curb on the southerly side of Andes Road, 107.02 feet to a point;

32. South 83° 11' 58" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 49.20 feet to a point;

33. South 82° 30' 10" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 49.51 feet to a point;

34. South 81° 33' 52" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 86.61 feet to a point;

117 STAT. 3001

## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 3002

35. A non-tangent curve to the right, along the said southerly face of a concrete curb on the southerly side of Andes Road, having a radius of 8.50 feet, a central angle of  $47^{\circ} 16' 55''$  and an arc length of 7.01 feet to a point, said curve having a chord bearing and distance of North  $75^{\circ} 41' 40''$  East, 6.82 feet;

36. South  $80^{\circ} 39' 53''$  East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 8.32 feet to a point;

37. A non-tangent curve to the right, along the said southerly face of a concrete curb on the southerly side of Andes Road, having a radius of 8.00 feet, a central angle of  $46^{\circ} 10' 15''$  and an arc length of 6.45 feet to a point, said curve having a chord bearing and distance of South  $57^{\circ} 34' 45''$  East, 6.27 feet;

38. South  $79^{\circ} 00' 27''$  East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 41.54 feet to a point;

39. South  $70^{\circ} 49' 07''$  East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 61.48 feet to a point of curve;

40. A curve to the right, along the southwesterly face of a concrete curb on the southwesterly side of Andes Road, having a radius of 257.96 feet, a central angle of  $21^{\circ} 12' 48''$  and an arc length of 95.51 feet to a point of compound curve;

41. A curve to the right, along the westerly face of a concrete curb on the westerly side of Andes Road, having a radius of 154.12 feet, a central angle of  $48^{\circ} 42' 34''$  and an arc length of 131.02 feet to a point of tangent;

42. South  $00^{\circ} 53' 45''$  East, along the intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road, 83.86 feet to a point of curve;

43. A curve to the left, along the said intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road, having a radius of 148.98 feet, a central angle of  $16^{\circ} 25' 57''$  and an arc length of 42.73 feet to a point of tangent; and,

44. South  $17^{\circ} 19' 42''$  East, along the said intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road and its southerly projection thereof, 155.84 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 21.69 acres, more or less.

**Tract 01-102**

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

**Beginning** at a point on the northerly side of Dock 102 on a line being the westerly projection of the northerly face of the lower concrete seawall, said point of beginning being South  $74^{\circ} 39' 57''$  East, 535.78 feet

## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 3002

from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,051.57 and East 627,303.76, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following eight (8) courses and distances:

1. South 88° 24' 18" East, to and along said northerly face of the lower concrete seawall, 84.29 feet to a point;
2. South 01° 35' 54" West, continuing along the easterly face of the lower concrete seawall, 22.82 feet to a point;
3. South 87° 30' 04" East, along the wood face of Dock 102, 100.26 feet to a point;
4. South 02° 05' 32" West, continuing along the said wood face of Dock 102, 19.27 feet to a point;
5. North 87° 31' 51" West, continuing along the said wood face of Dock 102, 101.94 feet to a point on the easterly face of a stone or granite seawall;
6. South 00° 14' 20" West, along the said easterly face of the stone or granite seawall, 6.34 feet to a point;
7. South 89° 25' 54" West, to and along the southerly side (back) of the southerly concrete curb, 80.69 feet to a point; and,
8. North 00° 34' 06" West, 51.53 feet to the point of beginning.

117 STAT. 3003

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.14 of an acre, more or less (6,084 +/- square feet).

**Tract 01-103**

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

**Beginning** at a point at the intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, said point of beginning being South 59° 06' 01" West, 60.15 feet from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,162.36 and East 626,735.48, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following thirteen (13) courses and distances:

1. North 17° 19' 42" West, 50.11 feet along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road to a point of curve;
2. A curve to the right, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 133.04 feet, a central angle of 16° 26' 45" and an arc length of 38.19 feet to a point of tangent;

117 STAT. 3003

## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 3004

3. North  $00^{\circ} 53' 45''$  West, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, 83.86 feet to a point of curve;

4. A curve to the left, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 169.95 feet, a central angle of  $10^{\circ} 50' 45''$  and an arc length of 32.17 feet to a point of reverse curve;

5. A curve to the right, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 20.64 feet, a central angle of  $108^{\circ} 22' 59''$  and an arc length 39.04 feet to a point of tangent;

6. South  $83^{\circ} 21' 31''$  East, along the intersection of the southerly side of the access road between Building 107 and Building 108 and the face of the concrete curb on the southerly side of said access road, 69.23 feet to a point of curve;

7. A curve to the right, along the said intersection of the southerly side of the access road between Building 107 and Building 108 and the face of the concrete curb on the southerly side of said access road, having a radius of 16.08 feet, a central angle of  $78^{\circ} 17' 48''$  and an arc length of 21.97 feet to a point of tangent;

8. South  $05^{\circ} 03' 43''$  East, along the intersection of the westerly side of the access road between Building 107 and Building 135A, B & C and the face of the concrete curb on the westerly side of the access road, 10.73 feet to a point;

9. South  $06^{\circ} 11' 02''$  West, 106.20 feet to a point;

10. South  $08^{\circ} 26' 06''$  West, 37.63 feet to a point;

11. South  $06^{\circ} 06' 28''$  West, 39.06 feet to a point;

12. North  $85^{\circ} 53' 21''$  West, along the southerly side of the retaining wall and steps/banister, 20.09 feet to a point; and,

13. South  $72^{\circ} 31' 49''$  West, through the sidewalk adjacent to Building 106, 41.42 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.44 of an acre, more or less (19,354 +/- square feet).

**Tract 01-104**

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

**Beginning** at a point on the northerly side of Carder Road on the southerly projection of the easterly face (back) of the concrete curb at the east end of the parking lot immediately adjacent to Building 140, said point of beginning being South  $80^{\circ} 04' 13''$  East, 115.55 feet from the southeasterly corner of Building 140, said point of beginning being further described as being at North 677,594.25 and East 626,794.40, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing

## PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 3005

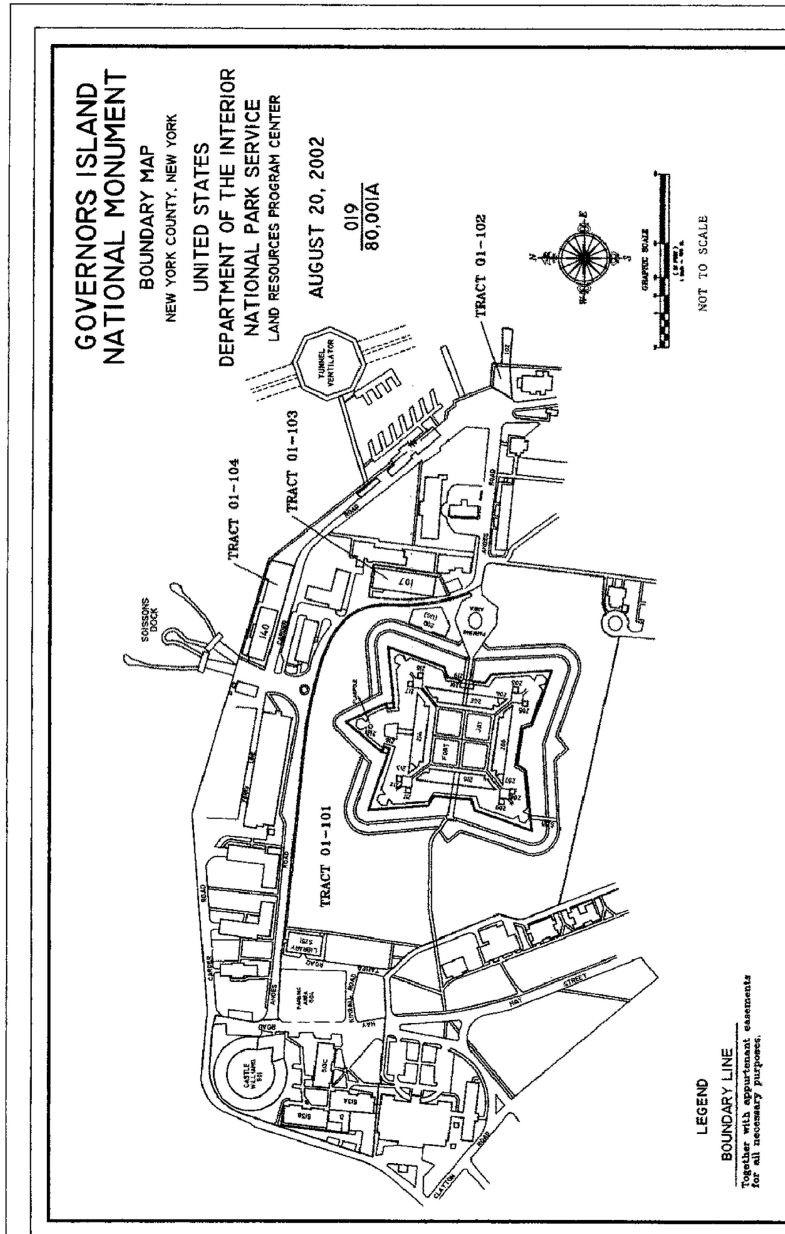
the lands of the subject owner, the following ten (10) courses and distances:

1. North 83° 26' 43" West, 87.06 feet to a point in said Carder Road;
2. North 75° 34' 32" West, 181.16 feet to a point in said Carder Road;
3. North 14° 25' 29" East, 4.94 feet to a point at the intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road;
4. North 75° 50'11" West, along the said intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road, 12.81 feet to a point;
5. A non-tangent curve to the right, along the said intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road, having a radius of 12.88 feet, a central angle of 75° 32' 13" and an arc length of 16.98 feet to a point, said curve having a chord bearing and distance of North 19° 31' 30" West, 15.78 feet to a point;
6. North 35° 19' 06" East, along the intersection of the easterly side of the Soissons Docks access road and the face of the concrete sidewalk on the easterly side of the Soissons Docks access road, 57.05 feet to a point;
7. South 50° 30' 54" East, 7.92 feet to a point on the eastern side of a brick retaining wall;
8. North 35° 17' 38" East, along and parallel to the said eastern side of a brick retaining wall, 15.36 feet to a point on the southerly side of the granite seawall;
9. South 75° 38' 30" East, along the southerly side of the granite seawall, 255.90 feet to a point; and,
10. South 14° 18' 59" West, 70.64 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.51 of an acre, more or less (22,265 +/- square feet).



**7. Montezuma Castle**

PUBLIC LAW 108–190—DEC. 19, 2003

117 STAT. 2867

Public Law 108–190  
108th Congress**An Act**To provide for the exchange of certain lands in the Coconino and Tonto National  
Forests in Arizona, and for other purposes.

Dec. 19, 2003

[H.R. 622]

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

16 USC 431 note.

**SECTION 1. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this Act.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) DPSHA.—The term “DPSHA” means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means land to be conveyed into non-Federal ownership under this Act.

(3) **FLPMA.**—The term “FLPMA” means the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) **MCJV.**—The term “MCJV” means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) **NON-FEDERAL LAND.**—The term “non-Federal land” means land to be conveyed to the Secretary of Agriculture under this Act.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

### **SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.**

(a) **LAND EXCHANGE.**—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) **NON-FEDERAL LAND.**—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled “Montezuma Castle Contiguous Lands”, dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled “Double Cabin Park Lands”, dated September 2002.

(c) **FEDERAL LAND.**—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, and 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) **EQUAL VALUE EXCHANGE.**—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of section 206(b) of FLPMA (43 U.S.C. 1716(b)):

- (1) Lot 3.
- (2) Lot 4.
- (3) Lot 9.
- (4) Lot 10.
- (5) Lot 11.
- (6) Lot 8.

Applicability.

(e) **CASH EQUALIZATION.**—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C.



## PUBLIC LAW 108-190—DEC. 19, 2003

117 STAT. 2869

1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

**SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

(a) **IN GENERAL.**—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) **NON-FEDERAL LAND.**—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled “Diamond Point Exchange—Q Ranch Non-Federal Lands”, dated May 2002.

(c) **FEDERAL LAND.**—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on the map entitled “Diamond Point Exchange—Federal Land”, dated May 2002.

(d) **EQUAL VALUE EXCHANGE.**—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

Applicability.

(e) **SPECIAL USE PERMIT TERMINATION.**—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

**SEC. 5. MISCELLANEOUS PROVISIONS.**

(a) **EXCHANGE TIMETABLE.**—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

Deadline.

(b) **EXCHANGE PROCESSING.**—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any

117 STAT. 2870

PUBLIC LAW 108–190—DEC. 19, 2003

such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) ADMINISTRATION OF ACQUIRED LAND.—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) TRANSFER OF LAND TO NATIONAL PARK SERVICE.—Upon their acquisition by the United States, the “Montezuma Castle Contiguous Lands” identified in section 3(b)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

Approved December 19, 2003.

---

LEGISLATIVE HISTORY—H.R. 622:

SENATE REPORTS: No. 108–137 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 1, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendments.

**8. Organ Pipe Cactus**

PUBLIC LAW 108–64—JULY 29, 2003

117 STAT. 874

Public Law 108–64  
108th Congress**An Act**

To designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center”, and for other purposes.

July 29, 2003  
[H.R. 1577]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 431 note.

**SECTION 1. REDESIGNATION.**

(a) **FINDING.**—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) **DEDICATION.**—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) **REDESIGNATION.**—The visitor center in Organ Pipe Cactus National Monument in Arizona is hereby designated as the “Kris Eggle Visitor Center”.

(d) **REFERENCE.**—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the “Kris Eggle Visitor Center”.

(e) **SIGNAGE.**—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

- (1) describe the important role of public law enforcement officers in protecting park visitors;
- (2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;
- (3) refer to the dedication of the trail and the visitor center by Congress; and
- (4) include a copy of this Act and an image of Kris Eggle.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved July 29, 2003.

**LEGISLATIVE HISTORY—H.R. 1577:**

SENATE REPORTS: No. 108–100 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
May 14, considered and passed House.  
July 17, considered and passed Senate.



XII. NATIONAL LAKESHORES

1. Apostle Islands

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004

[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

SEC. 3. REFERENCES.

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

118 STAT. 3039  
Department of the Interior and Related Agencies Appropriations Act, 2005.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

118 STAT. 3062

\* \* \* \* \*

SEC. 140. (a) SHORT TITLE.—This section may be cited as the “Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act”.

118 STAT. 3069  
Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Apostle Islands Lakeshore Wilderness”, numbered 633/80,058 and dated September 17, 2004.

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

(3) HIGH-WATER MARK.—The term “high-water mark” means the point on the bank or shore up to which the water,

118 STAT. 3069

PUBLIC LAW 108-447—DEC. 8, 2004

by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

16 USC 1132  
note.

(c) DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.—

(1) DESIGNATION.—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) MAP AND DESCRIPTION.—

118 STAT. 3070

(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) BOUNDARY OF THE WILDERNESS.—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) NAMING.—The wilderness area designated by this section shall be known as the Gaylord A. Nelson National Wilderness.

(d) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the lands designated as wilderness by this section shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131), except that—

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

(B) where appropriate, any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary.

(2) SAVINGS PROVISIONS.—Nothing in this section shall—

(A) modify, alter, or in any way affect any treaty rights;

(B) alter the management of the waters of Lake Superior within the boundary of the Apostle Islands National Lakeshore in existence on the date of enactment of this section; or

(C) be construed to modify, limit, or in any way affect the use of motors on the lake waters, including snowmobiles and the beaching of motorboats adjacent to wilderness areas below the high-water mark, and the maintenance

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3070

and expansion of any docks existing at the time of the enactment of this section.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

119 STAT. 2120

PUBLIC LAW 109–97—NOV. 10, 2005

Public Law 109–97  
109th Congress

An Act

Nov. 10, 2005  
[H.R. 2744]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

\* \* \* \* \*

119 STAT. 2149

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

\* \* \* \* \*

119 STAT. 2166

SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, is amended as follows:

\* \* \* \* \*

*Ante*, p. 559.

(6) At the end of title IV—General Provisions, insert the following:

**“SEC. 440. REDESIGNATION OF WILDERNESS.**

16 USC 1132  
note.

“(a) REDESIGNATION.—Section 140(c)(4) of division E of Public Law 108–447 is amended by striking ‘National’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ‘Gaylord A. Nelson National Wilderness’ shall be deemed to be a reference to the ‘Gaylord A. Nelson Wilderness’.”.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006”.

Approved November 10, 2005.

LEGISLATIVE HISTORY—H.R. 2744:

HOUSE REPORTS: Nos. 109–102 (Comm. on Appropriations) and 109–255 (Comm. of Conference).

SENATE REPORTS: No. 109–92 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 8, considered and passed House.

Sept. 15, 19–22, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 2, 3, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 10, Presidential statement.



**2. Sleeping Bear Dunes**

PUBLIC LAW 108–229—MAY 28, 2004

118 STAT. 645

Public Law 108–229  
108th Congress**An Act**

To provide for expansion of Sleeping Bear Dunes National Lakeshore.

May 28, 2004

[H.R. 408]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Michigan.  
16 USC 460x–7  
note.**SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKE-SHORE.**

(a) **IN GENERAL.**—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) **LAND DESCRIBED.**—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled “Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore”. The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **PURCHASE OF LANDS AUTHORIZED.**—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

**SEC. 2. LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.**

The Secretary of the Interior may not acquire any of the land described in subsection (b) of section 1 through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

Approved May 28, 2004.

**LEGISLATIVE HISTORY—H.R. 408:**

HOUSE REPORTS: No. 108–292 (Comm. on Resources).

SENATE REPORTS: No. 108–240 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 8, considered and passed House.

Vol. 150 (2004): May 19, considered and passed Senate.



XIII. NATIONAL SEASHORES

1. Cape Lookout

PUBLIC LAW 109–117—DEC. 1, 2005

119 STAT. 2526

Public Law 109–117  
109th Congress

An Act

To amend Public Law 89–366 to allow for an adjustment in the number of free  
roaming horses permitted in Cape Lookout National Seashore.

Dec. 1, 2005

[H.R. 126]

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

**SECTION 1. ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES  
PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE,  
NORTH CAROLINA.**

(a) **IN GENERAL.**—The first subsection (b) of section 5 of Public  
Law 89–366 (16 U.S.C. 459g–4) is amended—

(1) in paragraph (1), by striking “100 free roaming horses”  
and inserting “not less than 110 free roaming horses, with  
a target population of between 120 and 130 free roaming  
horses.”;

(2) in paragraph (3), by striking subparagraph (B) and  
inserting the following new subparagraph:

“(B) unless removal is carried out as part of a plan to  
maintain the viability of the herd; or”; and

(3) in paragraph (5), by striking “100” and inserting “110”.

(b) **REPEAL OF DUPLICATE SUBSECTION.**—Section 5 of Public  
Law 89–366 is further amended—

(1) in subsection (a), by striking “(a)” after “(a)”; and

(2) by striking the second subsection (b).

Approved December 1, 2005.

---

**LEGISLATIVE HISTORY—H.R. 126:**

SENATE REPORTS: No. 109–154 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 14, considered and passed House.

Nov. 16, considered and passed Senate.

## 2. Cumberland Island

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress

### An Act

Dec. 8, 2004  
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated  
Appropriations  
Act, 2005.

*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 “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.

#### SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

### DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

#### TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

118 STAT. 3062

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

118 STAT. 3072

16 USC 1132  
note.  
Cumberland  
Island  
Wilderness  
Boundary  
Adjustment Act  
of 2004.

SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.—Public Law 97–250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

#### “SEC. 2. CUMBERLAND ISLAND WILDERNESS.

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Cumberland Island Wilderness’, numbered 640/20,038I, and dated September 2004.

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

“(3) WILDERNESS.—The term ‘Wilderness’ means the Cumberland Island Wilderness established by subsection (b).

“(4) POTENTIAL WILDERNESS.—The term ‘Potential Wilderness’ means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north

end of Cumberland Island known as the ‘High Point Half-Moon Bluff Historic District’.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as ‘Wilderness’ is designated as a component of the National Wilderness Preservation System and shall be known as the ‘Cumberland Island Wilderness’.

“(2) EXCLUSIONS.—The 25-foot wide roadways depicted on the map as the ‘Main Road’, ‘Plum Orchard’, and the ‘North Cut Road’ shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

“(c) ADDITIONAL LAND.—In addition to the land designated under subsection (b), the Secretary shall—

“(1) on acquisition of the approximately 231 acres of land identified on the map as ‘Areas Become Designated Wilderness upon Acquisition by the NPS’; and

“(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as ‘Potential Wilderness’ that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land.

Federal Register,  
publication.  
Notice.

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

“(e) ADMINISTRATION.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

“(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

“(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

“(f) EFFECT.—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

“(g) MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.—Not later than 1 year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness.”

Deadline.

(b) TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6 of Public Law 92-536 (86 Stat. 1066) is amended—

16 USC 429i-5.

(1) in subsection (b), by inserting “, except as provided in subsection (c),” before “no development of the project”; and

(2) by adding at the end the following:

“(c) TOURS OF THE SEASHORE.—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts,

Contracts.

118 STAT. 3074

PUBLIC LAW 108-447—DEC. 8, 2004

as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

“(1) this Act;

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

“(3) Public Law 97-250 (96 Stat. 709).”.

16 USC 459i  
note.

(c) SHORT TITLE.—This section may be cited as the “Cumberland Island Wilderness Boundary Adjustment Act of 2004”.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

3. Gulf Islands

PUBLIC LAW 109-13—MAY 11, 2005

119 STAT. 231

Public Law 109-13  
109th Congress

An Act

Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

May 11, 2005  
[H.R. 1268]

*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 “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

\* \* \* \* \*

SEC. 3. 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.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

\* \* \* \* \*

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

119 STAT. 281

\* \* \* \* \*

GULF ISLANDS NATIONAL SEASHORE

119 STAT. 289

SEC. 6034. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with extraction of the oil and gas minerals reserved by the State of Mississippi in the deed referenced in subsection (b):

Mississippi Minerals.

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore to identify the oil and gas minerals located within the boundaries of the

119 STAT. 289

PUBLIC LAW 109–13—MAY 11, 2005

Contracts. Gulf Islands National Seashore under the surface estate conveyed by the State of Mississippi, all of which oil and gas minerals the State of Mississippi reserved the right to extract. (b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in the section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

\* \* \* \* \*

119 STAT. 323

Approved May 11, 2005.

---

LEGISLATIVE HISTORY—H.R. 1268:

HOUSE REPORTS: Nos. 109–16 (Comm. on Appropriations) and 109–72 (Comm. of Conference).

SENATE REPORTS: No. 109–52 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 15, 16, considered and passed House.

Apr. 11–15, 18–21, considered and passed Senate, amended.

May 5, House agreed to conference report.

May 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

May 11, Presidential statement.



Public Law 109-163  
109th Congress

An Act

To authorize appropriations for fiscal year 2006 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.

Jan. 6, 2006  
[H.R. 1815]

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

National Defense  
Authorization  
Act for Fiscal  
Year 2006.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2006”.

\* \* \* \* \*

**DIVISION B—MILITARY CONSTRUCTION  
AUTHORIZATIONS**

119 STAT. 3485  
Military  
Construction  
Authorization  
Act for Fiscal  
Year 2006.

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2006”.

\* \* \* \* \*

**TITLE XXVIII—GENERAL PROVISIONS**

119 STAT. 3503

\* \* \* \* \*

**SUBTITLE E—OTHER MATTERS**

119 STAT. 3534

\* \* \* \* \*

**SEC. 2872. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE.**

Mississippi.

(a) FINDINGS.—Congress finds the following:

16 USC 459h-6  
note.

(1) Public Law 91-660 of the 91st Congress established the Gulf Islands National Seashore in the States of Florida and Mississippi.

(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

(3) Senate Report 91-1514 of the 91th Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: “While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.”.

(4) Although section 2(a) of Public Law 91-660 (16 U.S.C. 459h-1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior,

119 STAT. 3535

119 STAT. 3535

PUBLIC LAW 109-163—JAN. 6, 2006

an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled.

(b) TRANSFER REQUIRED.—Section 7 of Public Law 91-660 (16 U.S.C. 459h-6) is amended—

(1) by inserting “(a)” before “There are”; and

(2) by adding at the end the following new subsection:  
 “(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act.”.

\* \* \* \* \*

119 STAT. 3557

Approved January 6, 2006.

---

LEGISLATIVE HISTORY—H.R. 1815 (S. 1042) (S. 1043):

HOUSE REPORTS: Nos. 109-89 (Comm. on Armed Services) and 109-360 (Comm. of Conference).

SENATE REPORTS: No. 109-69 accompanying S. 1042 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 25, considered and passed House.

Nov. 15, considered and passed Senate, amended, in lieu of S. 1042.

Dec. 18, House agreed to conference report.

Dec. 19, 21, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Jan. 6, Presidential statement.

4. Padre Island

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 594

Public Law 109-58  
109th Congress

An Act

To ensure jobs for our future with secure, affordable, and reliable energy.

Aug. 8, 2005

[H.R. 6]

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

Energy Policy Act of 2005.  
42 USC 15801 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Energy Policy Act of 2005”.

\* \* \* \* \*

TITLE III—OIL AND GAS

119 STAT. 683

\* \* \* \* \*

SUBTITLE F—ACCESS TO FEDERAL LANDS

119 STAT. 720

\* \* \* \* \*

SEC. 373. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

119 STAT. 736

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to Public Law 87-712 (16 U.S.C. 459d et seq.; popularly known as the “Federal Enabling Act”) and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87-712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) SENSE OF CONGRESS.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those

119 STAT. 736

PUBLIC LAW 109-58—AUG. 8, 2005

lands retained the status that the lands had on September 27, 1962.

\* \* \* \* \*

119 STAT. 1143

Approved August 8, 2005.

---

LEGISLATIVE HISTORY—H.R. 6:

HOUSE REPORTS: No. 109-190 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Apr. 20, 21, considered and passed House.

June 14-16, 20-23, 28, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 8, Presidential remarks and statement.

XIV. NATIONAL RECREATION AREAS

1. Boston Harbor Islands

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 12. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.**

118 STAT. 1397

Section 1029 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4233) is amended—

16 USC 460kkk.

- (1) in subsection (c)(2)(B)(i), by striking “reference” and inserting “referenced”; and
- (2) in subsection (d)(4), by inserting a period after “plans”.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**2. Chickasaw**

118 STAT. 2239

PUBLIC LAW 108-389—OCT. 30, 2004

**Public Law 108-389  
108th Congress****An Act**Oct. 30, 2004  
[H.R. 4066]

To provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

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

Chickasaw  
National  
Recreation Area  
Land Exchange  
Act of 2004.  
16 USC 460hh  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Chickasaw National Recreation Area Land Exchange Act of 2004”.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655-56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access.

(2) In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

(3) More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the park.

(4) The Chickasaw National Recreation Area’s Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area’s existing boundary and that the selected cultural center site should be conveyed to the Chickasaw Nation in exchange for land of equal value.

(5) The land selected to be conveyed to the Chickasaw Nation holds significant historical and cultural connections to the people of the Chickasaw Nation.

(6) The City of Sulphur, Oklahoma, is a key partner in this land exchange through its donation of land to the Chickasaw Nation for the purpose of exchange with the United States.

(7) The City of Sulphur, Oklahoma, has conveyed fee simple title to the non-Federal land described as Tract 102-26 to the Chickasaw Nation by Warranty Deed.

(8) The National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, have signed a preliminary

## PUBLIC LAW 108-389—OCT. 30, 2004

118 STAT. 2240

agreement to effect a land exchange for the purpose of the construction of a cultural center.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the land conveyance in accordance with the terms and conditions of this Act.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act, the following definitions apply:

(1) FEDERAL LAND.—The term “Federal land” means the Chickasaw National Recreational Area lands and interests therein, identified as Tract 102–25 on the Map.

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the lands and interests therein, formerly owned by the City of Sulphur, Oklahoma, and currently owned by the Chickasaw Nation, located adjacent to the existing boundary of Chickasaw National Recreation Area and identified as Tract 102–26 on the Map.

(3) MAP.—The term “Map” means the map entitled “Proposed Land Exchange and Boundary Revision, Chickasaw National Recreation Area”, dated September 8, 2003, and numbered 107/800035a.

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

**SEC. 4. CHICKASAW NATIONAL RECREATION AREA LAND CONVEYANCE.**

(a) LAND CONVEYANCE.—Not later than 6 months after the Chickasaw Nation conveys all right, title, and interest in and to the non-Federal land to the United States, the Secretary shall convey all right, title, and interest in and to the Federal land to the Chickasaw Nation.

Deadline.

(b) VALUATION OF LAND TO BE CONVEYED.—The fair market values of the Federal land and non-Federal land shall be determined by an appraisal acceptable to the Secretary and the Chickasaw Nation. The appraisal shall conform with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference, 1992, and any amendments to these standards.

(c) EQUALIZATION OF VALUES.—If the fair market values of the Federal land and non-Federal land are not equal, the values may be equalized by the payment of a cash equalization payment by the Secretary or the Chickasaw Nation, as appropriate.

(d) CONDITIONS.—

(1) IN GENERAL.—Notwithstanding subsection (a), the conveyance of the non-Federal land authorized under subsection (a) shall not take place until the completion of all items included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, except as provided in paragraph (2).

(2) EXCEPTION.—The item included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, providing for the Federal land to be taken into trust for the benefit of the Chickasaw Nation shall not apply.

(e) ADMINISTRATION OF ACQUIRED LAND.—Upon completion of the land exchange authorized under subsection (a), the Secretary—

118 STAT. 2241

PUBLIC LAW 108-389—OCT. 30, 2004

(1) shall revise the boundary of Chickasaw National Recreation Area to reflect that exchange; and

(2) shall administer the land acquired by the United States in accordance with applicable laws and regulations.

Approved October 30, 2004.

---

LEGISLATIVE HISTORY—H.R. 4066 (S. 2374):

HOUSE REPORTS: No. 108-702 (Comm. on Resources).

SENATE REPORTS: No. 108-369 accompanying S. 2374 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 28, considered and passed House.

Oct. 10, considered and passed Senate.



3. Delaware Water Gap

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

SEC. 3. REFERENCES.

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

118 STAT. 3039  
Department of the Interior and Related Agencies Appropriations Act, 2005.

\* \* \* \* \*

TITLE III—GENERAL PROVISIONS

118 STAT. 3092

\* \* \* \* \*

SEC. 348. (a) SHORT TITLE.—This section may be cited as the “Grey Towers National Historic Site Act of 2004”.

118 STAT. 3106  
Grey Towers National Historic Site Act of 2004.  
Pennsylvania.

(b) FINDINGS; PURPOSES; DEFINITIONS.—

16 USC 461 note.  
James Pinchot.  
Mary Pinchot.

(1) FINDINGS.—Congress finds the following:

(A) James and Mary Pinchot constructed a home and estate that is known as Grey Towers in Milford, Pennsylvania.

(B) James and Mary Pinchot were also the progenitors of a family of notable accomplishment in the history of the Commonwealth of Pennsylvania and the Nation, in particular, their son, Gifford Pinchot.

Gifford Pinchot.

(C) Gifford Pinchot was the first Chief of the Forest Service, a major influence in formulating and implementing forest conservation policies in the early 20th Century, and twice Governor of Pennsylvania.

(D) During the early 20th century, James and Gifford Pinchot used Grey Towers and the environs to establish scientific forestry, to develop conservation leaders, and to formulate conservation principles, thus making this site

118 STAT. 3107

Gifford Bryce  
Pinchot.  
Cornelia Pinchot.

John F. Kennedy.

one of the primary birthplaces of the American conservation movement.

(E) In 1963, Gifford Bryce Pinchot, the son of Gifford and Cornelia Pinchot, donated Grey Towers and 102 acres to the Nation.

(F) In 1963, President John F. Kennedy dedicated the Pinchot Institute for Conservation for the greater knowledge of land and its uses at Grey Towers National Historic Landmark, thereby establishing a partnership between the public and private sectors.

(G) Grey Towers today is a place of historical significance where leaders in natural resource conservation meet, study, and share ideas, analyses, values, and philosophies, and is also a place where the public can learn and appreciate our conservation heritage.

(H) As established by President Kennedy, the Pinchot Institute for Conservation, and the Forest Service at Grey Towers operate through an established partnership in developing and delivering programs that carry on Gifford Pinchot's conservation legacy.

(I) Grey Towers and associated structures in and around Milford, Pennsylvania, can serve to enhance regional recreational and educational opportunities.

(2) PURPOSES.—The purposes of this section are as follows:

(A) To honor and perpetuate the memory of Gifford Pinchot.

(B) To promote the recreational and educational resources of Milford, Pennsylvania, and its environs.

(C) To authorize the Secretary of Agriculture—

(i) to further the scientific, policy analysis, educational, and cultural programs in natural resource conservation at Grey Towers;

(ii) to manage the property and environs more efficiently and effectively; and

(iii) to further collaborative ties with the Pinchot Institute for Conservation, and other Federal, State, and local agencies with shared interests.

(3) DEFINITIONS.—For the purposes of this section:

(A) ASSOCIATED PROPERTIES.—The term “Associated Properties” means lands and improvements outside of the Grey Towers National Historic Landmark within Pike County, Pennsylvania, and which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(B) GREY TOWERS.—The term “Grey Towers” means the buildings and surrounding area of approximately 303 acres, including the 102 acres donated in 1963 to the United States and so designated that year.

(C) HISTORIC SITE.—The term “Historic Site” means the Grey Towers National Historic Site, as so designated by this Act.

(D) PINCHOT INSTITUTE.—The term “Pinchot Institute” means the Pinchot Institute for Conservation, a nonprofit corporation established under the laws of the District of Columbia.

(E) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3108

(c) DESIGNATION OF NATIONAL HISTORIC SITE.—Subject to valid existing rights, all lands and improvements formerly encompassed within the Grey Towers National Historic Landmark are designated as the “Grey Towers National Historic Site”.

(d) ADMINISTRATION.—

(1) PURPOSES.—The Historic Site shall be administered for the following purposes:

(A) Education, public demonstration projects, and research related to natural resource conservation, protection, management, and use.

(B) Leadership development within the natural resource professions and the Federal civil service.

(C) Continuing Gifford Pinchot’s legacy through pursuit of new ideas, strategies, and solutions to natural resource issues that include economic, ecological, and social values.

(D) Preservation, use, and maintenance of the buildings, grounds, facilities, and archives associated with Gifford Pinchot.

(E) Study and interpretation of the life and works of Gifford Pinchot.

(F) Public recreation and enjoyment.

(G) Protection and enjoyment of the scenic and natural environs.

(2) APPLICABLE LAWS.—The Secretary shall administer federally owned lands and interests in lands at the Historic Site and Associated Properties as components of the National Forest System in accordance with this Act, 16 U.S.C. 461 et seq. and other laws generally applicable to the administration of national historic sites, and the laws, rules, and regulations applicable to the National Forest System, except that the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) shall not apply.

National Forest  
System.  
Public lands.

(3) LAND ACQUISITION.—The Secretary is authorized to acquire, on a willing seller basis, by purchase, donation, exchange, or otherwise, privately owned lands and interests in lands, including improvements, within the Historic Site and the Associated Properties, using donated or appropriated funds.

(4) GIFTS.—

(A) ACCEPTED BY ENTITIES OTHER THAN THE SECRETARY.—Subject to such terms and conditions as the Secretary may prescribe, any public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of or in connection with, the activities and services at the Historic Site.

(B) ACCEPTED BY THE SECRETARY.—Gifts may be accepted by the Secretary for the benefit of or in connection with, the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity.

(e) COOPERATIVE AUTHORITIES.—

(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into Agreements for grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute, public and other private agencies, organizations, institutions, and individuals to provide for the develop-

118 STAT. 3109

ment, administration, maintenance, or restoration of land, facilities, or Forest Service programs at Grey Towers or to otherwise further the purposes of this section.

(2) INTERDEPARTMENTAL.—The Secretary and the Secretary of the Interior are authorized and encouraged to cooperate in promoting public use and enjoyment of Grey Towers and the Delaware Water Gap National Recreation Area and in otherwise furthering the administration and purposes for which both areas were designated. Such cooperation may include co-location and use of facilities within Associated Properties and elsewhere.

(3) OTHER.—The Secretary may authorize use of the grounds and facilities of Grey Towers by the Pinchot Institute and other participating partners including Federal, State, and local agencies, on such terms and conditions as the Secretary may prescribe, including the waiver of special use authorizations and the waiver of rental and use fees.

(f) FUNDS.—

(1) FEES AND CHARGES.—The Secretary may impose reasonable fees and charges for admission to and use of facilities on Grey Towers.

(2) SPECIAL FUND.—Any monies received by the Forest Service in administering Grey Towers shall be deposited into the Treasury of the United States and covered in a special fund called the Grey Towers National Historic Site Fund. Monies in the Grey Towers National Historic Site Fund shall be available until expended, without further appropriation, for support of programs of Grey Towers, and any other expenses incurred in the administration of Grey Towers.

(g) MAP.—The Secretary shall produce and keep for public inspection a map of the Historic Site and associated properties within Pike County, Pennsylvania, which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(h) SAVINGS PROVISION.—Nothing in this section shall be deemed to diminish the authorities of the Secretary under the Cooperative Forestry Assistance Act or any other law pertaining to the National Forest System.

\* \* \* \* \*

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

Public Law 109-156  
109th Congress

An Act

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

Dec. 30, 2005  
[S. 1310]

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

Delaware Water  
Gap National  
Recreation Area  
Improvement  
Act.  
16 USC 461 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Delaware Water Gap National Recreation Area Improvement Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CORPORATION.—The term “Corporation” means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

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

(5) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the Recreation Area.

**SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.**

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and

necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1-2002-1004-H).

Certification.

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a);

or

(ii) a permit issued under subsection (c); or

PUBLIC LAW 109-156—DEC. 30, 2005

119 STAT. 2948

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101-337 (16 U.S.C. 19jj)).

**SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.**

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking “at noon on September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or September 30, 2015”; and

(B) in paragraph (2)—

(i) by striking “noon on September 30, 2005” and inserting “the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and

(ii) by striking “not exceed \$25 per trip” and inserting the following: “be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed \$40 per trip”.

\* \* \* \* \*

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 1310 (H.R. 3124):

HOUSE REPORTS: No. 109-334 accompanying H.R. 3124 (Comm. on Resources).

SENATE REPORTS: No. 109-194 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 16, considered and passed Senate.

Dec. 18, considered and passed House.

#### 4. Glen Canyon

117 STAT. 841

PUBLIC LAW 108-43—JULY 1, 2003

Public Law 108-43  
108th Congress

#### An Act

July 1, 2003  
[H.R. 788]

To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

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

Glen Canyon  
National  
Recreation Area  
Boundary  
Revision Act.  
16 USC 460dd  
note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Glen Canyon National Recreation Area Boundary Revision Act”.

#### SEC. 2. GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION.

(a) IN GENERAL.—The first section of Public Law 92-593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

(1) by striking “That in” and inserting “SECTION 1. (a) In”; and

(2) by adding at the end the following:

“(b) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled ‘Page One Land Exchange Proposal’, number 608/60573a-2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.”.

(b) CHANGE IN ACREAGE CEILING.—Such section is further amended by striking “one million two hundred and thirty-six thousand eight hundred and eighty acres” and inserting “1,256,000 acres”.

Approved July 1, 2003.

---

#### LEGISLATIVE HISTORY—H.R. 788:

SENATE REPORTS: No. 108-67 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 25, considered and passed House.  
June 16, considered and passed Senate.



**5. Golden Gate**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

117 STAT. 12  
1 USC 1 note.

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

\* \* \* \* \*

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 237

\* \* \* \* \*

SEC. 114. Notwithstanding any other provision of law, the  
Secretary of the Interior hereafter has ongoing authority to nego-  
tiate and enter into agreements and leases, without regard to  
section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C.  
303b), with any person, firm, association, organization, corporation,  
or governmental entity, for all or part of the property within Fort  
Baker administered by the Secretary as part of the Golden Gate  
National Recreation Area. The proceeds of the agreements or leases  
or any statutorily authorized fees, hereafter shall be retained by  
the Secretary and such proceeds shall remain available until  
expended, without further appropriation, for the preservation, res-  
toration, operation, maintenance, interpretation, public programs,

117 STAT. 239  
16 USC 460bb-3  
note.

117 STAT. 240

117 STAT. 240

PUBLIC LAW 108-7—FEB. 20, 2003

and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

\* \* \* \* \*

117 STAT. 554

Approved February 20, 2003.

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:*

Department of the Interior and Related Agencies Appropriations Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

\* \* \* \* \*

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

117 STAT. 1268  
16 USC 460bb  
note.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

117 STAT. 1321

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108-195 (Comm. on Appropriations) and 108-330 (Comm. of Conference).

SENATE REPORTS: No. 108-89 accompanying S. 1391 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54  
109th Congress

An Act

Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 520

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

119 STAT. 525

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3 note; 117 Stat. 239; division F of Public Law 108–7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

119 STAT. 526

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services.”.

\* \* \* \* \*

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

PUBLIC LAW 109-131—DEC. 20, 2005

119 STAT. 2566

Public Law 109-131  
109th Congress

An Act

To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

Dec. 20, 2005  
[S. 136]

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

\* \* \* \* \*

TITLE II—RANCHO CORRAL DE TIERRA  
GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

119 STAT. 2568  
Rancho Corral de  
Tierra Golden  
Gate National  
Recreation Area  
Boundary  
Adjustment Act.  
16 USC 460bb  
note.

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

**SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.**

Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079E, and dated March 2004.

119 STAT. 2569

119 STAT. 2569

PUBLIC LAW 109-131—DEC. 20, 2005

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”.

\* \* \* \* \*

Approved December 20, 2005.

---

LEGISLATIVE HISTORY—S. 136:

SENATE REPORTS: No. 109-63 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):  
July 26, considered and passed Senate.  
Dec. 6, considered and passed House.

**6. Lake Roosevelt**

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1241

Public Law 108–108  
108th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2004.

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

117 STAT. 1302

\* \* \* \* \*

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: *Provided further*, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two

117 STAT. 1307

117 STAT. 1308

Deadline. Reports. 43 USC 1752 note.

117 STAT. 1308

PUBLIC LAW 108–108—NOV. 10, 2003

years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: *Provided further*, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: *Provided further*, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.  
Sept. 17, 18, 22, 23, considered and passed Senate, amended.  
Oct. 30, House agreed to conference report.  
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):  
Nov. 10, Presidential statement.



XV. NATIONAL RIVERS

1. New River Gorge

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:*

Department of the Interior and Related Agencies Appropriations Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

\* \* \* \* \*

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

117 STAT. 1281  
Regulations.  
16 USC 460m-20  
note.  
117 STAT. 1282

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

117 STAT. 1321

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108-195 (Comm. on Appropriations) and 108-330 (Comm. of Conference).

SENATE REPORTS: No. 108-89 accompanying S. 1391 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.



XVI. NATIONAL PARKWAYS

1. Blue Ridge

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

\* \* \* \* \*

SEC. 138. (a) SHORT TITLE.—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

117 STAT. 1271  
Eastern Band of Cherokee Indians Land Exchange Act of 2003.  
16 USC 460a-5 note.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band’s ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe’s trust territory in Cherokee, North Carolina, and currently within

117 STAT. 1271

PUBLIC LAW 108-108—NOV. 10, 2003

the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

117 STAT. 1272

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1272

## (c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior (“Secretary”) shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

117 STAT. 1273

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the “Ravensford Tract” on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

Deadline.

## (d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with

117 STAT. 1273

PUBLIC LAW 108–108—NOV. 10, 2003

the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

117 STAT. 1274

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the “No New Construction” area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.  
Sept. 17, 18, 22, 23, considered and passed Senate, amended.  
Oct. 30, House agreed to conference report.  
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):  
Nov. 10, Presidential statement.

PUBLIC LAW 109–97—NOV. 10, 2005

119 STAT. 2120

Public Law 109–97  
109th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Nov. 10, 2005  
[H.R. 2744]

*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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 2006.

\* \* \* \* \*

TITLE VII

119 STAT. 2149

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

\* \* \* \* \*

SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, is amended as follows:

119 STAT. 2166

(1) Under the heading “National Park Service, Construction”—

*Ante*, p. 508.

\* \* \* \* \*

(B) in the sixth proviso, by striking “hereinafter” and inserting “hereafter” and, after “Annex”, inserting the following: “and the Blue Ridge Parkway Regional Destination Visitor Center”; and

\* \* \* \* \*

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006”.

119 STAT. 2166

Approved November 10, 2005.

LEGISLATIVE HISTORY—H.R. 2744:

HOUSE REPORTS: Nos. 109–102 (Comm. on Appropriations) and 109–255 (Comm. of Conference).

SENATE REPORTS: No. 109–92 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 8, considered and passed House.

Sept. 15, 19–22, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 2, 3, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 10, Presidential statement.

**2. John D. Rockefeller, Jr.**

118 STAT. 2809

PUBLIC LAW 108-447—DEC. 8, 2004

Public Law 108-447  
108th Congress

## An Act

Dec. 8, 2004  
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated  
Appropriations  
Act, 2005.*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 “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005

## TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

118 STAT. 3062

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

118 STAT. 3074

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004-2005 that commences on or about December 15, 2004.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.



XVII. NATIONAL CAPITOL PARKS

1. Anacostia

PUBLIC LAW 108-335—OCT. 18, 2004

118 STAT. 1322

Public Law 108-335  
108th Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

Oct. 18, 2004  
[H.R. 4850]

*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 District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

District of  
Columbia  
Appropriations  
Act, 2005.

\* \* \* \* \*

TITLE III—GENERAL PROVISIONS

118 STAT. 1339

\* \* \* \* \*

SEC. 344. TRANSFER TO DISTRICT OF COLUMBIA. (a) TRANSFER OF JURISDICTION.—

118 STAT. 1350

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, subject to subsection (b), the Director of the National Park Service (referred to in this section as the “NPS”), acting on behalf of the Secretary of the Interior, shall transfer jurisdiction to the government of the District of Columbia, without consideration, the property described in paragraph (2).

Deadline.

(2) PROPERTY.—The property referred to in paragraph (1) is—

(A) a portion of National Park Service land in Anacostia Park, U.S. Reservation 343, Section G, the boundaries of which are the Anacostia River to the west, Watts Branch to the south, Kenilworth Aquatic Gardens to the north, and Anacostia Avenue to the east which includes the community center currently occupied under permit by the District of Columbia known as the “Kenilworth Parkside Community Center”; and

118 STAT. 1351

(B) all of U.S. Reservation 523.

(b) CONDITIONS OF TRANSFER.—

(1) TERM.—Jurisdiction will be transferred from the NPS to the District of Columbia.

(2) CONDITION OF TRANSFER.—The transfer of jurisdiction under subsection (a)(1) shall be subject to such terms and conditions, to be included in a Declaration of Covenants to be mutually executed between NPS and the District of Columbia to ensure that the property transferred under that subsection—

(A) is used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities; and

(B) nothing in this Act precludes the District of Columbia from entering into a lease for all or part of the property with a public not-for-profit entity for the management or maintenance of the property.

(3) TERMINATION.—

(A) IN GENERAL.—The transfer under subsection (a)(1) shall terminate if—

(i) any term or condition of the transfer described in paragraph (2) or contained within the Declaration of Covenants described in paragraph (2) is violated, as determined by the NPS; and

Deadline.

(ii) the violation is not corrected by the date that is 90 days after the date on which the Mayor of the District of Columbia receives from the NPS a written notice of the violation.

(B) DETERMINATION OF CORRECTION.—A violation of a term or condition of the transfer under subsection (a)(1) shall be determined to have been corrected under subparagraph (A)(ii) if, after notification of the violation, the District of Columbia and the NPS enter into an agreement that the NPS considers to be adequate to ensure that the property transferred will be used in a manner consistent with paragraph (2).

(4) PROHIBITION OF CIVIL ACTIONS.—No person may bring a civil action relating to a violation of any term or condition of the transfer described in paragraph (2) before the date that is 90 days after the person notifies the Mayor of the District of Columbia of the alleged violation (including the intent of the person to bring a civil action for termination of the transfer under paragraph (3)).

(5) REMOVAL OF STRUCTURES; REHABILITATION.—The transfer under subsection (a)(1) shall be subject to the condition that, in the event of a termination of the transfer under paragraph (3), the District of Columbia shall bear the cost of removing structures on, or rehabilitating, the property transferred.

(6) ADMINISTRATION OF PROPERTY.—If the transfer under subsection (a)(1) is terminated under paragraph (3), the property covered by the transfer shall be returned to the NPS and administered as a unit of the National Park System in the District of Columbia in accordance with—

(A) the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.); and

(B) other laws (including regulations) generally applicable to units of the National Park System.

\* \* \* \* \*

PUBLIC LAW 108-335—OCT. 18, 2004

118 STAT. 1353

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

Approved October 18, 2004.

---

LEGISLATIVE HISTORY—H.R. 4850 (S. 2826):

HOUSE REPORTS: Nos. 108-610 (Comm. on Appropriations) and 108-734 (Comm. of Conference).

SENATE REPORTS: No. 108-354 accompanying S. 2826 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 20, considered and passed House.

Sept. 22, considered and passed Senate, amended, in lieu of S. 2826.

Oct. 6, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Oct. 18, Presidential statement.

## 2. Federal and District of Columbia Real Property Conveyance

120 STAT. 2711

PUBLIC LAW 109–396—DEC. 15, 2006

Public Law 109–396  
109th Congress

### An Act

Dec. 15, 2006  
[H.R. 3699]

To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

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

Federal and  
District of  
Columbia  
Government Real  
Property Act of  
2006.  
40 USC 101 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal and District of Columbia  
Government Real Property Act of 2006”.

### TITLE I—REAL PROPERTY CONVEY- ANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

#### SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

##### (a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

##### (2) PROPERTIES DEFINED.—In this section—

(A) the term “U.S. Reservation 13” means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term “Old Naval Hospital” means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

## PUBLIC LAW 109-396—DEC. 15, 2006

120 STAT. 2712

(b) **CONDITIONS FOR CONVEYANCE OF RESERVATION 13.**—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1);

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 931); and

(4) to develop the property consistent with the Anacostia Waterfront Corporation's Master Plan for Reservation 13 (also known as the Hill East Waterfront).

(c) **DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.**—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118-A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

**SEC. 102. TERMINATION OF CLAIMS.**24 USC 225b  
note.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44-903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the "West Campus".

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44-908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) **EFFECT ON PENDING CLAIMS.**—Any claim of the District of Columbia against the United States for the failure to perform,

or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGE-  
MENT OF PROPERTIES LOCATED IN  
THE DISTRICT OF COLUMBIA

40 USC 5102  
note, 8903 note.

**SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.**

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I-395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I-295.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

Armed forces.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be

## PUBLIC LAW 109-396—DEC. 15, 2006

120 STAT. 2714

established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106-348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that—

(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

(3) ADDITIONAL TRANSFER.—

(A) IN GENERAL.—Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I-295, the D Street Southwest ramp to I-395, and I-295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

(ii) The remaining portion is transferred to the Architect of the Capitol.

(B) RETENTION OF JURISDICTION OVER SUBSURFACE AREA.—The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

- (1) A portion of U.S. Reservation 451.
- (2) A portion of U.S. Reservation 404.
- (3) U.S. Reservations 44, 45, 46, 47, 48, and 49.
- (4) U.S. Reservation 251.
- (5) U.S. Reservation 8.
- (6) U.S. Reservations 277A and 277C.
- (7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

**SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.**

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, 247, and 248.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

**SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.**

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which U.S. Reservation 174 is set aside as public open space as of the date of the enactment of this Act and shall continue to be set aside as public open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for public open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the “former Convention Center Site” means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

**SEC. 204. CONVEYANCE TO ARCHITECT OF THE CAPITOL.**

(a) IN GENERAL.—Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act, the District of Columbia shall convey, with the approval of the Architect of



the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

(b) **TITLE HELD BY SECRETARY.**—If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

Deadline.  
Notification.

(c) **REVIEW.**—If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

Effective date.

(d) **STUDY.**—The Architect of the Capitol shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

(1) A study is completed that analyzes—

(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

(2) The study is submitted to the relevant committees of Congress.

(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

### TITLE III—POPLAR POINT

#### SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) **CONVEYANCE.**—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

Certification.

(b) **WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.**—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service until such terms for conveyance are met under section 303.

(c) **DEED RESTRICTION FOR PARK PURPOSES.**—The deed for the conveyance of Poplar Point provided for in subsection (a) shall include a restriction requiring that 70 acres be maintained for park purposes in perpetuity, as identified in the land use plan required under section 302. Any person (including an individual or public entity) shall have standing to enforce the restriction.

**SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.**

(a) **IN GENERAL.**—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2-1223.03, D.C. Official Code).

(b) **RESERVATION OF AREAS FOR PARK PURPOSES.**—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity.

(c) **IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.**—

(1) **IDENTIFICATION OF EXISTING FACILITIES.**—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) **RELOCATION TO REPLACEMENT FACILITIES.**—

(A) **IN GENERAL.**—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) **RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.**—The plan may not identify any facility or property for purposes of this paragraph which is located

PUBLIC LAW 109-396—DEC. 15, 2006

120 STAT. 2718

on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

**SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.**

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.— Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

Certification.

(1) the District of Columbia shall convey to the Director all right, title, and interest at no cost in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

**SEC. 304. POPLAR POINT DEFINED.**

In this title, “Poplar Point” means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

**TITLE IV—GENERAL PROVISIONS**

**SEC. 401. DEFINITIONS.**

In this Act, the following definitions apply:

(1) The term “Administrator” means the Administrator of General Services.

40 USC 5102  
note.

120 STAT. 2719

PUBLIC LAW 109-396—DEC. 15, 2006

(2) The term “Director” means the Director of the National Park Service.

(3) The term “Map” means the map entitled “Transfer and Conveyance of Properties in the District of Columbia”, numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term “park purposes” includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

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

40 USC 5102  
note.

**SEC. 402. LIMITATION ON COSTS.**

The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act.

40 USC 5102  
note.

**SEC. 403. AUTHORIZATION OF PARTIES TO ENTER INTO CONTRACTS.**

An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act.

40 USC 5102  
note.

**SEC. 404. NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.**

Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

40 USC 5102  
note.

**SEC. 405. CONGRESSIONAL REPORTS.**

(a) DISTRICT OF COLUMBIA.—Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act.

(b) COMPTROLLER GENERAL.—The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to

## PUBLIC LAW 109-396—DEC. 15, 2006

120 STAT. 2720

in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2-1223.03, D.C. Official Code).

(c) SUNSET.—This section shall expire 10 years after the date of enactment of this Act.

**SEC. 406. TREATMENT AS PROPERTIES TRANSFERRED TO ARCHITECT OF THE CAPITOL AS PART OF CAPITOL BUILDINGS AND GROUNDS.** 40 USC 5102 note.

Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act, the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes” (relating to the policing of the United States Capitol Grounds) and sections 5101 to 5107 and 5109 of title 40, United States Code (relating to prohibited acts within the United States Capitol Grounds).

**SEC. 407. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.** 40 USC 5102 note.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

**SEC. 408. OMB REPORT.** 40 USC 524 note.

(a) OMB REPORT ON SURPLUS AND EXCESS PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report on surplus and excess government property to Congress including—

(1) the total value and amount of surplus and excess government property, provided in the aggregate, as well as totaled by agency; and

(2) a list of the 100 most eligible surplus government properties for sale and how much they are worth.

(b) DATA SHARING AMONG FEDERAL AGENCIES.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) develop and implement procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency; and Procedures.

120 STAT. 2721

PUBLIC LAW 109–396—DEC. 15, 2006

(2) report to Congress on the development and implementation of such procedures.

Approved December 15, 2006.

---

LEGISLATIVE HISTORY—H.R. 3699 (S. 1838):

HOUSE REPORTS: No. 109–316, Pt. 1 (Comm. on Government Reform), Pt. 2 (Comm. on Transportation and Infrastructure), and Pt. 3 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 109–359 accompanying S. 1838 (Comm. on Homeland Security and Government Affairs).

CONGRESSIONAL RECORD, Vol. 152 (2006):

Sept. 29, considered and passed House.

Nov. 16, considered and passed Senate.

**3. Jackson Place, Madison Place, and Pennsylvania Avenue**

PUBLIC LAW 109–54—AUG. 2, 2005

119 STAT. 499

Public Law 109–54  
109th Congress

**An Act**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005  
[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

119 STAT. 507

\* \* \* \* \*

**ADMINISTRATIVE PROVISIONS**

119 STAT. 509

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

Ellis Island. Deadline. Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

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.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

---

**LEGISLATIVE HISTORY—H.R. 2361:**

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.



**4. John F. Kennedy Center**

PUBLIC LAW 109–306—OCT. 6, 2006

120 STAT. 1720

Public Law 109–306  
109th Congress**An Act**To amend the John F. Kennedy Center Act to authorize additional appropriations  
for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.Oct. 6, 2006  
[H.R. 5187]*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.**(a) MAINTENANCE, REPAIR, AND SECURITY.—Section 13(a) of  
the John F. Kennedy Center Act (20 U.S.C. 76r(a)) is amended—

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

(2) in paragraph (2) by striking “, 2006, and 2007.” and  
inserting “and 2006; and”; and

(3) by adding at the end the following:

“(3) \$19,100,000 for fiscal year 2007.”.

(b) CAPITAL PROJECTS.—Section 13(b) of such Act (20 U.S.C.  
76r(b)) is amended—

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

(2) in paragraph (2) by striking “, 2006, and 2007.” and  
inserting “and 2006; and”; and

(3) by adding at the end the following:

“(3) \$20,000,000 for fiscal year 2007.”.

Approved October 6, 2006.

---

**LEGISLATIVE HISTORY—H.R. 5187:**HOUSE REPORTS: No. 109–514 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 152 (2006):

July 25, considered and passed House.

Sept. 26, considered and passed Senate.

## 5. Law Enforcement Officers Memorial

120 STAT. 1739

PUBLIC LAW 109–314—OCT. 6, 2006

### Public Law 109–314 109th Congress

#### An Act

Oct. 6, 2006  
[H.R. 2107]

To amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

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

National Law  
Enforcement  
Officers  
Memorial  
Maintenance  
Fund Act of 2005.  
16 USC 431 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Law Enforcement Officers Memorial Maintenance Fund Act of 2005”.

#### SEC. 2. COOPERATIVE AGREEMENT WITH RESPECT TO NATIONAL LAW ENFORCEMENT MEMORIAL MAINTENANCE FUND.

(a) IN GENERAL.—Section 201 of Public Law 104–329 is amended by adding at the end the following new subsection:

“(d) COOPERATIVE AGREEMENT.—

Effective date.

“(1) IN GENERAL.—Effective on and after the date of the enactment of the National Law Enforcement Memorial Maintenance Fund Act of 2005, the following applies, notwithstanding other provisions of this Act:

“(A) The Secretary of the Interior, acting through the National Park Service, shall enter into a cooperative agreement with the National Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation incorporated under the laws of the District of Columbia, to carry out the purposes of the Fund as described in subsection (b).

“(B) In accordance with the terms of such agreement, the Secretary shall transfer all amounts in the Fund to the Corporation.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘Corporation’ means the National Law Enforcement Officers Memorial Fund, Inc.; and

“(B) the term ‘Secretary’ means the Secretary of the Interior.”.

(b) PURPOSES OF FUND.—Section 201(b) of Public Law 104–329 is amended—

(1) in paragraph (3), by inserting “and” after the semicolon;

(2) by striking paragraphs (4), (6), and (7), and redesignating paragraph (5) as paragraph (4); and

120 STAT. 1740

(3) in paragraph (4) (as so redesignated), by striking the semicolon and inserting a period.

Approved October 6, 2006.

#### LEGISLATIVE HISTORY—H.R. 2107:

SENATE REPORTS: No. 109–247 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD:

Vol. 151 (2005): May 16, considered and passed House.

Vol. 152 (2006): Sept. 29, considered and passed Senate.

XVIII. NATIONAL TRAILS SYSTEM

1. Captain John Smith

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54  
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005

[H.R. 2361]

*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

119 STAT. 520

\* \* \* \* \*

SEC. 133. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

119 STAT. 526

“(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith’s voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

Captain John Smith.

“(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

“(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105-312); and

“(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

“(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.”.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

---

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

PUBLIC LAW 109-418—DEC. 19, 2006

120 STAT. 2882

Public Law 109-418  
109th Congress

An Act

To amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

Dec. 19, 2006  
[H.R. 5466]

*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 “Captain John Smith Chesapeake National Historic Trail Designation Act”.

Captain John Smith Chesapeake National Historic Trail Designation Act.  
16 USC 1241 note.

**SEC. 2. ADDITION TO NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.**

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

“(25) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled ‘Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC’, numbered P-16/8000 (CAJO), and dated May 2006.

State listing.  
District of Columbia.

“(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—

“(i) in coordination with—

“(I) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961); and

“(II) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267); and

“(ii) in consultation with—

“(I) other Federal, State, tribal, regional, and local agencies; and

“(II) the private sector.

120 STAT. 2883

PUBLIC LAW 109-418—DEC. 19, 2006

“(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. 3. CHANGE IN AUTHORIZATION.**

Section 4 of the Act of July 3, 1930 (16 U.S.C. 81f), is amended in the first sentence by striking “10,472,000” and inserting “8,572,000”.

Approved December 19, 2006.

---

LEGISLATIVE HISTORY—H.R. 5466:  
CONGRESSIONAL RECORD, Vol. 152 (2006):  
Dec. 5, considered and passed House.  
Dec. 7, considered and passed Senate.

**2. El Camino Real de los Tejas**

PUBLIC LAW 108-342—OCT. 18, 2004

118 STAT. 1370

Public Law 108-342  
108th Congress

**An Act**

To amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

Oct. 18, 2004  
[S. 2052]

*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 “El Camino Real de los Tejas National Historic Trail Act”.

El Camino Real de los Tejas National Historic Trail Act. Texas. Louisiana. Mexico. 16 USC 1241 note.

**SEC. 2. DESIGNATION OF EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC 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:

“(24) EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—El Camino Real de los Tejas (the Royal Road to the Tejas) National Historic Trail, a combination of historic routes (including the Old San Antonio Road) totaling approximately 2,580 miles, extending from the Rio Grande near Eagle Pass and Laredo, Texas, to Natchitoches, Louisiana, as generally depicted on the map entitled ‘El Camino Real de los Tejas’ contained in the report entitled ‘National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana’, dated July 1998.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—(i) The Secretary of the Interior (referred to in this paragraph as ‘the Secretary’) shall administer the trail.

“(ii) The Secretary shall administer those portions of the trail on non-Federal land only with the consent of the owner of such land and when such trail portion qualifies for certification as an officially established component of the trail, consistent with section 3(a)(3). An owner’s approval of a certification agreement shall satisfy the consent requirement. A certification agreement may be terminated at any time.

“(iii) The designation of the trail does not authorize any person to enter private property without the consent of the owner.

“(D) CONSULTATION.—The Secretary shall consult with appropriate State and local agencies in the planning and development of the trail.

“(E) COORDINATION OF ACTIVITIES.—The Secretary may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

“(F) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-administered area without the consent of the owner of the land or interest in land.”.

Approved October 18, 2004.

---

LEGISLATIVE HISTORY—S. 2052:

SENATE REPORTS: No. 108-321 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Sept. 15, considered and passed Senate.  
Sept. 28, considered and passed House.



**3. Florida**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

118 STAT. 1397

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5—

16 USC 1244.

(A) in subsection (c)—

(i) in paragraph (19), by striking “Kissimme” and inserting “Kissimnee”;

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**4. Ice Age**

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress

**An Act**

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

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

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1397

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

\* \* \* \* \*

16 USC 1249.

(2) in section 10(c)(1), by striking “The Ice Age” and inserting “the Ice Age”.

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**5. Long Walk**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

118 STAT. 1397

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5—

16 USC 1244.

(A) in subsection (c)—

\* \* \* \* \*

(iii) by designating the undesignated paragraphs relating to the Metacoment-Monadnock-Mattabesett Trail and The Long Walk Trail as paragraphs (41) and (42), respectively; and

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**6. Metacoment—Monadnock—Mattabesett**

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352  
108th Congress**An Act**Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1397

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

16 USC 1244.

(1) in section 5—  
(A) in subsection (c)—

\* \* \* \* \*

(iii) by designating the undesignated paragraphs relating to the Metacoment-Monadnock-Mattabesett Trail and The Long Walk Trail as paragraphs (41) and (42), respectively; and

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**7. National Trails System Act**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

118 STAT. 1397

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5—

16 USC 1244.

\* \* \* \* \*

(B) in the first sentence of subsection (d), by striking “establishment.”; and

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**8. Star-Spangled Banner**

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress**An Act**Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1397

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

16 USC 1244.

(1) in section 5—  
(A) in subsection (c)—

\* \* \* \* \*

(ii) in paragraph (4)(D) by striking “later that”  
and inserting “later than”; and

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**9. Trail of Tears (study)**

PUBLIC LAW 109–378—DEC. 1, 2006

120 STAT. 2664

Public Law 109–378  
109th Congress

**An Act**

To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Dec. 1, 2006  
[H.R. 3085]

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

Conservation.

**SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDY OF 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—

(1) in subparagraph (B), by striking “subsections” and inserting “sections”; and

(2) by adding at the end the following new subparagraphs:

“(C) Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall complete the remaining criteria and submit to Congress a study regarding the feasibility and suitability of designating, as additional components of the Trail of Tears National Historic Trail, the following routes and land components by which the Cherokee Nation was removed to Oklahoma:

Deadline.

“(i) The Benge and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

State listing.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

State listing.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

“(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.”.

120 STAT. 2665

Approved December 1, 2006.

**LEGISLATIVE HISTORY—H.R. 3085 (S. 1970):**

HOUSE REPORTS: No. 109–549 (Comm. on Resources).

SENATE REPORTS: No. 109–239 accompanying S. 1970 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 17, considered and passed House.

Sept. 29, considered and passed Senate, amended.

Nov. 13, House concurred in Senate amendment.





XIX. NATIONAL HERITAGE AREAS

1. Arabia Mountain

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1783

Public Law 109-338  
109th Congress

An Act

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

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

National  
Heritage Areas  
Act of 2006.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Heritage Areas Act of 2006”.

16 USC 461 note.

\* \* \* \* \*

TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS

120 STAT. 1787

\* \* \* \* \*

Subtitle C—Arabia Mountain National  
Heritage Area

120 STAT. 1795  
Arabia Mountain  
National  
Heritage Area  
Act.  
Georgia.  
16 USC 461 note.

SEC. 231. SHORT TITLE.

This subtitle may be cited as the “Arabia Mountain National Heritage Area Act”.

SEC. 232. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

120 STAT. 1795

PUBLIC LAW 109-338—OCT. 12, 2006

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this subtitle are as follows:

120 STAT. 1796

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

#### SEC. 233. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 234(a).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the heritage area developed under section 236.

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

(5) STATE.—The term “State” means the State of Georgia.

#### SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “Arabia Mountain National Heritage Area”, numbered AMNHA-80,000, and dated October 2003.

(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) LOCAL COORDINATING ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

#### SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1796

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

120 STAT. 1797

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) AUDIT.—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

**SEC. 236. MANAGEMENT PLAN.**

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

120 STAT. 1797

PUBLIC LAW 109-338—OCT. 12, 2006

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

Records. (1) An inventory of the resources in the heritage area, including—

120 STAT. 1798 (A) a list of property in the heritage area that—  
(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

Deadline. (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline. (1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), 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

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

120 STAT. 1799  
Recommendations.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

**SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.**

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

**SEC. 238. EFFECT ON CERTAIN AUTHORITY.**

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

**SEC. 239. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

**SEC. 240. TERMINATION OF AUTHORITY.**

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

**SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 242. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1800

on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

## 2. Atchafalaya

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

Public Law 109–338  
109th Congress

### An Act

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

National  
Heritage Areas  
Act of 2006.

16 USC 461 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 “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

#### TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

\* \* \* \* \*

120 STAT. 1791  
Atchafalaya  
National  
Heritage Area  
Act.  
Louisiana.  
16 USC 461 note.

#### Subtitle B—Atchafalaya National Heritage Area

#### SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Atchafalaya National Heritage Area Act”.

#### SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 215.

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

(5) STATE.—The term “State” means the State of Louisiana.

#### SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.



## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1791

(2) COMPOSITION.—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

**SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.**

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

- (1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;
- (2) hire and compensate staff; and
- (3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

- (1) submit to the Secretary for approval a management plan;
- (2) implement the management plan, including providing assistance to units of government and others in—
  - (A) carrying out programs that recognize important resource values within the Heritage Area;
  - (B) encouraging sustainable economic development within the Heritage Area;
  - (C) establishing and maintaining interpretive sites within the Heritage Area; and
  - (D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;
- (3) adopt bylaws governing the conduct of the local coordinating entity; and
- (4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—
  - (A) the accomplishments of the local coordinating entity; and
  - (B) the expenses and income of the local coordinating entity.

120 STAT. 1792

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

**SEC. 215. MANAGEMENT PLAN.**

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

- (1) take into consideration State and local plans; and
- (2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

- (1) an inventory of the resources in the Heritage Area, including—
  - (A) a list of property in the Heritage Area that—

Records.

120 STAT. 1792

PUBLIC LAW 109-338—OCT. 12, 2006

- (i) relates to the purposes of the Heritage Area; and
- (ii) should be preserved, restored, managed, or maintained because of the significance of the property; and
- (B) an assessment of cultural landscapes within the Heritage Area;
- (2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;
- (3) an interpretation plan for the Heritage Area; and
- (4) a program for implementation of the management plan that includes—
- (A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and
- (B) the identification of existing and potential sources of funding for implementing the plan.
- (d) SUBMISSION TO SECRETARY FOR APPROVAL.—
- (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.
- (2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.
- (e) APPROVAL.—
- (1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.
- (2) ACTION FOLLOWING DISAPPROVAL.—
- (A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), 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
- (iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.
- (B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.
- (f) REVISION.—
- (1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—
- (A) review the management plan; and
- (B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

Deadline.

120 STAT. 1793

Deadline.

Recommendations.

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1793

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

**SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

**SEC. 217. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

**SEC. 218. EFFECT OF SUBTITLE.**

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of

120 STAT. 1794

120 STAT. 1794

PUBLIC LAW 109-338—OCT. 12, 2006

that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

**SEC. 219. REPORTS.**

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity;

and

(2) the expenses and income of the local coordinating entity.

120 STAT. 1795

**SEC. 220. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

**SEC. 221. TERMINATION OF AUTHORITY.**

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

\* \* \* \* \*

120 STAT. 1862

Approved October 12, 2006.

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**3. Blue Ridge**

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1241

Public Law 108–108  
108th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:*

Department of the Interior and Related Agencies Appropriations Act, 2004.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 1264

\* \* \* \* \*

SEC. 140. (a) **SHORT TITLE.**—This section may be cited as the “Blue Ridge National Heritage Area Act of 2003”.

117 STAT. 1274  
Blue Ridge National Heritage Area Act of 2003.  
16 USC 461 note.

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940’s; and

117 STAT. 1275

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled “The Blue Ridge Heritage and Cultural Partnership” and “Western North Carolina National Heritage Area Feasibility Study and Plan”, the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term “Heritage Area” means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area approved under subsection (e).

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1276

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

(E) STATE.—The term “State” means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

Deadline.

117 STAT. 1277

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

117 STAT. 1278

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a 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) allow the management entity to submit to the Secretary revisions to the management plan.



PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1278

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

117 STAT. 1279

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(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 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) 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 section.

\* \* \* \* \*

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

**4. Champlain Valley**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

**Public Law 109–338  
109th Congress****An Act**Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

National  
Heritage Areas  
Act of 2006.*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.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

\* \* \* \* \*

120 STAT. 1819  
Champlain  
Valley National  
Heritage  
Partnership Act  
of 2006.  
Vermont.  
New York.  
16 USC 461 note.**Subtitle G—Champlain Valley National  
Heritage Partnership****SEC. 281. SHORT TITLE.**

This subtitle may be cited as the “Champlain Valley National Heritage Partnership Act of 2006”.

**SEC. 282. FINDINGS AND PURPOSES.**(a) **FINDINGS.**—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

120 STAT. 1820

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1820

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled “Champlain Valley Heritage Corridor Project”, “the Champlain Valley contains resources and represents a theme ‘The Making of Nations and Corridors of Commerce’, that is of outstanding importance in United States history”; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme “the making of nations and corridors of commerce” to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4). 120 STAT. 1821

**SEC. 283. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE PARTNERSHIP.**—The term “Heritage Partnership” means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Lake Champlain Basin Program.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 284(b)(1)(B)(i).

(4) **REGION.**—

(A) **IN GENERAL.**—The term “region” means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) **INCLUSIONS.**—The term “region” includes

(i) **THE LINKED NAVIGABLE WATERWAYS OF.**—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

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

(6) **STATE.**—the term “State” means

(A) the State of Vermont; and

(B) the State of New York.

(7) **THEME.**—The term “theme” means the theme “The Making of Nations and Corridors of Commerce”, as the term is used in the 1999 report of the National Park Service entitled “Champlain Valley Heritage Corridor Project”, that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

**SEC. 284. HERITAGE PARTNERSHIP.**

(a) **ESTABLISHMENT.**—There is established in the region the Champlain Valley National Heritage Partnership.

(b) **MANAGEMENT ENTITY.**—

(1) **DUTIES.**—

(A) **IN GENERAL.**—The management entity shall implement this subtitle.

(B) **MANAGEMENT PLAN.**—

(i) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) **EXISTING PLAN.**—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle

Deadline.

based on its federally authorized plan “Opportunities for Action, an Evolving Plan For Lake Champlain”.

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership; Recommendations.

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership; Records.

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle. Recommendations.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval. Deadline.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan. Deadline.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and Recommendations.

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

Recommen-  
dations.

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

**SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until—

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

**SEC. 286. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1824

liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) **EFFECT OF ESTABLISHMENT.**—

(1) **IN GENERAL.**—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) **REGULATORY AUTHORITY.**—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

**SEC. 287. EFFECT.**

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

**SEC. 288. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

**SEC. 289. TERMINATION OF AUTHORITY.**

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

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

**5. Crossroads of the American Revolution**

120 STAT. 1783

PUBLIC LAW 109-338—OCT. 12, 2006

Public Law 109-338  
109th Congress

**An Act**

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

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

National  
Heritage Areas  
Act of 2006.

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

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

\* \* \* \* \*

120 STAT. 1837  
Crossroads of the  
American  
Revolution  
National  
Heritage Area  
Act of 2006.  
New Jersey.  
16 USC 461 note.

**Subtitle J—Crossroads of the American  
Revolution National Heritage Area**

**SEC. 297. SHORT TITLE.**

This subtitle may be cited as the “Crossroads of the American Revolution National Heritage Area Act of 2006”.

120 STAT. 1838

**SEC. 297A. FINDINGS AND PURPOSES.**

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

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as “the times that try men’s souls”;

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1838

(A) several important battles of the American Revolution that were significant to—

- (i) the outcome of the American Revolution; and
- (ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

120 STAT. 1839

120 STAT. 1839

PUBLIC LAW 109-338—OCT. 12, 2006

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

**SEC. 297B. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 297D.

120 STAT. 1840

(4) **MAP.**—The term “map” means the map entitled “Crossroads of the American Revolution National Heritage Area”, numbered CRRE/80,000, and dated April 2002.

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

(6) **STATE.**—The term “State” means the State of New Jersey.

**SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(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) **LOCAL COORDINATING ENTITY.**—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

**SEC. 297D. MANAGEMENT PLAN.**

Deadline.

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1840

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and inter-agency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

120 STAT. 1841

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

Deadline.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in

120 STAT. 1841

PUBLIC LAW 109-338—OCT. 12, 2006

the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

Recommendations.  
Deadline.

120 STAT. 1842

**SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.**

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

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

(A) cultural, historic, or natural resource protection;

or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area;

and

(B) that is consistent with the management plan.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1842

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

Public meetings.

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

120 STAT. 1843  
Reports.

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

Records.

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an

120 STAT. 1843

PUBLIC LAW 109-338—OCT. 12, 2006

interest in real property using any other source of funding, including other Federal funding.

**SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

**SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

120 STAT. 1844



**SEC. 297H. TERMINATION OF AUTHORITY.**

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

**SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 297J. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

120 STAT. 1845

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**6. Delaware and Lehigh**

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199  
108th Congress

## An Act

Jan. 23, 2004  
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated  
Appropriations  
Act, 2004.*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 “Consolidated Appropriations Act, 2004”.

\* \* \* \* \*

118 STAT. 4  
1 USC 1 note.**SEC. 3. 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.

\* \* \* \* \*

118 STAT. 434  
7 USC 136a note.(h) **EFFECTIVE DATE.**—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Miscellaneous  
Appropriations  
and Offsets Act,  
2004.**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS**

\* \* \* \* \*

118 STAT. 443  
Effective date.**SEC. 141.** Effective as of November 18, 2003, section 9 of Public Law 100–692 (102 Stat. 4556; 16 U.S.C. 461 note.) is amended to read as follows:

16 USC 461 note.

**“SEC. 9. TERMINATION OF COMMISSION.**

“The Commission shall terminate on November 18, 2007.”.

\* \* \* \* \*

PUBLIC LAW 108–199—JAN. 23, 2004

118 STAT. 457

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

Approved January 23, 2004.

---

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.  
Nov. 5, 6, considered and passed Senate, amended.  
Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):  
Jan. 23, Presidential statement.

**7. Freedom's Frontier**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

**Public Law 109–338  
109th Congress****An Act**Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National  
Heritage Areas  
Act of 2006.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

\* \* \* \* \*

120 STAT. 1807  
Freedom's  
Frontier National  
Heritage Area  
Act.  
Kansas.  
Missouri.  
16 USC 461 note.**Subtitle E—Freedom's Frontier National  
Heritage Area****SEC. 261. SHORT TITLE.**

This subtitle may be cited as the “Freedom's Frontier National Heritage Area Act”.

**SEC. 262. PURPOSE.**

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

**SEC. 263. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 264(e).(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.(5) **STATE.**—The term “State” means each of the States of Kansas and Missouri.(6) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” means the government of a State, a political subdivision of a State, or an Indian tribe.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1808

**SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the States the Freedom's Frontier National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) **MAP.**—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

Deadline.

(2) **CONTENTS.**—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

Standards.

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

120 STAT. 1809

PUBLIC LAW 109-338—OCT. 12, 2006

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

Records.

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

Deadline.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle

until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—  
The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

Deadline.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Recommendations.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

**SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

**SEC. 266. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1812

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **LAND USE REGULATION.**—

(1) **IN GENERAL.**—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) **EFFECT.**—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) **PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) **EFFECT.**—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) **REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**—

(1) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

#### **SEC. 267. SAVINGS PROVISIONS.**

(a) **RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.**—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) **WATER AND WATER RIGHTS.**—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) **NO DIMINISHMENT OF STATE AUTHORITY.**—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

120 STAT. 1813

PUBLIC LAW 109-338—OCT. 12, 2006

**SEC. 268. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

**SEC. 269. TERMINATION OF AUTHORITY.**

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

\* \* \* \* \*

120 STAT. 1862

Approved October 12, 2006.

---

**LEGISLATIVE HISTORY—S. 203:****SENATE REPORTS:** No. 109-4 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

8. Great Basin

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1783

Public Law 109-338  
109th Congress

An Act

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

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

National  
Heritage Areas  
Act of 2006.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Heritage Areas Act of 2006”.

16 USC 461 note.

\* \* \* \* \*

TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS

120 STAT. 1787

\* \* \* \* \*

Subtitle H—Great Basin National Heritage  
Route

120 STAT. 1824  
Great Basin  
National  
Heritage Route  
Act.

SEC. 291. SHORT TITLE.

This subtitle may be cited as the “Great Basin National Heritage Route Act”.

Utah.  
Nevada.  
Native  
Americans.  
16 USC 461 note.

SEC. 291A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

120 STAT. 1825

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

- (A) archaeological sites;
- (B) petroglyphs and pictographs;
- (C) the westernmost village of the Fremont culture;

and

- (D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

- (A) bristlecone pines, the oldest living trees in the world;
- (B) wildlife adapted to harsh desert conditions;
- (C) unique plant communities, lakes, and streams; and
- (D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

- (A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

- (B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1826

related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

**SEC. 291B. DEFINITIONS.**

In this subtitle:

(1) **GREAT BASIN.**—The term “Great Basin” means the North American Great Basin.

(2) **HERITAGE ROUTE.**—The term “Heritage Route” means the Great Basin National Heritage Route established by section 291C(a).

(3) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the plan developed by the local coordinating entity under section 291E(a).

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

**SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.**

(a) **ESTABLISHMENT.**—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) **BOUNDARIES.**—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) **BOARD OF DIRECTORS.**—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

120 STAT. 1827

**SEC. 291D. MEMORANDUM OF UNDERSTANDING.**

(a) **IN GENERAL.**—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) **INCLUSIONS.**—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

120 STAT. 1827

PUBLIC LAW 109-338—OCT. 12, 2006

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) **ADDITIONAL REQUIREMENTS.**—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) **USE OF FUNDS.**—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 291E. MANAGEMENT PLAN.**

Deadline.

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

120 STAT. 1828

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) **CONSIDERATIONS.**—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

- (ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and
- (B) an interpretation plan for the Heritage Route; and
- (4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

Deadline.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

Recommendations.

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

Deadline.

120 STAT. 1829

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.**

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

120 STAT. 1829

PUBLIC LAW 109-338—OCT. 12, 2006

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

120 STAT. 1830

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1830

available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

**SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

**SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.**

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

120 STAT. 1831

**SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

**SEC. 291J. TERMINATION OF AUTHORITY.**

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

120 STAT. 1831

PUBLIC LAW 109-338—OCT. 12, 2006

**SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 291L. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

120 STAT. 1832

\* \* \* \* \*

120 STAT. 1862

Approved October 12, 2006.

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**9. Gullah/Geechee**

PUBLIC LAW 109–338—OCT. 12, 2006

120 STAT. 1783

Public Law 109–338  
109th Congress

**An Act**

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

*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 “National Heritage Areas Act of 2006”.

National  
Heritage Areas  
Act of 2006.  
16 USC 461 note.

\* \* \* \* \*

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

120 STAT. 1787

\* \* \* \* \*

**Subtitle I—Gullah/Geechee Heritage  
Corridor**

120 STAT. 1832  
Gullah/Geechee  
Cultural  
Heritage Act.  
State listing.  
16 USC 461 note.

**SEC. 295. SHORT TITLE.**

This subtitle may be cited as the “Gullah/Geechee Cultural Heritage Act”.

**SEC. 295A. PURPOSES.**

The purposes of this subtitle are to—

- (1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;
- (2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and
- (3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

**SEC. 295B. DEFINITIONS.**

In this subtitle:

- (1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).
- (2) **HERITAGE CORRIDOR.**—The term “Heritage Corridor” means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).
- (3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.**

(a) **ESTABLISHMENT.**—There is established the Gullah/Geechee Cultural Heritage Corridor.

120 STAT. 1832

PUBLIC LAW 109-338—OCT. 12, 2006

## (b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled “Gullah/Geechee Cultural Heritage Corridor” numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

Federal Register,  
publication.

(2) REVISIONS.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

120 STAT. 1833

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

**SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the “Gullah/Geechee Cultural Heritage Corridor Commission” whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

**SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.**

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

120 STAT. 1834

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

Public meetings.

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

Reports.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

Records.

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

**SEC. 295F. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

120 STAT. 1834

PUBLIC LAW 109-338—OCT. 12, 2006

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

Records.

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

120 STAT. 1835

(6) 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 Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and 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 implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

Deadline.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) **FAILURE TO SUBMIT.**—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

Deadline.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support

is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

Recommendations.

Deadline.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

**SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.**

120 STAT. 1836

(a) IN GENERAL.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

- (1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and
- (2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

- (A) identified in the management plan; or
- (B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

**SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

- (1) consult with the Secretary and the local coordinating entity with respect to such activities;
- (2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

120 STAT. 1836

PUBLIC LAW 109-338—OCT. 12, 2006

Establishment.

**SEC. 295I. COASTAL HERITAGE CENTERS.**

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

**SEC. 295J. PRIVATE PROPERTY PROTECTION.**

120 STAT. 1837

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

**SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) **COST SHARE.**—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1837

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

**SEC. 295L. TERMINATION OF AUTHORITY.**

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

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

**LEGISLATIVE HISTORY—S. 203:**

**SENATE REPORTS:** No. 109-4 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

**10. Illinois and Michigan Canal**

120 STAT. 1783

PUBLIC LAW 109-338—OCT. 12, 2006

Public Law 109-338  
109th Congress

**An Act**

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

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

National  
Heritage Areas  
Act of 2006.

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

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1850  
Illinois and  
Michigan Canal  
National  
Heritage  
Corridor Act  
Amendments of  
2006.  
16 USC 461 note.

**TITLE IV—ILLINOIS AND MICHIGAN  
CANAL NATIONAL HERITAGE COR-  
RIDOR ACT AMENDMENTS**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006”.

**SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.**

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

16 USC 461 note.

- (1) In section 103—
  - (A) in paragraph (8), by striking “and”;
  - (B) in paragraph (9), by striking the period and inserting “; and”; and
  - (C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”.

16 USC 461 note.

- (2) By adding at the end of section 112 the following new paragraph:

Memorandum.

“(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.”.

- (3) By adding at the end the following new sections:

**“SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.**

“Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

**“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

**“SEC. 121. DUTIES OF THE ASSOCIATION.**

“The Association shall—

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

Deadline.

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

“(B) in establishing and maintaining interpretive exhibits in the corridor;

120 STAT. 1851

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

Public meetings.

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

Reports.

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

Records.

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

Records.

**“SEC. 122. USE OF FEDERAL FUNDS.**

“(a) **IN GENERAL.**—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(b) **OTHER SOURCES.**—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

120 STAT. 1851

PUBLIC LAW 109-338—OCT. 12, 2006

**“SEC. 123. MANAGEMENT PLAN.**

Deadline.

“(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

Recommendations.

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include—

120 STAT. 1852

“(A) identification of the geographic boundaries of the corridor;

“(B) a brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

“(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

“(D) a listing of the key resources and themes of the corridor;

“(E) identification of parties proposed to be responsible for carrying out the tasks;

“(F) a financial plan and other information on costs and sources of funds;

“(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

“(H) a mechanism and schedule for updating the plan based on actual progress;

“(I) a bibliography of documents used to develop the management plan; and

“(J) a discussion of any other relevant issues relating to the management plan.

Deadline.

“(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

Deadline.

“(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1852

prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

Public meetings.

“(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

“(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

Recommendations.

“(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

120 STAT. 1853

“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

“(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

Contracts.

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

“(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

120 STAT. 1853

PUBLIC LAW 109-338—OCT. 12, 2006

**“SEC. 126. SUNSET.**

“The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.”

**SEC. 403. PRIVATE PROPERTY PROTECTION.**

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

**“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

“(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

120 STAT. 1854

“(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

**“SEC. 128. PRIVATE PROPERTY PROTECTION.**

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”

**SEC. 404. TECHNICAL AMENDMENTS.**

16 USC 461 note.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1854

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b);  
and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

## 11. John H. Chafee Blackstone River Valley

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

Public Law 109–338  
109th Congress

### An Act

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

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

National  
Heritage Areas  
Act of 2006.

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

16 USC 461 note.

(a) SHORT TITLE.—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1857  
John H. Chafee  
Blackstone River  
Valley National  
Heritage  
Corridor  
Reauthorization  
Act of 2006.  
16 USC 461 note.

#### TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

##### SEC. 701. SHORT TITLE.

This title may be cited as the “John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006”.

16 USC 461 note.

##### SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) by striking “nineteen members” and inserting “25 members”;

(2) in paragraph (2)—

(A) by striking “six” and inserting “6”; and

(B) by striking “Department of Environmental Management Directors from Rhode Island and Massachusetts” and inserting “the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs”;

(3) in paragraph (3)—

(A) by striking “four” each place it appears and inserting “5”; and

(B) by striking “and” after the semicolon;

(4) in paragraph (4)—

(A) by striking “two” each place it appears and inserting “3”; and

(B) by striking the period and inserting “; and”; and

(5) by inserting after paragraph (4) the following:

“(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.”.



## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1857

(b) QUORUM.—Section 3(f)(1) of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking “Ten” and inserting “13”.

(c) UPDATE OF PLAN.—Section 6 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

Deadline.

“(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute.

“(3) The update shall include—

“(A) performance goals; and

“(B) an analysis of—

“(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

“(ii) the partnerships that sustain those resources; and

“(iii) the funding program for the Corridor.

“(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

120 STAT. 1858

“(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.”.

(d) EXTENSION OF COMMISSION.—Public Law 99-647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

**“SEC. 7. TERMINATION OF COMMISSION.**

“The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.”.

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(d) SPECIAL RESOURCE STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

“(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

Deadline.

“(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

“(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

“(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

“(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House

120 STAT. 1858

PUBLIC LAW 109-338—OCT. 12, 2006

of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

“(A) the findings of the study; and

“(B) the conclusions and recommendations of the Secretary.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking “\$650,000” and inserting “\$1,000,000”; and

(2) by striking subsection (b) and inserting the following:

“(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than \$10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

“(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).”.

120 STAT. 1859

**SEC. 703. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Public Law 100-515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

**“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

“(A) technical assistance; and

“(B) the design and fabrication of interpretative materials, devices, and signs.

“(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

“(A) operation, repair, or construction costs, except for the costs of constructing interpretative exhibits; or

“(B) operation, maintenance, or repair costs for any road or related structure.

“(3) COST-SHARING REQUIREMENT.—

“(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

“(i) may not exceed 50 percent of the total project costs; and

“(ii) shall be provided on a matching basis.

“(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

“(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.”.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

Deadline.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1859

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**12. Lackawanna Valley**

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress**An Act**Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

**SEC. 2. LACKAWANNA VALLEY HERITAGE AREA.**

Section 106 of the Lackawanna Valley National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106-278) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORITIES OF MANAGEMENT ENTITY.**—For purposes of preparing and implementing the management plan, the management entity may—

“(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

“(2) hire and compensate staff.”.

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**13. Mississippi Gulf Coast**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION J—OTHER MATTERS**

118 STAT. 3341

\* \* \* \* \*

**TITLE VII—MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA ACT**

118 STAT. 3374  
Mississippi Gulf  
Coast National  
Heritage Area  
Act.  
16 USC 461 note.

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Mississippi Gulf Coast National Heritage Area Act”.

**SEC. 702. CONGRESSIONAL FINDINGS.**

16 USC 461 note.

Congress finds that—

(1) the 6-county area in southern Mississippi located on the Gulf of Mexico and in the Mississippi Coastal Plain has a unique identity that is shaped by—

- (A) the coastal and riverine environment; and
- (B) the diverse cultures that have settled in the area;

(2) the area is rich with diverse cultural and historical significance, including—

- (A) early Native American settlements; and
- (B) Spanish, French, and English settlements originating in the 1600s;

(3) the area includes spectacular natural, scenic, and recreational resources;

118 STAT. 3374

PUBLIC LAW 108–447—DEC. 8, 2004

(4) there is broad support from local governments and other interested individuals for the establishment of the Mississippi Gulf Coast National Heritage Area to coordinate and assist in the preservation and interpretation of those resources;

(5) the Comprehensive Resource Management Plan, coordinated by the Mississippi Department of Marine Resources—

(A) is a collaborative effort of the Federal Government and State and local governments in the area; and

(B) is a natural foundation on which to establish the Heritage Area; and

(6) establishment of the Heritage Area would assist local communities and residents in preserving the unique cultural, historical, and natural resources of the area.

16 USC 461 note. **SEC. 703. DEFINITIONS.**

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Gulf Coast National Heritage Area established by section 4(a).

(2) **COORDINATING ENTITY.**—The term “coordinating entity” means the coordinating entity for the Heritage Area designated by section 4(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 5.

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

(5) **STATE.**—The term “State” means the State of Mississippi.

16 USC 461 note. **SEC. 704. MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the State the Mississippi Gulf Coast National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the counties of Pearl River, Stone, George, Hancock, Harrison, and Jackson in the State.

(c) **COORDINATING ENTITY.**—

118 STAT. 3375

(1) **IN GENERAL.**—The Mississippi Department of Marine Resources, in consultation with the Mississippi Department of Archives and History, shall serve as the coordinating entity for the Heritage Area.

(2) **OVERSIGHT COMMITTEE.**—The coordinating entity shall ensure that each of the 6 counties included in the Heritage Area is appropriately represented on any oversight committee.

16 USC 461 note. **SEC. 705. MANAGEMENT PLAN.**

Deadline.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the coordinating entity shall develop and submit to the Secretary a management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) provide recommendations for the conservation, funding, management, interpretation, and development of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(2) identify sources of funding for the Heritage Area;

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3375

(3) include—

(A) an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(B) an analysis of ways in which Federal, State, tribal, and local programs may best be coordinated to promote the purposes of this Act;

(4) provide recommendations for educational and interpretive programs to inform the public about the resources of the Heritage Area; and

(5) involve residents of affected communities and tribal and local governments.

(c) **FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in subsection (a), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(d) **APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the coordinating entity in writing of the reasons for disapproval;

(B) make recommendations for revision of the management plan; and

(C) allow the coordinating entity to submit to the Secretary revisions to the management plan.

(e) **REVISION.**—After approval by the Secretary of the management plan, the coordinating entity shall periodically—

(1) review the management plan; and

(2) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

**SEC. 706. AUTHORITIES AND DUTIES OF COORDINATING ENTITY.**

16 USC 461 note.

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan and otherwise carrying out this Act, the coordinating entity may make grants to and provide technical assistance to tribal and local governments, and other public and private entities.

118 STAT. 3376

(b) **DUTIES.**—In addition to developing the management plan under section 5, in carrying out this Act, the coordinating entity shall—

(1) implement the management plan; and

(2) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological, and natural resources of the Heritage Area;

118 STAT. 3376

PUBLIC LAW 108-447—DEC. 8, 2004

(D) restoring historic structures that relate to the Heritage Area; and

(E) carrying out any other activity that the coordinating entity determines to be appropriate to carry out this Act, consistent with the management plan;

(3) conduct public meetings at least annually regarding the implementation of the management plan; and

(4) for any fiscal year for which Federal funds are made available under section 9—

Reports.

(A) submit to the Secretary a report that describes, for the fiscal year, the actions of the coordinating entity in carrying out this Act;

(B) make available to the Secretary for audit all records relating to the expenditure of funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available to the Secretary for audit all records relating to the expenditure of the funds.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The coordinating entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

16 USC 461 note.

**SEC. 707. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—On the request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity for use in the development and implementation of the management plan.

(b) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this section, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

16 USC 461 note.

**SEC. 708. EFFECT OF ACT.**

Nothing in this Act—

(1) affects or authorizes the coordinating entity to interfere with—

(A) the right of any person with respect to private property; or

(B) any local zoning ordinance or land use plan;

118 STAT. 3377

(2) restricts an Indian tribe from protecting cultural or religious sites on tribal land;

(3) modifies, enlarges, or diminishes the authority of any State, tribal, or local government to regulate any use of land under any other law (including regulations);

(4)(A) modifies, enlarges, or diminishes the authority of the State to manage fish and wildlife in the Heritage Area, including the regulation of fishing and hunting; or

(B) authorizes the coordinating entity to assume any management authorities over such lands; or

(5) diminishes the trust responsibilities or government-to-government obligations of the United States to any federally recognized Indian tribe.



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3377

**SEC. 709. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 461 note.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

**HOUSE REPORTS:** Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

**SENATE REPORTS:** No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Dec. 8, Presidential statement.

**14. Mormon Pioneer**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

**Public Law 109–338  
109th Congress****An Act**Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

National  
Heritage Areas  
Act of 2006.*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.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

\* \* \* \* \*

120 STAT. 1800  
Mormon Pioneer  
National  
Heritage Area  
Act.  
Utah.  
16 USC 461 note.**Subtitle D—Mormon Pioneer National  
Heritage Area****SEC. 251. SHORT TITLE.**

This subtitle may be cited as the “Mormon Pioneer National Heritage Area Act”.

**SEC. 252. FINDINGS AND PURPOSE.**(a) **FINDINGS.**—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

120 STAT. 1801

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1801

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

#### SEC. 253. DEFINITIONS.

In this subtitle:

(1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the local coordinating entity under section 256(a).

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

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

120 STAT. 1802

#### SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State—

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysville, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysville, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

**SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.**

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

**SEC. 256. MANAGEMENT OF THE HERITAGE AREA.**

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area. Deadline.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area; Recommendations.

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that— Records.

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion; 120 STAT. 1804

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability; Recommendations.

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

120 STAT. 1804

PUBLIC LAW 109-338—OCT. 12, 2006

- (v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and
- (vi) an interpretive plan for the Heritage Area.
- (3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—
- Deadline. (A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.
- (B) DISAPPROVAL AND REVISIONS.—
- (i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—
- (I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and
- (II) make recommendations for revision of the management plan.
- Recommendations. Deadline. (ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.
- (b) PRIORITIES.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—
- (1) assisting units of government, regional planning organizations, and nonprofit organizations in—
- (A) conserving the historical, cultural, and natural resources of the Heritage Area;
- (B) establishing and maintaining interpretive exhibits in the Heritage Area;
- (C) developing recreational opportunities in the Heritage Area;
- (D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;
- (E) restoring historic buildings that are—
- (i) located within the boundaries of the Heritage Area; and
- (ii) related to the theme of the Heritage Area;
- and
- (F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and
- (2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.
- (c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.
- (d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.
- (e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the
- 120 STAT. 1805

local coordinating entity shall submit to the Secretary an annual report that describes—

- (1) the accomplishments of the local coordinating entity;
- (2) the expenses and income of the local coordinating entity;

and

- (3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

- (1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

- (2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

- (1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

- (2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

#### SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

- (1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

- (A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

- (B) the local coordinating entity, for use in developing and implementing the management plan.

- (2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

120 STAT. 1806

- (3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

- (A) based on the extent to which the assistance—

- (i) fulfills the objectives of the management plan;

and

- (ii) achieves the purposes of this subtitle; and

- (B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

Public information.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

**SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 258B. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

120 STAT. 1807

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 259. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1807

**SEC. 260. TERMINATION OF AUTHORITY.**

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

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**15. National Aviation**

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress

## An Act

Dec. 8, 2004  
[H.R. 4818]Making appropriations for foreign operations, export financing, and related programs  
for the fiscal year ending September 30, 2005, and for other purposes.Consolidated  
Appropriations  
Act, 2005.*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 “Consolidated Appropriations  
Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3341

## DIVISION J—OTHER MATTERS

\* \* \* \* \*

118 STAT. 3361  
National  
Aviation  
Heritage Area  
Act.  
16 USC 461 note.TITLE V—NATIONAL AVIATION  
HERITAGE AREA**SEC. 501. SHORT TITLE.**This title may be cited as the “National Aviation Heritage  
Area Act”.

16 USC 461 note.

**SEC. 502. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world  
or our Nation’s economy, society, culture, and national character  
as the development of powered flight.(2) The industrial, cultural, and natural heritage legacies  
of the aviation and aerospace industry in the State of Ohio  
are nationally significant.(3) Dayton, Ohio, and other defined areas where the  
development of the airplane and aerospace technology estab-  
lished our Nation’s leadership in both civil and military aero-  
nautics and astronautics set the foundation for the 20th Cen-  
tury to be an American Century.(4) Wright-Patterson Air Force Base in Dayton, Ohio, is  
the birthplace, the home, and an integral part of the future  
of aerospace.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3361

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

118 STAT. 3362

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: "Study of Alternatives: Dayton's Aviation Heritage", "Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study", "Dayton Aviation Heritage General Management Plan", "Dayton Historic Resources Preservation and Development Plan", and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal Government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the

National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

118 STAT. 3363

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

16 USC 461 note.

**SEC. 503. DEFINITIONS.**

For purposes of this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term “Heritage Area” means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term “Management Plan” means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term “management entity” means the Aviation Heritage Foundation, Incorporated (a non-profit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3363

(8) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

**SEC. 504. NATIONAL AVIATION HERITAGE AREA.**

16 USC 461 note.

(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

Ohio.  
Indiana.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

**SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.**

16 USC 461 note.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

118 STAT. 3364

118 STAT. 3364

PUBLIC LAW 108–447—DEC. 8, 2004

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

Reports.  
Deadlines.

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

118 STAT. 3365  
16 USC 461 note.

**SEC. 506. MANAGEMENT PLAN.**

Deadline.

(a) PREPARATION OF PLAN.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) CONTENTS.—The Management Plan shall 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 and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3365

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) **DISQUALIFICATION FROM FUNDING.**—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

Deadline.

(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Deadline.

(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

118 STAT. 3366

**SEC. 507. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

16 USC 461 note.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

Contracts.

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

118 STAT. 3366

PUBLIC LAW 108-447—DEC. 8, 2004

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

16 USC 461 note. **SEC. 508. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.**

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

16 USC 461 note. **SEC. 509. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

118 STAT. 3367  
16 USC 461 note.

**SEC. 510. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

16 USC 461 note. **SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3367

(b) **FIFTY PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

**SEC. 512. SUNSET PROVISION.**

16 USC 461 note.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**16. National Coal**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

**Public Law 109–338  
109th Congress****An Act**Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National  
Heritage Areas  
Act of 2006.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1862

**TITLE IX—NATIONAL COAL HERITAGE  
AREA****SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.**

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

16 USC 461 note.

(1) In section 103(b)—

(A) by striking “comprised of the counties” and inserting “shall be comprised of the following:

“(1) The counties; and”.

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

“(2) Lincoln County, West Virginia.

“(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.”.

16 USC 461 note.

(2) In section 104, by striking “Governor” and all that follows through “organizations” and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

Approved October 12, 2006.

**LEGISLATIVE HISTORY—S. 203:****SENATE REPORTS:** No. 109–4 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

**17. Northern Rio Grande**

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1783

Public Law 109-338  
109th Congress

**An Act**

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

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

National  
Heritage Areas  
Act of 2006.

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

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

16 USC 461 note.

\* \* \* \* \*

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

120 STAT. 1787

**Subtitle A—Northern Rio Grande National  
Heritage Area**

Northern Rio  
Grande National  
Heritage Area  
Act.  
New Mexico.  
16 USC 461 note.

**SEC. 201. SHORT TITLE.**

This subtitle may be cited as the “Northern Rio Grande National Heritage Area Act”.

**SEC. 202. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

**SEC. 203. DEFINITIONS.**

As used in this subtitle—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

120 STAT. 1787

PUBLIC LAW 109-338—OCT. 12, 2006

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

**SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

120 STAT. 1788

**SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) MANAGEMENT PLAN.—

Deadline.

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

Deadline.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1788

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary. Recommendations.

(b) **AUTHORITY.**—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) **DUTIES.**—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in— 120 STAT. 1789

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) **PROHIBITION ON ACQUIRING REAL PROPERTY.**—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) **PUBLIC MEETINGS.**—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) **ANNUAL REPORTS AND AUDITS.**—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

**SEC. 206. DUTIES OF THE SECRETARY.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

**SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.**

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

120 STAT. 1790

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1790

**SEC. 208. SUNSET.**

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

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

**LEGISLATIVE HISTORY—S. 203:**

**SENATE REPORTS:** No. 109-4 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

**18. Oil Region**

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress**An Act**Dec. 8, 2004  
[H.R. 4818]Making appropriations for foreign operations, export financing, and related programs  
for the fiscal year ending September 30, 2005, and for other purposes.Consolidated  
Appropriations  
Act, 2005.*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 “Consolidated Appropriations  
Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3341

**DIVISION J—OTHER MATTERS**

\* \* \* \* \*

118 STAT. 3368  
Oil Region  
National  
Heritage Area  
Act.  
16 USC 461 note.**TITLE VI—OIL REGION NATIONAL  
HERITAGE AREA****SEC. 601. SHORT TITLE; DEFINITIONS.**(a) **SHORT TITLE.**—This title may be cited as the “Oil Region  
National Heritage Area Act”.(b) **DEFINITIONS.**—For the purposes of this title, the following  
definitions shall apply:(1) **HERITAGE AREA.**—The term “Heritage Area” means the  
Oil Region National Heritage Area established in section 603(a).(2) **MANAGEMENT ENTITY.**—The term “management entity”  
means the Oil Heritage Region, Inc., or its successor entity.(3) **SECRETARY.**—The term “Secretary” means the Secretary  
of the Interior.

16 USC 461 note.

**SEC. 602. FINDINGS AND PURPOSE.**(a) **FINDINGS.**—The Congress finds the following:(1) The Oil Region of Northwestern Pennsylvania, with  
numerous sites and districts listed on the National Register  
of Historic Places, and designated by the Governor of Pennsylv-  
vania as one of the State Heritage Park Areas, is a region  
with tremendous physical and natural resources and possesses  
a story of State, national, and international significance.



PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3368

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river’s tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

118 STAT. 3369

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

**SEC. 603. OIL REGION NATIONAL HERITAGE AREA.**

16 USC 461 note.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

Federal Register, publication.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 605(b).

118 STAT. 3369

PUBLIC LAW 108-447—DEC. 8, 2004

16 USC 461 note. **SEC. 604. COMPACT.**

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

16 USC 461 note. **SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.**

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

- (1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;
- (2) hiring and compensating staff; and
- (3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

- (1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;
- (2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;
- (3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;
- (4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
- (5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;
- (6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;
- (7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and
- (8) includes an interpretation plan for the Heritage Area.

(c) **DEADLINE; TERMINATION OF FUNDING.**—

- (1) **DEADLINE.**—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

118 STAT. 3370

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3370

(2) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

118 STAT. 3371

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

Reports.

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

**SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.**

16 USC 461 note.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—

(A) **OVERALL ASSISTANCE.**—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its

118 STAT. 3371

PUBLIC LAW 108-447—DEC. 8, 2004

duties under this title, including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

118 STAT. 3372

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

Deadline.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Deadline.

## PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3372

(d) **APPROVING CHANGES.**—The Secretary shall review and approve amendments to the management plan under section 605(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) **EFFECT OF INACTION.**—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

**SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.**

16 USC 461 note.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

**SEC. 608. SUNSET.**

16 USC 461 note.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

**SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**118 STAT. 3373  
16 USC 461 note.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 610. PRIVATE PROPERTY PROTECTION.**

16 USC 461 note.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

118 STAT. 3373

PUBLIC LAW 108-447—DEC. 8, 2004

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

16 USC 461 note. **SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

16 USC 461 note. **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title—

(1) not more than \$1,000,000 for any fiscal year; and

(2) not more than a total of \$10,000,000.

(b) **50 PERCENT MATCH.**—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

**HOUSE REPORTS:** Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

**SENATE REPORTS:** No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Dec. 8, Presidential statement.

**19. Southern Campaign of the Revolution (study)**

PUBLIC LAW 109–338—OCT. 12, 2006

120 STAT. 1783

Public Law 109–338  
109th Congress

**An Act**

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

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

National  
Heritage Areas  
Act of 2006.

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

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

16 USC 461 note.

\* \* \* \* \*

**TITLE III—NATIONAL HERITAGE AREA STUDIES**

120 STAT. 1845

\* \* \* \* \*

**Subtitle C—Southern Campaign of the Revolution**

120 STAT. 1848  
Southern  
Campaign of the  
Revolution  
Heritage Area  
Study Act.  
South Carolina.  
North Carolina.

**SEC. 321. SHORT TITLE.**

This subtitle may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

**SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.**

(a) **STUDY.**—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

120 STAT. 1848

PUBLIC LAW 109-338—OCT. 12, 2006

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

120 STAT. 1849

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

#### SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1849

within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**20. St. Croix (study)**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

Public Law 109–338  
109th Congress

## An Act

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

National  
Heritage Areas  
Act of 2006.*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.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1845

TITLE III—NATIONAL HERITAGE AREA  
STUDIES

\* \* \* \* \*

120 STAT. 1847  
St. Croix  
National  
Heritage Area  
Study Act.Subtitle B—St. Croix National Heritage  
Area Study**SEC. 311. SHORT TITLE.**

This subtitle may be cited as the “St. Croix National Heritage Area Study Act”.

**SEC. 312. STUDY.**(a) **IN GENERAL.**—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1847

plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public. 120 STAT. 1848

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

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**21. Upper Housatonic Valley**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

**Public Law 109–338  
109th Congress****An Act**Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National  
Heritage Areas  
Act of 2006.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1787

**TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREAS**

\* \* \* \* \*

120 STAT. 1813  
Upper  
Housatonic  
Valley National  
Heritage Area  
Act.**Subtitle F—Upper Housatonic Valley  
National Heritage Area**Connecticut.  
Massachusetts.  
16 USC 461 note.**SEC. 271. SHORT TITLE.**

This subtitle may be cited as the “Upper Housatonic Valley National Heritage Area Act”.

**SEC. 272. FINDINGS AND PURPOSES.**(a) **FINDINGS.**—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton’s home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville’s home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois’ Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts;

and  
(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew’s Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1813

- (iii) Bingham Bog, Salisbury, Connecticut; and
- (iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

120 STAT. 1814

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

#### SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 274.

120 STAT. 1814

PUBLIC LAW 109-338—OCT. 12, 2006

(2) **MANAGEMENT ENTITY.**—The term “Management Entity” means the management entity for the Heritage Area designated by section 274(d).

(3) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area specified in section 276.

(4) **MAP.**—The term “map” means the map entitled “Boundary Map Upper Housatonic Valley National Heritage Area”, numbered P17/80,000, and dated February 2003.

120 STAT. 1815

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

(6) **STATE.**—The term “State” means the State of Connecticut and the Commonwealth of Massachusetts.

**SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established the Upper Housatonic Valley National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall be comprised of—

(1) part of the Housatonic River’s watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

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

(d) **MANAGEMENT ENTITY.**—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

**SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) **DUTIES OF THE MANAGEMENT ENTITY.**—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1815

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) 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;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan; 120 STAT. 1816  
Public meetings.

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made; Reports.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and Records.

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) **AUTHORITIES.**—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) **PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

**SEC. 276. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management plan for the Heritage Area shall—

120 STAT. 1816

PUBLIC LAW 109-338—OCT. 12, 2006

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include 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;

120 STAT. 1817

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

Records.

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

**SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.**

Contracts.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including govern-



ments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) 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; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

120 STAT. 1818

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

Recommendations.

Deadline.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

**SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 280. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

120 STAT. 1818

PUBLIC LAW 109-338—OCT. 12, 2006

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

120 STAT. 1819

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) **MATCHING FUNDS.**—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

**SEC. 280B. SUNSET.**

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

\* \* \* \* \*

120 STAT. 1862

Approved October 12, 2006.

**LEGISLATIVE HISTORY—S. 203:**

**SENATE REPORTS:** No. 109-4 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):**

Oct. 13, Presidential statement.

**22. Western Reserve (study)**

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1783

Public Law 109-338  
109th Congress

**An Act**

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]

*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 “National Heritage Areas Act of 2006”.

National  
Heritage Areas  
Act of 2006.  
16 USC 461 note.

\* \* \* \* \*

**TITLE III—NATIONAL HERITAGE AREA STUDIES**

120 STAT. 1845

**Subtitle A—Western Reserve Heritage Area Study**

Western Reserve  
Heritage Areas  
Study Act.  
Ohio.

**SEC. 301. SHORT TITLE.**

This subtitle may be cited as the “Western Reserve Heritage Areas Study Act”.

**SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.**

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

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering

120 STAT. 1845

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1846

attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants,

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1846

including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; 120 STAT. 1847

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**23. Yuma Crossing**

120 STAT. 1745

PUBLIC LAW 109–318—OCT. 11, 2006

Public Law 109–318  
109th Congress**An Act**Oct. 11, 2006  
[H.R. 326]

To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes.

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

16 USC 461 note.

**SECTION 1. YUMA CROSSING NATIONAL HERITAGE AREA BOUNDARY ADJUSTMENT.**

Section 3(b) of the Yuma Crossing National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106–319; 114 Stat. 1281) is amended to read as follows:

“(b) BOUNDARIES.—The Heritage Area shall comprise the lands generally depicted on the map entitled ‘Yuma Crossing National Heritage Area Boundary Adjustment’, numbered 903–80071, and dated October 16, 2005.”.

Approved October 11, 2006.

---

**LEGISLATIVE HISTORY—H.R. 326:****HOUSE REPORTS:** No. 109–294 (Comm. on Resources).**SENATE REPORTS:** No. 109–242 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Nov. 15, considered and passed House.

Vol. 152 (2006): Sept. 29, considered and passed Senate.

XX. WILD AND SCENIC RIVERS

1. Farmington River and Salmon Brook

PUBLIC LAW 109-370—NOV. 27, 2006

120 STAT. 2643

Public Law 109-370  
109th Congress

An Act

To amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Nov. 27, 2006  
[S. 435]

*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 “Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005”.

**SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.**

Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005. Conservation. 16 USC 1271 note.

(a) DESIGNATION.—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:

“(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.”.

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

Reports.

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

Approved November 27, 2006.

---

**LEGISLATIVE HISTORY—S. 435:**

SENATE REPORTS: No. 109-189 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Dec. 16, considered and passed Senate.

Vol. 152 (2006): Nov. 13, considered and passed House.

**2. Lower Delaware**

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress

## An Act

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

**SEC. 5. WILD AND SCENIC RIVERS.**

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

\* \* \* \* \*

(4) by redesignating the third paragraph (161) (relating to the Lower Delaware River and associated tributaries, New Jersey and Pennsylvania) as paragraph (165) and by indenting appropriately; and

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.



**3. Musconetcong**

PUBLIC LAW 109–452—DEC. 22, 2006

120 STAT. 3363

Public Law 109–452  
109th Congress**An Act**

To amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

Dec. 22, 2006  
[S. 1096]

*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 “Musconetcong Wild and Scenic Rivers Act”.

Musconetcong  
Wild and Scenic  
Rivers Act.  
16 USC 1271  
note.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System;

(2) the Musconetcong Wild and Scenic River Study Task Force, with assistance from the National Park Service, has prepared a river management plan for the study area entitled “Musconetcong River Management Plan” and dated April 2003 that establishes goals and actions to ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the Musconetcong River; and

(3) 13 municipalities and 3 counties along segments of the Musconetcong River that are eligible for designation have passed resolutions in which the municipalities and counties—

(A) express support for the Musconetcong River Management Plan;

(B) agree to take action to implement the goals of the management plan; and

(C) endorse designation of the Musconetcong River as a component of the Wild and Scenic Rivers System.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **ADDITIONAL RIVER SEGMENT.**—The term “additional river segment” means the approximately 4.3-mile Musconetcong River segment designated as “C” in the management plan, from Hughesville Mill to the Delaware River Confluence.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the river management plan prepared by the Musconetcong River Management Committee, the National

16 USC 1274  
note.

Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association entitled “Musconetcong River Management Plan” and dated April 2003 that establishes goals and actions to—

(A) ensure long-term protection of the outstanding values of the river segments; and

(B) compatible management of land and water resources associated with the river segments.

(3) RIVER SEGMENT.—The term “river segment” means any segment of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by section 3(a)(167) of the Wild and Scenic Rivers Act (as added by section 4).

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

**SEC. 4. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.**

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

“(167) MUSCONETCONG RIVER, NEW JERSEY.—

“(A) DESIGNATION.—The 24.2 miles of river segments in New Jersey, consisting of—

“(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

“(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

“(B) ADMINISTRATION.—Notwithstanding section 10(c), the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.”.

16 USC 1274  
note.

**SEC. 5. MANAGEMENT.**

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall manage the river segments in accordance with the management plan.

(2) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) RESTRICTIONS ON WATER RESOURCE PROJECTS.—For purposes of determining whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the Secretary shall consider the extent to which the proposed water resources project is consistent with the management plan.

(4) IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(b) COOPERATION.—

(1) IN GENERAL.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

PUBLIC LAW 109-452—DEC. 22, 2006

120 STAT. 3365

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(c) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(d) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the additional river segment is suitable for designation as a recreational river if the Secretary determines that there is adequate local support for the designation of the additional river segment in accordance with paragraph (3).

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register notice of the designation of the segment;

Federal Register,  
publication.  
Notice.

(B) the segment shall be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider the preferences of local governments expressed in resolutions concerning designation of the additional river segment.

120 STAT. 3366

PUBLIC LAW 109-452—DEC. 22, 2006

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

Approved December 22, 2006.

---

LEGISLATIVE HISTORY—S. 1096 (H.R. 1307):

HOUSE REPORTS: No. 109-427 accompanying H.R. 1307 (Comm. on Resources).

SENATE REPORTS: No. 109-193 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Dec. 16, considered and passed Senate.

Vol. 152 (2006): Dec. 8, considered and passed House.

**4. Wekiva River, Wekiwa Springs Run, Rock Springs Run and Black Water Creek**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 5. WILD AND SCENIC RIVERS.**

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

\* \* \* \* \*

(2) by designating the second paragraph (161) (relating to the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek, Florida) as paragraph (162);

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**5. White Clay Creek**

118 STAT. 1395

PUBLIC LAW 108-352—OCT. 21, 2004

Public Law 108-352  
108th Congress

**An Act**

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

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

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

\* \* \* \* \*

**SEC. 5. WILD AND SCENIC RIVERS.**

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

(1) by redesignating paragraph (162) (relating to White Clay Creek, Delaware and Pennsylvania) as paragraph (163);

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

XXI. MISCELLANEOUS ENACTMENTS

1. Abraham Lincoln Bicentennial Commission

PUBLIC LAW 108–59—JULY 14, 2003

117 STAT. 860

Public Law 108–59  
108th Congress

An Act

To extend the Abraham Lincoln Bicentennial Commission, and for other purposes.

July 14, 2003  
[S. 858]

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

**SECTION 1. ABRAHAM LINCOLN BICENTENNIAL COMMISSION.**

(a) DUTIES.—Section 4 of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in paragraph (1)(D), by striking “redesignation” and inserting “rededication”; and

(2) by adding at the end the following:

“(3) To recommend to Congress a plan to carry out the activities recommended under paragraph (2).

“(4) To carry out other related activities in support of the duties carried out under paragraphs (1) through (3).”.

(b) EXTENSION.—Section 8 of such Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in subsection (a), by striking “The” and inserting “In addition to the interim report required under subsection (b), the”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “FINAL REPORT.—” and inserting “REQUIRED INTERIM REPORT.—”;

(B) by striking the first sentence and inserting: “Not later than June 24, 2004, the Commission shall submit an interim report to Congress.”; and

(C) in the second sentence, by striking “final”; and

(3) by adding at the end the following:

“(c) FINAL REPORT.—Not later than April 30, 2010, the Commission shall submit a final report to Congress. The final report shall contain final statements, recommendations, and information described under subsection (b) (1), (2), and (3).”.

Reports.  
Deadline.

117 STAT. 861  
Deadline.

Approved July 14, 2003.

LEGISLATIVE HISTORY—S. 858:

CONGRESSIONAL RECORD, Vol. 149 (2003):  
May 23, considered and passed Senate.  
June 25, considered and passed House.

## 2. American Revolution 225th Anniversary

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress

### An Act

Dec. 8, 2004  
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated  
Appropriations  
Act, 2005.

*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 “Consolidated Appropriations Act, 2005”.

118 STAT. 2810  
1 USC 1 note.

\* \* \* \* \*

#### SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3341

### DIVISION J—OTHER MATTERS

\* \* \* \* \*

118 STAT. 3348  
225th  
Anniversary of  
the American  
Revolution  
Commemoration  
Act.  
36 USC note  
prec. 101.  
  
36 USC note  
prec. 101.

### TITLE II—225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION ACT

#### SEC. 201. SHORT TITLE.

This title may be cited as the “225th Anniversary of the American Revolution Commemoration Act”.

#### SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The American Revolution, inspired by the spirit of liberty and independence among the inhabitants of the original 13 colonies of Great Britain, was an event of global significance having a profound and lasting effect upon American Government, laws, culture, society, and values.

(2) The years 2000 through 2008 mark the 225th anniversary of the Revolutionary War.

(3) Every generation of American citizens should have an opportunity to understand and appreciate the continuing legacy of the American Revolution.

(4) This 225th anniversary provides an opportunity to enhance public awareness and understanding of the impact of the American Revolution’s legacy on the lives of citizens today.



## PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 3348

(5) Although the National Park Service administers battlefields, historical parks, historic sites, and programs that address elements of the story of the American Revolution, there is a need to establish partnerships that link sites and programs administered by the National Park Service with those of other Federal and non-Federal entities in order to place the story of the American Revolution in the broad context of its causes, consequences, and meanings.

118 STAT. 3349

(6) The story and significance of the American Revolution can best engage the American people through a national program of the National Park Service that links historic structures and sites, routes, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To recognize the enduring importance of the American Revolution in the lives of American citizens today.

(2) To authorize the National Park Service to coordinate, connect, and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the American Revolution, its significance, and its relevance to the shape and spirit of American Government and society.

**SEC. 203. 225TH ANNIVERSARY OF THE AMERICAN REVOLUTION  
COMMEMORATION PROGRAM.**

36 USC note  
prec. 101.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) shall establish a program to be known as the “225th Anniversary of the American Revolution Commemoration” (hereinafter in this Act referred to as the “225th Anniversary”). In administering the 225th Anniversary, the Secretary shall—

(1) produce and disseminate to appropriate persons educational materials, such as handbooks, maps, interpretive guides, or electronic information related to the 225th Anniversary and the American Revolution;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c);

(3) assist in the protection of resources associated with the American Revolution;

(4) enhance communications, connections, and collaboration among the National Park Service units and programs related to the Revolutionary War;

(5) expand the research base for American Revolution interpretation and education; and

(6) create and adopt an official, uniform symbol or device for the theme “Lighting Freedom’s Flame: American Revolution, 225th Anniversary” and issue regulations for its use.

Regulations.

(b) ELEMENTS.—The 225th Anniversary shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the American Revolution.

(2) Other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are documented to be directly related to the American Revolution.

118 STAT. 3349

## PUBLIC LAW 108-447—DEC. 8, 2004

(3) Through the Secretary of State, the participation of the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

118 STAT. 3350

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the 225th Anniversary with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the following:

(1) The heads of other Federal agencies, States, units of local government, and private entities.

(2) In cooperation with the Secretary of State, the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act \$500,000 for each of fiscal years 2004 through 2009.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**3. Angel Island Immigration Station**

PUBLIC LAW 109–119—DEC. 1, 2005

119 STAT. 2529

Public Law 109–119  
109th Congress

**An Act**

To authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

Dec. 1, 2005

[H.R. 606]

*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 “Angel Island Immigration Station Restoration and Preservation Act”.

Angel Island  
Immigration  
Station  
Restoration and  
Preservation Act.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation’s rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

**SEC. 3. RESTORATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the Interior \$15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration

119 STAT. 2530

PUBLIC LAW 109–119—DEC. 1, 2005

Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

Approved December 1, 2005.

---

LEGISLATIVE HISTORY—H.R. 606:

SENATE REPORTS: No. 109–157 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):

May 23, considered and passed House.

Nov. 16, considered and passed Senate.

**4. Battle of Franklin, Tennessee (study)**

PUBLIC LAW 109–120—DEC. 1, 2005

119 STAT. 2531

Public Law 109–120  
109th Congress

**An Act**

To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

Dec. 1, 2005  
[H.R. 1972]

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

Franklin  
National  
Battlefield  
Study Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Franklin National Battlefield Study Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

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

(2) **STUDY AREA.**—The term “study area” means the cities of Brentwood, Franklin, Triune, Thompson’s Station, and Spring Hill, Tennessee.

**SEC. 3. SPECIAL RESOURCE STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct a special resource study of sites in the study area relating to the Battle of Franklin to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) **REQUIREMENTS.**—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on the study area of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System or other federally designated unit in the State of Tennessee.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

**SEC. 4. REPORT.**

Not later than 3 years after the date funds are made available for the study, the Secretary shall submit to the Committee on

119 STAT. 2532

PUBLIC LAW 109–120—DEC. 1, 2005

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. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved December 1, 2005.

---

**LEGISLATIVE HISTORY—H.R. 1972:**

HOUSE REPORTS: No. 109–289 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):  
Nov. 15, considered and passed House.  
Nov. 16, considered and passed Senate.

**5. Benjamin Franklin National Memorial**

PUBLIC LAW 109–153—DEC. 30, 2005

119 STAT. 2889

Public Law 109–153  
109th Congress**An Act**

To provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Dec. 30, 2005  
[S. 652]

*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 “Benjamin Franklin National Memorial Commemoration Act of 2005”.

Benjamin  
Franklin  
National  
Memorial  
Commemoration  
Act of 2005.

**SEC. 2. BENJAMIN FRANKLIN NATIONAL MEMORIAL.**

The Secretary of the Interior may provide a grant to the Franklin Institute to—

- (1) rehabilitate the Benjamin Franklin National Memorial (including the Franklin statue) in Philadelphia, Pennsylvania; and
- (2) develop an interpretive exhibit relating to Benjamin Franklin, to be displayed at a museum adjacent to the Benjamin Franklin National Memorial.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000.

(b) **REQUIRED MATCH.**—The Secretary of the Interior shall require the Franklin Institute to match any amounts provided to the Franklin Institute under this Act.

Approved December 30, 2005.

**LEGISLATIVE HISTORY—S. 652:**

SENATE REPORTS: No. 109–147 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 151 (2005):  
Nov. 16, considered and passed Senate.  
Dec. 18, considered and passed House.

## 6. Brown Tree Snake Control and Eradication Act of 2004

118 STAT. 2221

PUBLIC LAW 108–384—OCT. 30, 2004

Public Law 108–384  
108th Congress

### An Act

Oct. 30, 2004  
[H.R. 3479]

To provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

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

Brown Tree  
Snake Control  
and Eradication  
Act of 2004.  
7 USC 8501 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Brown Tree Snake Control and Eradication Act of 2004”.

7 USC 8501.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **BROWN TREE SNAKE.**—The term “brown tree snake” means the species of the snake *Boiga irregularis*.

(2) **COMPACT OF FREE ASSOCIATION.**—The term “Compact of Free Association” means the Compacts of Free Association entered into between the United States and the governments of the Federated States of Micronesia and the Republic of the Marshall Islands, as approved by and contained in Public Law 108–188 (117 Stat. 2720; 48 U.S.C. 1921 et seq.), and the Compact of Free Association entered into between the United States and the government of the Republic of Palau, as approved by and contained in Public Law 99–658 (100 Stat. 3673; 48 U.S.C. 1931 et seq.).

(3) **FREELY ASSOCIATED STATES.**—The term “Freely Associated States” means the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) **INTRODUCTION.**—The terms “introduce” and “introduction” refer to the expansion of the brown tree snake outside of the range where this species is endemic.

(5) **SECRETARY.**—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to matters under the jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to matters under the jurisdiction of the Department of Agriculture.

(6) **SECRETARIES.**—The term “Secretaries” means both the Secretary of the Interior and the Secretary of Agriculture.

(7) **TECHNICAL WORKING GROUP.**—The term “Technical Working Group” means Brown Tree Snake Technical Working Group established under the authority of section 1209 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4728).



## PUBLIC LAW 108-384—OCT. 30, 2004

118 STAT. 2222

(8) **TERRITORIAL.**—The term “territorial”, when used to refer to a government, means the Government of Guam, the Government of American Samoa, and the Government of the Commonwealth of the Northern Mariana Islands, as well as autonomous agencies and instrumentalities of such a government.

(9) **UNITED STATES.**—The term “United States”, when used in the geographic sense, means the several States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the United States Virgin Islands, any other possession of the United States, and any waters within the jurisdiction of the United States.

**SEC. 3. SENSE OF CONGRESS REGARDING NEED FOR IMPROVED AND BETTER COORDINATED FEDERAL POLICY FOR BROWN TREE SNAKE INTRODUCTION, CONTROL, AND ERADICATION.** 7 USC 8502.

It is the sense of Congress that there exists a need for improved and better coordinated control, interdiction, research, and eradication of the brown tree snake on the part of the United States and other interested parties.

**SEC. 4. BROWN TREE SNAKE CONTROL, INTERDICTION, RESEARCH AND ERADICATION.** 7 USC 8503.

(a) **FUNDING AUTHORITY.**—Subject to the availability of appropriations to carry out this section, the Secretaries shall provide funds to support brown tree snake control, interdiction, research, and eradication efforts carried out by the Department of the Interior and the Department of Agriculture, other Federal agencies, States, territorial governments, local governments, and private sector entities. Funds may be provided through grants, contracts, reimbursable agreements, or other legal mechanisms available to the Secretaries for the transfer of Federal funds.

(b) **AUTHORIZED ACTIVITIES.**—Brown tree snake control, interdiction, research, and eradication efforts authorized by this section shall include at a minimum the following:

(1) Expansion of science-based eradication and control programs in Guam to reduce the undesirable impact of the brown tree snake in Guam and reduce the risk of the introduction or spread of any brown tree snake to areas in the United States and the Freely Associated States in which the brown tree snake is not established.

(2) Expansion of interagency and intergovernmental rapid response teams in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, and the Freely Associated States to assist the governments of such areas with detecting the brown tree snake and incipient brown tree snake populations.

(3) Expansion of efforts to protect and restore native wildlife in Guam or elsewhere in the United States damaged by the brown tree snake.

(4) Establishment and sustained funding for an Animal Plant and Health Inspection Service, Wildlife Services, Operations Program State Office located in Hawaii dedicated to vertebrate pest management in Hawaii and United States Pacific territories and possessions. Concurrently, the Animal

Plant and Health Inspection Service, Wildlife Services Operations Program shall establish and sustain funding for a District Office in Guam dedicated to brown tree snake control and managed by the Hawaii State Office.

(5) Continuation, expansion, and provision of sustained research funding related to the brown tree snake, including research conducted at institutions located in areas affected by the brown tree snake.

(6) Continuation, expansion, and provision of sustained research funding for the Animal Plant and Health Inspection Service, Wildlife Services, National Wildlife Research Center of the Department of Agriculture related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(7) Continuation, expansion, and provision of sustained research funding for the Fort Collins Science Center of the United States Geological Survey related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(8) Expansion of long-term research into chemical, biological, and other control techniques that could lead to large-scale reduction of brown tree snake populations in Guam or other areas where the brown tree snake might become established.

(9) Expansion of short, medium, and long-term research, funded by all Federal agencies interested in or affected by the brown tree snake, into interdiction, detection, and early control of the brown tree snake.

(10) Provision of planning assistance for the construction or renovation of centralized multi-agency facilities in Guam to support Federal, State, and territorial brown tree snake control, interdiction, research and eradication efforts, including office space, laboratory space, animal holding facilities, and snake detector dog kennels.

(11) Provision of technical assistance to the Freely Associated States on matters related to the brown tree snake through the mechanisms contained within a Compact of Free Association dealing with environmental, quarantine, economic, and human health issues.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretaries to carry out this section (other than subsection (b)(10)) the following amounts:

(1) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, Operations, not more than \$2,600,000 for each of the fiscal years 2006 through 2010.

(2) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, National Wildlife Research Center, Methods Development, not more than \$1,500,000 for each of the fiscal years 2006 through 2010.

(3) For activities conducted through the Office of Insular Affairs, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

(4) For activities conducted through the Fish and Wildlife Service, not more than \$2,000,000 for each of the fiscal years 2006 through 2010.

## PUBLIC LAW 108-384—OCT. 30, 2004

118 STAT. 2224

(5) For activities conducted through the United States Geological Survey, Biological Resources, not more than \$1,500,000 for each of the fiscal years 2006 through 2010.

(d) PLANNING ASSISTANCE.—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of the Interior such amounts as may be required to carry out subsection (b)(10).

**SEC. 5. ESTABLISHMENT OF QUARANTINE PROTOCOLS TO CONTROL THE INTRODUCTION AND SPREAD OF THE BROWN TREE SNAKE.** 7 USC 8504.

(a) ESTABLISHMENT OF QUARANTINE PROTOCOLS.—Not later than two years after the date of the enactment of this Act, but subject to the memorandum of agreement required by subsection (b) with respect to Guam, the Secretaries shall establish and cause to be operated at Federal expense a system of pre-departure quarantine protocols for cargo and other items being shipped from Guam and any other United States location where the brown tree snake may become established to prevent the introduction or spread of the brown tree snake. The Secretaries shall establish the quarantine protocols system by regulation. Under the quarantine protocols system, Federal quarantine, natural resource, conservation, and law enforcement officers and inspectors may enforce State and territorial laws regarding the transportation, possession, or introduction of any brown tree snake. Deadline.

(b) COOPERATION AND CONSULTATION.—The activities of the Secretaries under subsection (a) shall be carried out in cooperation with other Federal agencies and the appropriate State and territorial quarantine, natural resource, conservation, and law enforcement officers. In the case of Guam, as a precondition on the establishment of the system of pre-departure quarantine protocols under such subsection, the Secretaries shall enter into a memorandum of agreement with the Government of Guam to obtain the assistance and cooperation of the Government of Guam in establishing the system of pre-departure quarantine protocols. Regulations.

(c) IMPLEMENTATION.—The system of pre-departure quarantine protocols to be established under subsection (a) shall not be implemented until funds are specifically appropriated for that purpose. Contracts.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the following amounts:

(1) To the Secretary of Agriculture, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

(2) To the Secretary of the Interior, not more than \$1,000,000 for each of the fiscal years 2006 through 2010.

**SEC. 6. TREATMENT OF BROWN TREE SNAKES AS NONMAILABLE MATTER.** 7 USC 8505.

A brown tree snake constitutes nonmailable matter under section 3015 of title 39, United States Code.

**SEC. 7. ROLE OF BROWN TREE SNAKE TECHNICAL WORKING GROUP.** 7 USC 8506.

(a) PURPOSE.—The Technical Working Group shall ensure that Federal, State, territorial, and local agency efforts concerning the brown tree snake are coordinated, effective, complementary, and cost-effective.

(b) SPECIFIC DUTIES AND ACTIVITIES.—The Technical Working Group shall be responsible for the following:

(1) The evaluation of Federal, State, and territorial activities, programs and policies that are likely to cause or promote the introduction or spread of the brown tree snake in the United States or the Freely Associated States and the preparation of recommendations for governmental actions to minimize the risk of introduction or further spread of the brown tree snake.

(2) The preparation of recommendations for activities, programs, and policies to reduce and eventually eradicate the brown tree snake in Guam or other areas within the United States where the snake may be established and the monitoring of the implementation of those activities, programs, and policies.

(3) Any revision of the Brown Tree Snake Control Plan, originally published in June 1996, which was prepared to coordinate Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(c) REPORTING REQUIREMENT.—

(1) REPORT.—Subject to the availability of appropriations for this purpose, the Technical Working Group shall prepare a report describing—

(A) the progress made toward a large-scale population reduction or eradication of the brown tree snake in Guam or other sites that are infested by the brown tree snake;

(B) the interdiction and other activities required to reduce the risk of introduction of the brown tree snake or other nonindigenous snake species in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, American Samoa, and the Freely Associated States;

(C) the applied and basic research activities that will lead to improved brown tree snake control, interdiction and eradication efforts conducted by Federal, State, territorial, and local governments; and

(D) the programs and activities for brown tree snake control, interdiction, research and eradication that have been funded, implemented, and planned by Federal, State, territorial, and local governments.

(2) PRIORITIES.—The Technical Working Group shall include in the report a list of priorities, ranked in high, medium, and low categories, of Federal, State, territorial, and local efforts and programs in the following areas:

(A) Control.

(B) Interdiction.

(C) Research.

(D) Eradication.

(3) ASSESSMENTS.—Technical Working Group shall include in the report the following assessments:

(A) An assessment of current funding shortfalls and future funding needs to support Federal, State, territorial, and local government efforts to control, interdict, eradicate, or conduct research on the brown tree snake.

(B) An assessment of regulatory limitations that hinder Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(4) SUBMISSION.—Subject to the availability of appropriations for this purpose, the Technical Working Group shall

## PUBLIC LAW 108-384—OCT. 30, 2004

118 STAT. 2226

submit the report to Congress not later than one year after the date of the enactment of this Act.

(d) MEETINGS.—The Technical Working Group shall meet at least annually.

(e) INCLUSION OF GUAM.—The Secretaries shall ensure that adequate representation is afforded to the government of Guam in the Technical Working Group.

(f) SUPPORT.—To the maximum extent practicable, the Secretaries shall make adequate resources available to the Technical Working Group to ensure its efficient and effective operation. The Secretaries may provide staff to assist the Technical Working Group in carrying out its duties and functions.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to each of the Secretaries not more than \$450,000 for each of the fiscal years 2006 through 2010 to carry out this section.

**SEC. 8. MISCELLANEOUS MATTERS.**

7 USC 8507.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated under this Act shall remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this Act for a fiscal year, the Secretaries may expend not more than five percent to cover the administrative expenses necessary to carry out this Act.

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—H.R. 3479:**

HOUSE REPORTS: No. 108-687, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 28, considered and passed House.

Oct. 10, considered and passed Senate.

**7. Buffalo Soldiers Memorial**

119 STAT. 2887

PUBLIC LAW 109–152—DEC. 30, 2005

Public Law 109–152  
109th Congress

**An Act**

Dec. 30, 2005  
[S. 205]

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

Buffalo Soldiers  
Commemoration  
Act of 2005.  
16 USC 431 note.

*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 “Buffalo Soldiers Commemoration Act of 2005”.

**SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.**

(a) **AUTHORIZATION.**—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

(b) **CONTRIBUTIONS.**—The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.

(c) **COOPERATIVE AGREEMENTS.**—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) **MAINTENANCE AGREEMENT.**—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.

**SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.**

(a) **ESTABLISHMENT.**—The Commission shall maintain an escrow account (“account”) to pay expenses incurred in constructing the memorial.

(b) **DEPOSITS INTO THE ACCOUNT.**—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

(c) **USE OF ACCOUNT.**—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

PUBLIC LAW 109-152—DEC. 30, 2005

119 STAT. 2888

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved December 30, 2005.

---

**LEGISLATIVE HISTORY—S. 205:**

**SENATE REPORTS:** No. 109-24 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 151 (2005):

July 26, considered and passed Senate.

Dec. 18, considered and passed House.

**8. Carl T. Curtis National Park Service Midwest  
Regional Headquarters Building**

117 STAT. 832

PUBLIC LAW 108–37—JUNE 26, 2003

Public Law 108–37  
108th Congress

An Act

June 26, 2003  
[S. 703]

To designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the “Carl T. Curtis National Park Service Midwest Regional Headquarters Building”.

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

**SECTION 1. DESIGNATION OF CARL T. CURTIS NATIONAL PARK  
SERVICE MIDWEST REGIONAL HEADQUARTERS  
BUILDING.**

The regional headquarters building for the National Park Service under construction in Omaha, Nebraska, shall be known and designated as the “Carl T. Curtis National Park Service Midwest Regional Headquarters Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the regional headquarters building referred to in section 1 shall be deemed to be a reference to the Carl T. Curtis National Park Service Midwest Regional Headquarters Building.

Approved June 26, 2003.

---

**LEGISLATIVE HISTORY—S. 703:**

HOUSE REPORTS: No. 108–135 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Apr. 11, considered and passed Senate.  
June 16, considered and passed House.



**9. Castle Nugent Farms, St. Croix, Virgin Islands (study)**

PUBLIC LAW 109–317—OCT. 11, 2006

120 STAT. 1743

Public Law 109–317  
109th Congress**An Act**

To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Oct. 11, 2006  
[H.R. 318]

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

**SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING CASTLE NUGENT FARMS.**

(a) FINDINGS.—Congress finds the following:

(1) Castle Nugent Farms, located on the southeastern shore of St. Croix, U.S. Virgin Islands, is the largest parcel of privately-held land in the Virgin Islands and has been an operating cattle ranch for 50 years.

(2) This land has the largest and healthiest fringing coral reef anywhere in the Virgin Islands.

(3) It consists of Caribbean dry forest and pasturelands with considerable cultural resources including both pre-Columbian and post-European settlement.

(4) Castle Nugent Farms contains a large historic 17th century Danish estate house that sits on over 4 miles of pristine Caribbean oceanfront property.

(5) In addition to being an area for turtle nesting and night heron nesting, it is the home for the Senepol cattle breed, a unique breed of cattle that was developed on St. Croix in the early 1900's to adapt to the island's climate.

(b) STUDY.—The Secretary of the Interior shall carry out a study regarding the suitability and feasibility of designating Castle Nugent Farms as a unit of the National Park System.

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

120 STAT. 1744

Approved October 11, 2006.

**LEGISLATIVE HISTORY—H.R. 318:**

SENATE REPORTS: No. 109–241 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Nov. 15, considered and passed House.

Vol. 152 (2006): Sept. 29, considered and passed Senate.

**10. Coltsville, Connecticut (study)**

117 STAT. 1163

PUBLIC LAW 108-94—OCT. 3, 2003

Public Law 108-94  
108th Congress**An Act**Oct. 3, 2003  
[S. 233]

To direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

Coltsville Study  
Act of 2003.*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 “Coltsville Study Act of 2003”.

**SEC. 2. FINDINGS.**

Congress finds that—

Colt  
Manufacturing  
Company.

(1) Hartford, Connecticut, home to Colt Manufacturing Company (referred to in this Act as “Colt”), played a major role in the Industrial Revolution;

(2) Samuel Colt, founder of Colt, and his wife, Elizabeth Colt, inspired Coltsville, a community in the State of Connecticut that flourished during the Industrial Revolution and included Victorian mansions, an open green area, botanical gardens, and a deer park;

(3) the residence of Samuel and Elizabeth Colt in Hartford, Connecticut, known as “Armsmear”, is a national historic landmark, and the distinctive Colt factory is a prominent feature of the Hartford, Connecticut, skyline;

(4) the Colt legacy is not only about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States, including—

(A) the development of telegraph technology; and

(B) advancements in jet engine technology by Francis Pratt and Amos Whitney, who served as apprentices at Colt;

(5) Coltsville—

(A) set the standard for excellence during the Industrial Revolution; and

(B) continues to prove significant—

(i) as a place in which people of the United States can learn about that important period in history; and

(ii) by reason of the close proximity of Coltsville to the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings;

(6) in 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of precision manufacturing sites; and

## PUBLIC LAW 108-94—OCT. 3, 2003

117 STAT. 1164

(7) the report on the study stated that—

(A) no other region of the United States contains an equal concentration of resources relating to the precision manufacturing theme that began with firearms production;

(B) properties relating to precision manufacturing encompass more than merely factories; and

(C) further study, which should be undertaken, may recommend inclusion of churches and other social institutions.

**SEC. 3. STUDY.**

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the “Secretary”) shall complete a study of the site in the State of Connecticut commonly known as “Coltsville” to evaluate—

Deadline.

(1) the national significance of the site and surrounding area;

(2) the suitability and feasibility of designating the site and surrounding area as a unit of the National Park System; and

(3) the importance of the site to the history of precision manufacturing.

(b) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

**SEC. 4. REPORT.**

Deadline.

Not later than 30 days after the date on which the study under section 3(a) is completed, the Secretary shall submit to the Committee on 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. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 3, 2003.

**LEGISLATIVE HISTORY—S. 233:**

HOUSE REPORTS: No. 108-252 (Comm. on Resources).

SENATE REPORTS: No. 108-9 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Sept. 23, considered and passed House.

**11. California Missions Preservation**

118 STAT. 2372

PUBLIC LAW 108–420—NOV. 30, 2004

Public Law 108–420  
108th Congress

**An Act**

Nov. 30, 2004  
[H.R. 1446]

To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

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

California  
Missions  
Preservation Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “California Missions Preservation Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CALIFORNIA MISSION.—The term “California mission” means each of the 21 historic Spanish missions and one asistencia that—

(A) are located in the State;

(B) were built between 1769 and 1798; and

(C) are designated as California Registered Historic Landmarks.

(2) FOUNDATION.—The term “Foundation” means the California Missions Foundation, a nonsectarian charitable corporation that—

(A) was established in the State in 1998 to fund the restoration and repair of the California missions; and

(B) is operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.

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

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

**SEC. 3. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with the Foundation to provide technical and financial assistance to the Foundation to restore and repair—

(1) the California missions; and

(2) the artwork and artifacts associated with the California missions.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The cooperative agreement may authorize the Secretary to make grants to the Foundation to carry out the purposes described in subsection (a).

## PUBLIC LAW 108-420—NOV. 30, 2004

118 STAT. 2373

(2) **ELIGIBILITY.**—To be eligible to receive a grant or other form of financial assistance under this Act, a California mission must be listed on the National Register of Historic Places.

(3) **APPLICATION.**—To receive a grant or other form of financial assistance under this Act, the Foundation shall submit to the Secretary an application that—

(A) includes a status report on the condition of the infrastructure and associated artifacts of each of the California missions for which the Foundation is seeking financial assistance; and Reports.

(B) describes a comprehensive program for the restoration, repair, and preservation of the infrastructure and artifacts referred to in subparagraph (A), including—

(i) a description of the prioritized preservation activities to be conducted over a 5-year period; and

(ii) an estimate of the costs of the preservation activities.

(4) **APPLICABLE LAW.**—Consistent with section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of any grant or other financial assistance provided by the Secretary to the Foundation under this Act—

(A) is secular;

(B) does not promote religion; and

(C) seeks to protect qualities that are historically significant.

(c) **REVIEW AND DETERMINATION.**—

Contracts.

(1) **IN GENERAL.**—The Secretary shall submit a proposed agreement to the Attorney General for review.

(2) **DETERMINATION.**—A cooperative agreement entered into under subsection (a) shall not take effect until the Attorney General issues a finding that the proposed agreement submitted under paragraph (1) does not violate the establishment clause of the first amendment of the Constitution.

(d) **REPORT.**—As a condition of receiving financial assistance under this Act, the Foundation shall annually submit to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the status of the preservation activities carried out using amounts made available under this Act.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000 for the period of fiscal years 2004 through 2009.

(b) **MATCHING REQUIREMENT.**—Any amounts made available to carry out this Act shall be matched on not less than a 1-to-1 basis by the Foundation.

(c) **OTHER AMOUNTS.**—Any amounts made available to carry out this Act shall be in addition to any amounts made available

118 STAT. 2374

PUBLIC LAW 108-420—NOV. 30, 2004

for preservation activities in the State under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

Approved November 30, 2004.

---

LEGISLATIVE HISTORY—H.R. 1446:

SENATE REPORTS: No. 108-375 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Oct. 20, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.

**12. Capital Concerts**

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7  
108th Congress

**Joint Resolution**

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Consolidated  
Appropriations  
Resolution, 2003.

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

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

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.

**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003**

**JOINT RESOLUTION**

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

117 STAT. 237

\* \* \* \* \*

**SEC. 130.** The National Park Service may in fiscal year 2003  
and thereafter enter into a cooperative agreement with and transfer  
funds to Capital Concerts, a nonprofit organization, for the purpose  
of carrying out programs pursuant to 31 U.S.C. 6305.

117 STAT. 243

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

**LEGISLATIVE HISTORY—H.J. Res. 2:**

HOUSE REPORTS: No. 108-10 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

**13. Constitution Day**

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447  
108th Congress**An Act**Dec. 8, 2004  
[H.R. 4818]Making appropriations for foreign operations, export financing, and related programs  
for the fiscal year ending September 30, 2005, and for other purposes.Consolidated  
Appropriations  
Act, 2005.*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 “Consolidated Appropriations  
Act, 2005”.

\* \* \* \* \*

118 STAT. 2810  
1 USC 1 note.**SEC. 3. 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. 4. 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, 2005.

\* \* \* \* \*

118 STAT. 3341

**DIVISION J—OTHER MATTERS**Miscellaneous  
Appropriations  
and Offsets Act,  
2005.  
118 STAT. 3344  
Government  
employees.  
36 USC 106 note.**TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS**

\* \* \* \* \*

**SEC. 111. (a)** The head of each Federal agency or department  
shall—(1) provide each new employee of the agency or department  
with educational and training materials concerning the United  
States Constitution as part of the orientation materials pro-  
vided to the new employee; and(2) provide educational and training materials concerning  
the United States Constitution to each employee of the agency  
or department on September 17 of each year.(b) Each educational institution that receives Federal funds  
for a fiscal year shall hold an educational program on the United  
States Constitution on September 17 of such year for the students  
served by the educational institution.

(c) Title 36 of the United States Code, is amended—

118 STAT. 3345

(1) in section 106—

(A) in the heading, by inserting “Constitution Day and”  
before “Citizenship Day”;(B) in subsection (a), by striking “is Citizenship Day.”  
and inserting “is designated as Constitution Day and Citi-  
zenship Day.”;



PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3345

(C) in subsection (b)—

(i) by inserting “Constitution Day and” before “Citizenship Day”;

(ii) by striking “commemorates” and inserting “commemorate”; and

(iii) by striking “recognizes” and inserting “recognize”;

(D) in subsection (c), by inserting “Constitution Day and” before “Citizenship Day” both places such term appears; and

(E) in subsection (d), by inserting “Constitution Day and” before “Citizenship Day”; and

(2) in the item relating to section 106 of the table of contents, by inserting “Constitution Day and” before “Citizenship Day”.

(d) This section shall be without fiscal year limitation.

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**14. Delaware National Coastal (study)**

120 STAT. 1783

PUBLIC LAW 109–338—OCT. 12, 2006

Public Law 109–338  
109th Congress

**An Act**

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

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

National  
Heritage Areas  
Act of 2006.

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

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1855  
Delaware  
National Coastal  
Special  
Resources Study  
Act.

**TITLE VI—DELAWARE NATIONAL  
COASTAL SPECIAL RESOURCES STUDY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware National Coastal Special Resources Study Act”.

**SEC. 602. STUDY.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this title as the “Secretary”) shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

120 STAT. 1856

(b) **INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.**—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) **STUDY GUIDELINES.**—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 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) **CONSULTATION.**—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

- (1) the State of Delaware;
- (2) the coastal region communities;
- (3) owners of private property that would likely be impacted by a National Park Service designation; and
- (4) the general public.

**SEC. 603. THEMES.**

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

- (1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;
- (2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1856

Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

**SEC. 604. REPORT.**

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

---

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

15. Energy Supplies and Energy Rights-of-Way

119 STAT. 594

PUBLIC LAW 109-58—AUG. 8, 2005

Public Law 109-58  
109th Congress

An Act

Aug. 8, 2005  
[H.R. 6]

To ensure jobs for our future with secure, affordable, and reliable energy.

Energy Policy Act  
of 2005.  
42 USC 15801  
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 “Energy Policy  
Act of 2005”.

\* \* \* \* \*

119 STAT. 605

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

\* \* \* \* \*

119 STAT. 606

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—

(1) AMENDMENT.—Section 543(a)(1) of the National Energy  
Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by  
striking “its Federal buildings so that” and all that follows  
through the end and inserting “the Federal buildings of the  
agency (including each industrial or laboratory facility) so that  
the energy consumption per gross square foot of the Federal  
buildings of the agency in fiscal years 2006 through 2015 is  
reduced, as compared with the energy consumption per gross  
square foot of the Federal buildings of the agency in fiscal  
year 2003, by the percentage specified in the following table:

“Fiscal Year	Percentage reduction
2006 .....	2
2007 .....	4
2008 .....	6
2009 .....	8
2010 .....	10
2011 .....	12
2012 .....	14
2013 .....	16
2014 .....	18
2015 .....	20.”.

42 USC 8253  
note.

119 STAT. 607

(2) REPORTING BASELINE.—The energy reduction goals and  
baseline established in paragraph (1) of section 543(a) of the  
National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)),  
as amended by this subsection, supersede all previous goals  
and baselines under such paragraph, and related reporting  
requirements.

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIRE-  
MENT.—Section 543(a) of the National Energy Conservation Policy  
Act (42 U.S.C. 8253(a)) is further amended by adding at the end  
the following:

Deadline.

“(3) Not later than December 31, 2014, the Secretary shall  
review the results of the implementation of the energy performance

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 607

requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2016 through 2025.”.

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking “An agency may exclude” and all that follows through the end and inserting “(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

“(i) compliance with those requirements would be impracticable;

“(ii) the agency has completed and submitted all federally required energy management reports;

“(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive orders, and other Federal law; and

“(iv) the agency has implemented all practicable, life cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

“(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

“(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

“(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.”.

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking “impracticability standards” and inserting “standards for exclusion”;

(2) by striking “a finding of impracticability” and inserting “the exclusion”; and

(3) by striking “energy consumption requirements” and inserting “requirements of subsections (a) and (b)(1)”.

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

“(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).”.

Deadline.  
Guidelines.

(f) RETENTION OF ENERGY AND WATER SAVINGS.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

“(e) RETENTION OF ENERGY AND WATER SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, water expenditures, or wastewater treatment expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings or water savings. Except as otherwise provided by law, such funds may be used only for energy efficiency, water conservation, or unconventional and renewable energy resources projects. Such projects shall be subject to the requirements of section 3307 of title 40, United States Code.”.

119 STAT. 608

(g) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting “THE PRESIDENT AND” before “CONGRESS”; and

(2) by inserting “President and” before “Congress”.

(h) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking “the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)).” and inserting “each of the energy reduction goals established under section 543(a).”.

**SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

“(e) METERING OF ENERGY USE.—

“(1) DEADLINE.—By October 1, 2012, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility managers.

“(2) GUIDELINES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, energy efficiency advocacy organizations, national laboratories, universities, and Federal facility managers, shall establish guidelines for agencies to carry out paragraph (1).

“(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

“(i) take into consideration—

“(I) the cost of metering and the reduced cost of operation and maintenance expected to result from metering;

“(II) the extent to which metering is expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

“(III) the measurement and verification protocols of the Department of Energy;

“(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

“(iii) establish priorities for types and locations of buildings to be metered based on cost-effectiveness and a schedule of one or more dates, not later than

Deadline.

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 609

1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

“(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

“(3) PLAN.—Not later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (A) how the agency will designate personnel primarily responsible for achieving the requirements and (B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.”

Deadline.

**SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.**

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), as amended by section 101, is amended by adding at the end the following:

**“SEC. 553. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.**

42 USC 8259b.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given that term in section 7902(a) of title 5, United States Code.

“(2) ENERGY STAR PRODUCT.—The term ‘Energy Star product’ means a product that is rated for energy efficiency under an Energy Star program.

“(3) ENERGY STAR PROGRAM.—The term ‘Energy Star program’ means the program established by section 324A of the Energy Policy and Conservation Act.

“(4) FEMP DESIGNATED PRODUCT.—The term ‘FEMP designated product’ means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

“(5) PRODUCT.—The term ‘product’ does not include any energy consuming product or system designed or procured for combat or combat-related missions.

“(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

“(1) REQUIREMENT.—To meet the requirements of an agency for an energy consuming product, the head of the agency shall, except as provided in paragraph (2), procure—

“(A) an Energy Star product; or

“(B) a FEMP designated product.

119 STAT. 610

“(2) EXCEPTIONS.—The head of an agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the agency finds in writing that—

“(A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

“(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the agency.

119 STAT. 610

PUBLIC LAW 109-58—AUG. 8, 2005

“(3) PROCUREMENT PLANNING.—The head of an agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

“(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases where the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer’s functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

Standards.

Deadline.

“(d) SPECIFIC PRODUCTS.—(1) In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard not later than 120 days after the date of the enactment of this section, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

“(2) All Federal agencies are encouraged to take actions to maximize the efficiency of air conditioning and refrigeration equipment, including appropriate cleaning and maintenance, including the use of any system treatment or additive that will reduce the electricity consumed by air conditioning and refrigeration equipment. Any such treatment or additive must be—

“(A) determined by the Secretary to be effective in increasing the efficiency of air conditioning and refrigeration equipment without having an adverse impact on air conditioning performance (including cooling capacity) or equipment useful life;

“(B) determined by the Administrator of the Environmental Protection Agency to be environmentally safe; and

“(C) shown to increase seasonal energy efficiency ratio (SEER) or energy efficiency ratio (EER) when tested by the National Institute of Standards and Technology according to Department of Energy test procedures without causing any adverse impact on the system, system components, the refrigerant or lubricant, or other materials in the system.

119 STAT. 611

Federal Register,  
publication.

Results of testing described in subparagraph (C) shall be published in the Federal Register for public review and comment. For purposes of this section, a hardware device or primary refrigerant shall not be considered an additive.

“(e) REGULATIONS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue guidelines to carry out this section.”.



PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 611

(b) CONFORMING AMENDMENT.—The table of contents of the National Energy Conservation Policy Act is further amended by inserting after the item relating to section 552 the following new item:

“Sec. 553. Federal procurement of energy efficient products.”.

\* \* \* \* \*

**SEC. 108. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.** 119 STAT. 612

(a) AMENDMENT.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

“INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE 42 USC 6966.

“SEC. 6005. (a) DEFINITIONS.—In this section:

“(1) AGENCY HEAD.—The term ‘agency head’ means—

“(A) the Secretary of Transportation; and

“(B) the head of any other Federal agency that, on a regular basis, procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

“(2) CEMENT OR CONCRETE PROJECT.—The term ‘cement or concrete project’ means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

“(A) involves the procurement of cement or concrete;

and

“(B) is carried out, in whole or in part, using Federal funds.

“(3) RECOVERED MINERAL COMPONENT.—The term ‘recovered mineral component’ means— 119 STAT. 613

“(A) ground granulated blast furnace slag, excluding lead slag;

“(B) coal combustion fly ash; and

“(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

“(b) IMPLEMENTATION OF REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects. Deadline.

119 STAT. 613

PUBLIC LAW 109-58—AUG. 8, 2005

“(2) PRIORITY.—In carrying out paragraph (1), an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

“(3) FEDERAL PROCUREMENT REQUIREMENTS.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

“(c) FULL IMPLEMENTATION STUDY.—

“(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

“(2) MATTERS TO BE ADDRESSED.—The study shall—

“(A) quantify—

“(i) the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of procurement requirements; and

“(ii) the energy savings and environmental benefits associated with the substitution;

“(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from the law; and

“(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

“(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

119 STAT. 614

“(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

“(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

Deadline.

“(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the date on which the report under subsection (c)(3) is submitted, take additional actions under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects—

“(1) to realize more fully the energy savings and environmental benefits associated with increased substitution; and

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 614

“(2) to eliminate barriers identified under subsection (c)(2)(B).

“(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).”.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following:

“Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.”.

SEC. 109. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking “CABO Model Energy Code, 1992 (in the case of residential buildings) or ASHRAE Standard 90.1-1989” and inserting “the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1-2004”; and

(2) by adding at the end the following:

“(3)(A) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

Deadline.  
Regulations.

“(i) if life-cycle cost-effective for new Federal buildings—

“(I) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is in effect as of the date of enactment of this paragraph; and

“(II) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings; and

“(ii) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.

“(B) Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary shall determine, based on the cost-effectiveness of the requirements under the amendment, whether the revised standards established under this paragraph should be updated to reflect the amendment.

119 STAT. 615  
Deadline.

“(C) In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

“(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

“(ii) a statement specifying whether the Federal buildings meet or exceed the revised standards established under this paragraph.”.

\* \* \* \* \*

119 STAT. 615

PUBLIC LAW 109-58—AUG. 8, 2005

42 USC 15813.

**SEC. 111. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

\* \* \* \* \*

119 STAT. 622  
42 USC 15831.

**SEC. 133. PUBLIC ENERGY EDUCATION PROGRAM.**

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene an organizational conference for the purpose of establishing an ongoing, self-sustaining national public energy education program.

119 STAT. 623

(b) PARTICIPANTS.—The Secretary shall invite to participate in the conference individuals and entities representing all aspects of energy production and distribution, including—

- (1) industrial firms;
- (2) professional societies;
- (3) educational organizations;
- (4) trade associations; and
- (5) governmental agencies.

(c) PURPOSE, SCOPE, AND STRUCTURE.—

(1) PURPOSE.—The purpose of the conference shall be to establish an ongoing, self-sustaining national public energy education program to examine and recognize interrelationships between energy sources in all forms, including—

- (A) conservation and energy efficiency;
- (B) the role of energy use in the economy; and
- (C) the impact of energy use on the environment.

(2) SCOPE AND STRUCTURE.—Taking into consideration the purpose described in paragraph (1), the participants in the conference invited under subsection (b) shall design the scope and structure of the program described in subsection (a).

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and other guidance necessary to carry out the program described in subsection (a).

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

\* \* \* \* \*

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

\* \* \* \* \*

**SEC. 203. FEDERAL PURCHASE REQUIREMENT.**

119 STAT. 652  
42 USC 15852.

(a) **REQUIREMENT.**—The President, acting through the Secretary, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

President.

(1) Not less than 3 percent in fiscal years 2007 through 2009.

(2) Not less than 5 percent in fiscal years 2010 through 2012.

(3) Not less than 7.5 percent in fiscal year 2013 and each fiscal year thereafter.

(b) **DEFINITIONS.**—In this section:

(1) **BIOMASS.**—The term “biomass” means any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency and any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, or nonmerchantable material;

(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled;

(C) agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and livestock waste nutrients; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) **RENEWABLE ENERGY.**—The term “renewable energy” means electric energy generated from 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.

(c) **CALCULATION.**—For purposes of determining compliance with the requirement of this section, the amount of renewable energy shall be doubled if—

(1) the renewable energy is produced and used on-site at a Federal facility;

(2) the renewable energy is produced on Federal lands and used at a Federal facility; or

(3) the renewable energy is produced on Indian land as defined in title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) and used at a Federal facility.

119 STAT. 653

(d) **REPORT.**—Not later than April 15, 2007, and every 2 years thereafter, the Secretary shall provide a report to Congress on

the progress of the Federal Government in meeting the goals established by this section.

**SEC. 204. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.**

(a) IN GENERAL.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

**“§ 3177. Use of photovoltaic energy in public buildings**

“(a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

“(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

“(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

“(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

“(B) To reduce the fossil fuel consumption and costs of the Federal Government.

“(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government’s Million Solar Roof Initiative of 1997.

“(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

“(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

“(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

“(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

“(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

“(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

“(A) issue such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

“(B) develop innovative procurement strategies for the acquisition of such systems; and

“(C) transmit to Congress an annual report on the results of the program.

“(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

Reports.

119 STAT. 654

Deadline.

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 654

“(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There are authorized to be appropriated to carry out subsection (a) \$50,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.

“(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There are authorized to be appropriated to carry out subsection (b) \$10,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The table of sections for the National Energy Conservation Policy Act is amended by inserting after the item relating to section 569 the following:

“Sec. 570. Use of photovoltaic energy in public buildings.”.

\* \* \* \* \*

Subtitle B—Geothermal Energy

\* \* \* \* \*

119 STAT. 660  
John Rishel  
Geothermal  
Steam Act  
Amendments of  
2005.

**SEC. 222. COMPETITIVE LEASE SALE REQUIREMENTS.**

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

**“SEC. 4. LEASING PROCEDURES.**

“(a) NOMINATIONS.—The Secretary shall accept nominations of land to be leased at any time from qualified companies and individuals under this Act.

“(b) COMPETITIVE LEASE SALE REQUIRED.—

“(1) IN GENERAL.—Except as otherwise specifically provided by this Act, all land to be leased that is not subject to leasing under subsection (c) shall be leased as provided in this subsection to the highest responsible qualified bidder, as determined by the Secretary.

“(2) COMPETITIVE LEASE SALES.—The Secretary shall hold a competitive lease sale at least once every 2 years for land in a State that has nominations pending under subsection (a) if the land is otherwise available for leasing.

“(3) LANDS SUBJECT TO MINING CLAIMS.—Lands that are subject to a mining claim for which a plan of operations has been approved by the relevant Federal land management agency may be available for noncompetitive leasing under this section to the mining claim holder.

“(c) NONCOMPETITIVE LEASING.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

“(d) PENDING LEASE APPLICATIONS.—

“(1) IN GENERAL.—It shall be a priority for the Secretary, and for the Secretary of Agriculture with respect to National Forest Systems land, to ensure timely completion of administrative actions, including amendments to applicable forest plans

119 STAT. 661

and resource management plans, necessary to process applications for geothermal leasing pending on the date of enactment of this subsection. All future forest plans and resource management plans for areas with high geothermal resource potential shall consider geothermal leasing and development.

“(2) ADMINISTRATION.—An application described in paragraph (1) and any lease issued pursuant to the application—

“(A) except as provided in subparagraph (B), shall be subject to this section as in effect on the day before the date of enactment of this paragraph; or

“(B) at the election of the applicant, shall be subject to this section as in effect on the effective date of this paragraph.

“(e) LEASES SOLD AS A BLOCK.—If information is available to the Secretary indicating a geothermal resource that could be produced as 1 unit can reasonably be expected to underlie more than 1 parcel to be offered in a competitive lease sale, the parcels for such a resource may be offered for bidding as a block in the competitive lease sale.”.

\* \* \* \* \*

119 STAT. 665  
42 USC 15871.

**SEC. 225. COORDINATION OF GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LANDS.**

Deadline.  
Memorandum.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to Congress a memorandum of understanding in accordance with this section, the Geothermal Steam Act of 1970 (as amended by this Act), and other applicable laws, regarding coordination of leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions.

(b) LEASE AND PERMIT APPLICATIONS.—The memorandum of understanding shall—

(1) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application processing;

(2) establish a 5-year program for geothermal leasing of lands in the National Forest System, and a process for updating that program every 5 years; and

Effective date.

(3) establish a program for reducing the backlog of geothermal lease application pending on January 1, 2005, by 90 percent within the 5-year period beginning on the date of enactment of this Act, including, as necessary, by issuing leases, rejecting lease applications for failure to comply with the provisions of the regulations under which they were filed, or determining that an original applicant (or the applicant’s assigns, heirs, or estate) is no longer interested in pursuing the lease application.

(c) DATA RETRIEVAL SYSTEM.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.



PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 665

**SEC. 226. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL.**

Deadline.  
42 USC 15872.

Not later than 3 years after the date of enactment of this Act and thereafter as the availability of data and developments in technology warrants, the Secretary of the Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall—

- (1) update the Assessment of Geothermal Resources made during 1978; and
- (2) submit to Congress the updated assessment.

\* \* \* \* \*

**SEC. 237. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.**

119 STAT. 673

(a) PARTICIPATION AUTHORIZED.—The Secretary, acting through the Idaho National Laboratory, may participate in a consortium described in subsection (b) to address science and science policy issues surrounding the expanded discovery and use of geothermal energy, including from geothermal resources on public lands.

119 STAT. 674

(b) MEMBERS.—The consortium referred to in subsection (a) shall—

Establishment.

- (1) be known as the “Intermountain West Geothermal Consortium”;
- (2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among the universities in the State of Idaho, other regional universities, State agencies, and the Idaho National Laboratory;
- (3) include Boise State University, the University of Idaho (including the Idaho Water Resources Research Institute), the Oregon Institute of Technology, the Desert Research Institute with the University and Community College System of Nevada, and the Energy and Geoscience Institute at the University of Utah;
- (4) be hosted and managed by Boise State University; and
- (5) have a director appointed by Boise State University, and associate directors appointed by each participating institution.

(c) FINANCIAL ASSISTANCE.—The Secretary, acting through the Idaho National Laboratory and subject to the availability of appropriations, will provide financial assistance to Boise State University for expenditure under contracts with members of the consortium to carry out the activities of the consortium.

Subtitle C—Hydroelectric

**SEC. 241. ALTERNATIVE CONDITIONS AND FISHWAYS.**

(a) FEDERAL RESERVATIONS.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after “adequate protection and utilization of such reservation.” at the end of the first proviso the following: “The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time

119 STAT. 674

PUBLIC LAW 109-58—AUG. 8, 2005

Deadline. Regulations. Procedures. frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.”.

Deadline. (b) FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after “and such fishways as may be prescribed by the Secretary of Commerce.” the following: “The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such fishways. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.”.

119 STAT. 675

Deadline. Regulations. Procedures.

(c) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

16 USC 823d.

**“SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.**

“(a) ALTERNATIVE CONDITIONS.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as the ‘Secretary’) deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant or any other party to the license proceeding may propose an alternative condition.

“(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative condition—

“(A) provides for the adequate protection and utilization of the reservation; and

“(B) will either, as compared to the condition initially by the Secretary—

“(i) cost significantly less to implement; or

“(ii) result in improved operation of the project works for electricity production.

“(3) In making a determination under paragraph (2), the Secretary shall consider evidence provided for the record by any party to a licensing proceeding, or otherwise available to the Secretary, including any evidence provided by the Commission, on the

## PUBLIC LAW 109–58—AUG. 8, 2005

119 STAT. 675

implementation costs or operational impacts for electricity production of a proposed alternative.

“(4) The Secretary concerned shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary’s decision.

Public  
information.  
Records.

119 STAT. 676

“(5) If the Commission finds that the Secretary’s final condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission’s Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the reservation. The Secretary shall submit the advisory and the Secretary’s final written determination into the record of the Commission’s proceeding.

Deadline.

Records.

“(b) ALTERNATIVE PRESCRIPTIONS.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or any other party to the license proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

“(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative—

“(A) will be no less protective than the fishway initially prescribed by the Secretary; and

“(B) will either, as compared to the fishway initially prescribed by the Secretary—

“(i) cost significantly less to implement; or

“(ii) result in improved operation of the project works for electricity production.

“(3) In making a determination under paragraph (2), the Secretary shall consider evidence provided for the record by any party to a licensing proceeding, or otherwise available to the Secretary, including any evidence provided by the Commission, on the implementation costs or operational impacts for electricity production of a proposed alternative.

“(4) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written

Public  
information.  
Records.

119 STAT. 676

PUBLIC LAW 109-58—AUG. 8, 2005

statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the prescription adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

119 STAT. 677  
Deadline.

“(5) If the Commission finds that the Secretary's final prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the fish resources. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.”

Records.

\* \* \* \* \*

119 STAT. 683

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

\* \* \* \* \*

119 STAT. 708  
Alaska.  
42 USC 15906.

SEC. 348. NORTH SLOPE SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall establish a long-term initiative to be known as the “North Slope Science Initiative” (referred to in this section as the “Initiative”).

(2) PURPOSE.—The purpose of the Initiative shall be to implement efforts to coordinate collection of scientific data that will provide a better understanding of the terrestrial, aquatic, and marine ecosystems of the North Slope of Alaska.

(b) OBJECTIVES.—To ensure that the Initiative is conducted through a comprehensive science strategy and implementation plan, the Initiative shall, at a minimum—

(1) identify and prioritize information needs for inventory, monitoring, and research activities to address the individual and cumulative effects of past, ongoing, and anticipated development activities and environmental change on the North Slope;

(2) develop an understanding of information needs for regulatory and land management agencies, local governments, and the public;

(3) focus on prioritization of pressing natural resource management and ecosystem information needs, coordination, and cooperation among agencies and organizations;

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 708

(4) coordinate ongoing and future inventory, monitoring, and research activities to minimize duplication of effort, share financial resources and expertise, and assure the collection of quality information;

(5) identify priority needs not addressed by agency science programs in effect on the date of enactment of this Act and develop a funding strategy to meet those needs;

(6) provide a consistent approach to high caliber science, including inventory, monitoring, and research;

(7) maintain and improve public and agency access to—

(A) accumulated and ongoing research; and

(B) contemporary and traditional local knowledge; and

(8) ensure through appropriate peer review that the science conducted by participating agencies and organizations is of the highest technical quality.

119 STAT. 709

(c) MEMBERSHIP.—

(1) IN GENERAL.—To ensure comprehensive collection of scientific data, in carrying out the Initiative, the Secretary shall consult and coordinate with Federal, State, and local agencies that have responsibilities for land and resource management across the North Slope.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the State of Alaska, the North Slope Borough, the Arctic Slope Regional Corporation, and other Federal agencies as appropriate to coordinate efforts, share resources, and fund projects under this section.

(d) SCIENCE TECHNICAL ADVISORY PANEL.—

Establishment.

(1) IN GENERAL.—The Initiative shall include a panel to provide advice on proposed inventory, monitoring, and research functions.

(2) MEMBERSHIP.—The panel described in paragraph (1) shall consist of a representative group of not more than 15 scientists and technical experts from diverse professions and interests, including the oil and gas industry, subsistence users, Native Alaskan entities, conservation organizations, wildlife management organizations, and academia, as determined by the Secretary.

(e) REPORTS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall publish a report that describes the studies and findings of the Initiative.

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

**SEC. 349. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND.**

42 USC 15907.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

Deadline.

(b) ACTIVITIES.—The program under subsection (a) shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and

119 STAT. 709

PUBLIC LAW 109-58—AUG. 8, 2005

closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

119 STAT. 710

(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

Deadline.

(d) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

(e) IDLED WELL.—For the purposes of this section, a well is idled if—

(1) the well has been nonoperational for at least 7 years; and

(2) there is no anticipated beneficial use for the well.

(f) FEDERAL REIMBURSEMENT FOR ORPHANED WELL RECLAMATION PILOT PROGRAM.—

(1) REIMBURSEMENT FOR REMEDIATING, RECLAIMING, AND CLOSING WELLS ON LAND SUBJECT TO A NEW LEASE.—The Secretary shall carry out a pilot program under which, in issuing a new oil and gas lease on federally owned land on which 1 or more orphaned wells are located, the Secretary—

(A) may require, other than as a condition of the lease, that the lessee remediate, reclaim, and close in accordance with standards established by the Secretary, all orphaned wells on the land leased; and

(B) shall develop a program to reimburse a lessee, through a royalty credit against the Federal share of royalties owed or other means, for the reasonable actual costs of remediating, reclaiming, and closing the orphaned wells pursuant to that requirement.

(2) REIMBURSEMENT FOR RECLAIMING ORPHANED WELLS ON OTHER LAND.—In carrying out this subsection, the Secretary—

(A) may authorize any lessee under an oil and gas lease on federally owned land to reclaim in accordance with the Secretary's standards—

(i) an orphaned well on unleased federally owned land; or

(ii) an orphaned well located on an existing lease on federally owned land for the reclamation of which the lessee is not legally responsible; and

(B) shall develop a program to provide reimbursement of 100 percent of the reasonable actual costs of remediating, reclaiming, and closing the orphaned well, through credits against the Federal share of royalties or other means.

(3) REGULATIONS.—The Secretary may issue such regulations as are appropriate to carry out this subsection.

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 710

(g) TECHNICAL ASSISTANCE PROGRAM FOR NON-FEDERAL LAND.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

119 STAT. 711

(3) ACTIVITIES.—The program under paragraph (1) shall include—

(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

(C) information and training programs on best practices for remediation of different types of sites; and

(D) funding of State mitigation efforts on a cost-shared basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2006 through 2010.

(2) USE.—Of the amounts authorized under paragraph (1), \$5,000,000 are authorized for each fiscal year for activities under subsection (f).

\* \* \* \* \*

SEC. 351. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

National Geological and Geophysical Data Preservation Program Act of 2005. 42 USC 15908. 119 STAT. 712

(a) SHORT TITLE.—This section may be cited as the “National Geological and Geophysical Data Preservation Program Act of 2005”.

(b) PROGRAM.—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

Deadline.

## (d) DATA ARCHIVE SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

(4) DATA FROM FEDERAL LAND.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

## (e) NATIONAL CATALOG.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

## (f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.



PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 713

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) FINANCIAL ASSISTANCE.—

(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) STUDIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

Applicability.

(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) MAINTENANCE OF STATE EFFORT.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) PROGRAM.—The term “Program” means the National Geological and Geophysical Data Preservation Program carried out under this section.

119 STAT. 714

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) SURVEY.—The term “Survey” means the United States Geological Survey.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2006 through 2010.

\* \* \* \* \*

**SEC. 357. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.**

(a) **IN GENERAL.**—The Secretary shall conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the United States Outer Continental Shelf (“OCS”). The inventory and analysis shall—

(1) use available data on oil and gas resources in areas offshore of Mexico and Canada that will provide information on trends of oil and gas accumulation in areas of the OCS;

(2) use any available technology, except drilling, but including 3–D seismic technology to obtain accurate resource estimates;

(3) analyze how resource estimates in OCS areas have changed over time in regards to gathering geological and geophysical data, initial exploration, or full field development, including areas such as the deepwater and subsalt areas in the Gulf of Mexico;

(4) estimate the effect that understated oil and gas resource inventories have on domestic energy investments; and

(5) identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal Government and coastal States, and local zoning restrictions for onshore processing facilities and pipeline landings.

(b) **REPORTS.**—The Secretary shall submit a report to Congress on the inventory of estimates and the analysis of restrictions or impediments, together with any recommendations, within 6 months of the date of enactment of the section. The report shall be publicly available and updated at least every 5 years.

Public  
information.

Subtitle F—Access to Federal Lands

**SEC. 361. FEDERAL ONSHORE OIL AND GAS LEASING AND PERMITTING PRACTICES.**

(a) **REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.**—

(1) **IN GENERAL.**—The Secretary of the Interior, in consultation with the Secretary of Agriculture with respect to National Forest System lands under the jurisdiction of the Department of Agriculture, shall perform an internal review of current Federal onshore oil and gas leasing and permitting practices.

(2) **INCLUSIONS.**—The review shall include the process for—

(A) accepting or rejecting offers to lease;

(B) administrative appeals of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease;

(C) considering surface use plans of operation, including the timeframes in which the plans are considered, and any recommendations for improving and expediting the process; and

(D) identifying stipulations to address site-specific concerns and conditions, including those stipulations relating to the environment and resource use conflicts.

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 721

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall transmit a report to Congress that describes—

- (1) actions taken under section 3 of Executive Order No. 13212 (42 U.S.C. 13201 note); and
- (2) actions taken or any plans to improve the Federal onshore oil and gas leasing program.

**SEC. 362. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS.** 42 USC 15921.

(a) TIMELY ACTION ON LEASES AND PERMITS.—

(1) SECRETARY OF THE INTERIOR.—To ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the “Secretary”) shall—

(A) ensure expeditious compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and any other applicable environmental and cultural resources laws;

(B) improve consultation and coordination with the States and the public; and

(C) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(2) SECRETARY OF AGRICULTURE.—To ensure timely action on oil and gas lease applications for permits to drill on land otherwise available for leasing, the Secretary of Agriculture shall—

(A) ensure expeditious compliance with all applicable environmental and cultural resources laws; and

(B) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(b) BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement best management practices to—

(A) improve the administration of the onshore oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(B) ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing.

(2) CONSIDERATIONS.—In developing the best management practices under paragraph (1), the Secretary shall consider any recommendations from the review under section 361.

(3) REGULATIONS.—Not later than 180 days after the development of the best management practices under paragraph (1), the Secretary shall publish, for public comment, proposed regulations that set forth specific timeframes for processing leases and applications in accordance with the best management practices, including deadlines for—

(A) approving or disapproving—

(i) resource management plans and related documents;

(ii) lease applications;

(iii) applications for permits to drill; and

(iv) surface use plans; and

(B) related administrative appeals.

119 STAT. 722

(c) **IMPROVED ENFORCEMENT.**—The Secretary and the Secretary of Agriculture shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill on land under the jurisdiction of the Secretary and the Secretary of Agriculture, respectively.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts made available to carry out activities relating to oil and gas leasing on public land administered by the Secretary and National Forest System land administered by the Secretary of Agriculture, there are authorized to be appropriated for each of fiscal years 2006 through 2010—

(1) to the Secretary, acting through the Director of the Bureau of Land Management—

(A) \$40,000,000 to carry out subsections (a)(1) and (b); and

(B) \$20,000,000 to carry out subsection (c);

(2) to the Secretary, acting through the Director of the United States Fish and Wildlife Service, \$5,000,000 to carry out subsection (a)(1); and

(3) to the Secretary of Agriculture, acting through the Chief of the Forest Service, \$5,000,000 to carry out subsections (a)(2) and (c).

42 USC 15922.

**SEC. 363. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LAND.**

Deadline.  
Memorandum.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

(1) public land under the jurisdiction of the Secretary of the Interior; and

(2) National Forest System land under the jurisdiction of the Secretary of Agriculture.

(b) **CONTENTS.**—The memorandum of understanding shall include provisions that—

(1) establish administrative procedures and lines of authority that ensure timely processing of—

(A) oil and gas lease applications;

(B) surface use plans of operation, including steps for processing surface use plans; and

(C) applications for permits to drill consistent with applicable timelines;

(2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts;

(3) ensure that lease stipulations are—

(A) applied consistently;

(B) coordinated between agencies; and

(C) only as restrictive as necessary to protect the resource for which the stipulations are applied;

(4) establish a joint data retrieval system that is capable of—

(A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and

(B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture; and

119 STAT. 723

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 723

(5) establish a joint geographic information system mapping system for use in—

(A) tracking surface resource values to aid in resource management; and

(B) processing surface use plans of operation and applications for permits to drill.

\* \* \* \* \*

**SEC. 368. ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND.**

119 STAT. 727  
42 USC 15926.

(a) WESTERN STATES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as “the Secretaries”), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall—

Deadline.

(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));

(2) perform any environmental reviews that may be required to complete the designation of such corridors; and

(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.

(b) OTHER STATES.—Not later than 4 years after the date of enactment of this Act, the Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested persons, shall jointly—

Deadline.

(1) identify corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in States other than those described in subsection (a); and

(2) schedule prompt action to identify, designate, and incorporate the corridors into the applicable land use plans.

(c) ONGOING RESPONSIBILITIES.—The Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested parties, shall establish procedures under their respective authorities that—

Procedures.

(1) ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary; and

(2) expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.

119 STAT. 728

(d) CONSIDERATIONS.—In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

119 STAT. 728

PUBLIC LAW 109-58—AUG. 8, 2005

(e) SPECIFICATIONS OF CORRIDOR.—A corridor designated under this section shall, at a minimum, specify the centerline, width, and compatible uses of the corridor.

Oil Shale, Tar  
Sands, and Other  
Strategic  
Unconventional  
Fuels Act of  
2005.  
Deadlines.  
42 USC 15927.

**SEC. 369. OIL SHALE, TAR SANDS, AND OTHER STRATEGIC UNCONVENTIONAL FUELS.**

(a) SHORT TITLE.—This section may be cited as the “Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005”.

(b) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that—

(1) United States oil shale, tar sands, and other unconventional fuels are strategically important domestic resources that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale, tar sands, and other strategic unconventional fuels, for research and commercial development, should be conducted in an environmentally sound manner, using practices that minimize impacts; and

(3) development of those strategic unconventional fuels should occur, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities.

(c) LEASING PROGRAM FOR RESEARCH AND DEVELOPMENT OF OIL SHALE AND TAR SANDS.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 180 days after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the “Secretary”) shall make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to technologies for the recovery of liquid fuels from oil shale and tar sands resources on public lands. Prospective public lands within each of the States of Colorado, Utah, and Wyoming shall be made available for such research and development leasing.

(d) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT AND COMMERCIAL LEASING PROGRAM FOR OIL SHALE AND TAR SANDS.—

(1) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for a commercial leasing program for oil shale and tar sands resources on public lands, with an emphasis on the most geologically prospective lands within each of the States of Colorado, Utah, and Wyoming.

(2) FINAL REGULATION.—Not later than 6 months after the completion of the programmatic environmental impact statement under this subsection, the Secretary shall publish a final regulation establishing such program.

(e) COMMENCEMENT OF COMMERCIAL LEASING OF OIL SHALE AND TAR SANDS.—Not later than 180 days after publication of the final regulation required by subsection (d), the Secretary shall consult with the Governors of States with significant oil shale and tar sands resources on public lands, representatives of local governments in such States, interested Indian tribes, and other

119 STAT. 729

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 729

interested persons, to determine the level of support and interest in the States in the development of tar sands and oil shale resources. If the Secretary finds sufficient support and interest exists in a State, the Secretary may conduct a lease sale in that State under the commercial leasing program regulations. Evidence of interest in a lease sale under this subsection shall include, but not be limited to, appropriate areas nominated for leasing by potential lessees and other interested parties.

(f) DILIGENT DEVELOPMENT REQUIREMENTS.—The Secretary shall, by regulation, designate work requirements and milestones to ensure the diligent development of the lease. Regulations.

(g) INITIAL REPORT BY THE SECRETARY OF THE INTERIOR.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on—

(1) the interim actions necessary to—

(A) develop the program, complete the programmatic environmental impact statement, and promulgate the final regulation as required by subsection (d); and

(B) conduct the first lease sales under the program as required by subsection (e); and

(2) a schedule to complete such actions within the time limits mandated by this section.

(h) TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Energy, in cooperation with the Secretary of the Interior and the Secretary of Defense, shall establish a task force to develop a program to coordinate and accelerate the commercial development of strategic unconventional fuels, including but not limited to oil shale and tar sands resources within the United States, in an integrated manner.

(2) COMPOSITION.—The Task Force shall be composed of—

(A) the Secretary of Energy (or the designee of the Secretary);

(B) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(C) the Secretary of Defense (or the designee of the Secretary of Defense);

(D) the Governors of affected States; and

(E) representatives of local governments in affected areas.

(3) RECOMMENDATIONS.—The Task Force shall make such recommendations regarding promoting the development of the strategic unconventional fuels resources within the United States as it may deem appropriate.

(4) PARTNERSHIPS.—The Task Force shall make recommendations with respect to initiating a partnership with the Province of Alberta, Canada, for purposes of sharing information relating to the development and production of oil from tar sands, and similar partnerships with other nations that contain significant oil shale resources.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President and Congress a report that

119 STAT. 730

describes the analysis and recommendations of the Task Force.

(B) **SUBSEQUENT REPORTS.**—The Secretary shall provide an annual report describing the progress in developing the strategic unconventional fuels resources within the United States for each of the 5 years following submission of the report provided for in subparagraph (A).

Establishment.

(i) **OFFICE OF PETROLEUM RESERVES.**—

(1) **IN GENERAL.**—The Office of Petroleum Reserves of the Department of Energy shall—

(A) coordinate the creation and implementation of a commercial strategic fuel development program for the United States;

(B) evaluate the strategic importance of unconventional sources of strategic fuels to the security of the United States;

(C) promote and coordinate Federal Government actions that facilitate the development of strategic fuels in order to effectively address the energy supply needs of the United States;

(D) identify, assess, and recommend appropriate actions of the Federal Government required to assist in the development and manufacturing of strategic fuels; and

(E) coordinate and facilitate appropriate relationships between private industry and the Federal Government to promote sufficient and timely private investment to commercialize strategic fuels for domestic and military use.

(2) **CONSULTATION AND COORDINATION.**—The Office of Petroleum Reserves shall work closely with the Task Force and coordinate its staff support.

(3) **ANNUAL REPORTS.**—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report that describes the activities of the Office of Petroleum Reserves carried out under this subsection.

(j) **MINERAL LEASING ACT AMENDMENTS.**—

(1) **SECTION 17.**—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)), as amended by section 350, is further amended—

(A) in subparagraph (A) (as designated by the amendment made by subsection (a)(1) of that section) by designating the first, second, and third sentences as clauses (i), (ii), and (iii), respectively;

(B) by moving clause (ii), as so designated, so as to begin immediately after and below clause (i);

119 STAT. 731

(C) by moving clause (iii), as so designated, so as to begin immediately after and below clause (ii);

(D) in clause (i) of subparagraph (A) (as designated by subparagraph (A) of this paragraph) by striking “five thousand one hundred and twenty” and inserting “5,760”; and

(E) by adding at the end the following:

“(iv) No lease issued under this paragraph shall be included in any chargeability limitation associated with oil and gas leases.”.

(2) **SECTION 21.**—Section 21(a) of the Mineral Leasing Act (30 U.S.C. 241(a)) is amended—



## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 731

- (A) by striking “(a) That the Secretary” and inserting the following:  
 “(a)(1) The Secretary”;  
 (B) by striking “; that no lease” and inserting a period, followed by the following:  
 “(2) No lease”;  
 (C) by striking “Leases may be for” and inserting the following:  
 “(3) Leases may be for”;  
 (D) by striking “For the privilege” and inserting the following:  
 “(4) For the privilege”;  
 (E) in paragraph (2) (as designated by subparagraph (B) of this paragraph) by striking “five thousand one hundred and twenty” and inserting “5,760”;  
 (F) in paragraph (4) (as designated by subparagraph (D) of this paragraph) by striking “rate of 50 cents per acre” and inserting “rate of \$2.00 per acre”;  
 (G)(i) by striking “: *Provided further*, That not more than one lease shall be granted under this section to any” and inserting “: *Provided further*, That no”; and  
 (ii) by striking “except that with respect to leases for” and inserting “shall acquire or hold more than 50,000 acres of oil shale leases in any one State. For”; and  
 (H) by adding at the end the following:  
 “(5) No lease issued under this section shall be included in any chargeability limitation associated with oil and gas leases.”.

(k) INTERAGENCY COORDINATION AND EXPEDITIOUS REVIEW OF PERMITTING PROCESS.—

(1) DEPARTMENT OF THE INTERIOR AS LEAD AGENCY.—Upon written request of a prospective applicant for Federal authorization to develop a proposed oil shale or tar sands project, the Department of the Interior shall act as the lead Federal agency for the purposes of coordinating all applicable Federal authorizations and environmental reviews. To the maximum extent practicable under applicable Federal law, the Secretary shall coordinate this Federal authorization and review process with any Indian tribes and State and local agencies responsible for conducting any separate permitting and environmental reviews.

(2) IMPLEMENTING REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue any regulations necessary to implement this subsection.

(l) COST-SHARED DEMONSTRATION TECHNOLOGIES.—

(1) IDENTIFICATION.—The Secretary of Energy shall identify technologies for the development of oil shale and tar sands that—

- (A) are ready for demonstration at a commercially-representative scale; and  
 (B) have a high probability of leading to commercial production.

(2) ASSISTANCE.—For each technology identified under paragraph (1), the Secretary of Energy may provide—

- (A) technical assistance;  
 (B) assistance in meeting environmental and regulatory requirements; and

119 STAT. 732

(C) cost-sharing assistance.

(m) NATIONAL OIL SHALE AND TAR SANDS ASSESSMENT.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Secretary shall carry out a national assessment of oil shale and tar sands resources for the purposes of evaluating and mapping oil shale and tar sands deposits, in the geographic areas described in subparagraph (B). In conducting such an assessment, the Secretary shall make use of the extensive geological assessment work for oil shale and tar sands already conducted by the United States Geological Survey.

(B) GEOGRAPHIC AREAS.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales and other hydrocarbon-bearing rocks having the nomenclature of “shale” located east of the Mississippi River; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale and tar sands, as determined by the Secretary.

(2) USE OF STATE SURVEYS AND UNIVERSITIES.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(n) LAND EXCHANGES.—

(1) IN GENERAL.—To facilitate the recovery of oil shale and tar sands, especially in areas where Federal, State, and private lands are intermingled, the Secretary shall consider the use of land exchanges where appropriate and feasible to consolidate land ownership and mineral interests into manageable areas.

(2) IDENTIFICATION AND PRIORITY OF PUBLIC LANDS.—The Secretary shall identify public lands containing deposits of oil shale or tar sands within the Green River, Piceance Creek, Uintah, and Washakie geologic basins, and shall give priority to implementing land exchanges within those basins. The Secretary shall consider the geology of the respective basin in determining the optimum size of the lands to be consolidated.

(3) COMPLIANCE WITH SECTION 206 OF FLPMA.—A land exchange undertaken in furtherance of this subsection shall be implemented in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(o) ROYALTY RATES FOR LEASES.—The Secretary shall establish royalties, fees, rentals, bonus, or other payments for leases under this section that shall—

(1) encourage development of the oil shale and tar sands resource; and

(2) ensure a fair return to the United States.

(p) HEAVY OIL TECHNICAL AND ECONOMIC ASSESSMENT.—The Secretary of Energy shall update the 1987 technical and economic assessment of domestic heavy oil resources that was prepared by the Interstate Oil and Gas Compact Commission. Such an update should include all of North America and cover all unconventional oil, including heavy oil, tar sands (oil sands), and oil shale.

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 733

(q) PROCUREMENT OF UNCONVENTIONAL FUELS BY THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2398 the following:

**“§ 2398a. Procurement of fuel derived from coal, oil shale, and tar sands**

“(a) USE OF FUEL TO MEET DEPARTMENT OF DEFENSE NEEDS.—The Secretary of Defense shall develop a strategy to use fuel produced, in whole or in part, from coal, oil shale, and tar sands (referred to in this section as a ‘covered fuel’) that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States in order to assist in meeting the fuel requirements of the Department of Defense when the Secretary determines that it is in the national interest.

“(b) AUTHORITY TO PROCURE.—The Secretary of Defense may enter into 1 or more contracts or other agreements (that meet the requirements of this section) to procure a covered fuel to meet 1 or more fuel requirements of the Department of Defense.

“(c) CLEAN FUEL REQUIREMENTS.—A covered fuel may be procured under subsection (b) only if the covered fuel meets such standards for clean fuel produced from domestic sources as the Secretary of Defense shall establish for purposes of this section in consultation with the Department of Energy.

“(d) MULTIYEAR CONTRACT AUTHORITY.—Subject to applicable provisions of law, any contract or other agreement for the procurement of covered fuel under subsection (b) may be for 1 or more years at the election of the Secretary of Defense.

“(e) FUEL SOURCE ANALYSIS.—In order to facilitate the procurement by the Department of Defense of covered fuel under subsection (b), the Secretary of Defense may carry out a comprehensive assessment of current and potential locations in the United States for the supply of covered fuel to the Department.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 141 of title 10, United States Code, is amended by inserting after the item relating to section 2398 the following:

“2398a. Procurement of fuel derived from coal, oil shale, and tar sands.”.

(r) STATE WATER RIGHTS.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

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

\* \* \* \* \*

**SEC. 372. CONSULTATION REGARDING ENERGY RIGHTS-OF-WAY ON PUBLIC LAND.**

119 STAT. 734  
42 USC 15928.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense with respect to lands under their respective jurisdictions, shall enter into a memorandum of understanding to coordinate all applicable Federal

119 STAT. 735  
Deadline.

authorizations and environmental reviews relating to a proposed or existing utility facility. To the maximum extent practicable under applicable law, the Secretary of Energy shall, to ensure timely review and permit decisions, coordinate such authorizations and reviews with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility.

(2) CONTENTS.—The memorandum of understanding shall include provisions that—

(A) establish—

(i) a unified right-of-way application form; and

(ii) an administrative procedure for processing right-of-way applications, including lines of authority, steps in application processing, and timeframes for application processing;

(B) provide for coordination of planning relating to the granting of the rights-of-way;

(C) provide for an agreement among the affected Federal agencies to prepare a single environmental review document to be used as the basis for all Federal authorization decisions; and

(D) provide for coordination of use of right-of-way stipulations to achieve consistency.

(b) NATURAL GAS PIPELINES.—

(1) IN GENERAL.—With respect to permitting activities for interstate natural gas pipelines, the May 2002 document entitled “Interagency Agreement On Early Coordination Of Required Environmental And Historic Preservation Reviews Conducted In Conjunction With The Issuance Of Authorizations To Construct And Operate Interstate Natural Gas Pipelines Certificated By The Federal Energy Regulatory Commission” shall constitute compliance with subsection (a).

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, agencies that are signatories to the document referred to in paragraph (1) shall transmit to Congress a report on how the agencies under the jurisdiction of the Secretaries are incorporating and implementing the provisions of the document referred to in paragraph (1).

(B) CONTENTS.—The report shall address—

(i) efforts to implement the provisions of the document referred to in paragraph (1);

(ii) whether the efforts have had a streamlining effect;

(iii) further improvements to the permitting process of the agency; and

(iv) recommendations for inclusion of State and tribal governments in a coordinated permitting process.

(c) DEFINITION OF UTILITY FACILITY.—In this section, the term “utility facility” means any privately, publicly, or cooperatively owned line, facility, or system—

(1) for the transportation of—

(A) oil, natural gas, synthetic liquid fuel, or gaseous fuel;

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 736

(B) any refined product produced from oil, natural gas, synthetic liquid fuel, or gaseous fuel; or

(C) products in support of the production of material referred to in subparagraph (A) or (B);

(2) for storage and terminal facilities in connection with the production of material referred to in paragraph (1); or

(3) for the generation, transmission, and distribution of electric energy.

**SEC. 373. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.**

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to Public Law 87-712 (16 U.S.C. 459d et seq.; popularly known as the “Federal Enabling Act”) and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87-712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) SENSE OF CONGRESS.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those lands retained the status that the lands had on September 27, 1962.

\* \* \* \* \*

**SEC. 388. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.**

119 STAT. 744

(a) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

“(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-

119 STAT. 744

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 745

of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

“(A) support exploration, development, production, or storage of oil or natural gas, except that a lease, easement, or right-of-way shall not be granted in an area in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium;

“(B) support transportation of oil or natural gas, excluding shipping activities;

“(C) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

“(D) use, for energy-related purposes or for other authorized marine-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.

“(2) PAYMENTS AND REVENUES.—(A) The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease, easement, or right-of-way granted under this subsection.

“(B) The Secretary shall provide for the payment of 27 percent of the revenues received by the Federal Government as a result of payments under this section from projects that are located wholly or partially within the area extending three nautical miles seaward of State submerged lands. Payments shall be made based on a formula established by the Secretary by rulemaking no later than 180 days after the date of enactment of this section that provides for equitable distribution, based on proximity to the project, among coastal states that have a coastline that is located within 15 miles of the geographic center of the project.

“(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 388(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.

“(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

“(A) safety;

“(B) protection of the environment;

“(C) prevention of waste;

“(D) conservation of the natural resources of the outer Continental Shelf;

“(E) coordination with relevant Federal agencies;

“(F) protection of national security interests of the United States;

“(G) protection of correlative rights in the outer Continental Shelf;

Regulations.  
Deadline.

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 745

“(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

“(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas; 119 STAT. 746

“(J) consideration of—

“(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

“(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deep-water port, or navigation;

“(K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and

“(L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.

“(5) LEASE DURATION, SUSPENSION, AND CANCELLATION.—

The Secretary shall provide for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease, easement, or right-of-way under this subsection.

“(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to—

“(A) furnish a surety bond or other form of security, as prescribed by the Secretary;

“(B) comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

“(C) provide for the restoration of the lease, easement, or right-of-way.

“(7) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The Secretary shall provide for coordination and consultation with the Governor of any State or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

“(8) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2005, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, heads of other relevant departments and agencies of the Federal Government, and the Governor of any affected State, shall issue any necessary regulations to carry out this subsection. Deadline.

“(9) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

“(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.”.

119 STAT. 746

PUBLIC LAW 109-58—AUG. 8, 2005

43 USC 1337  
note.**(b) COORDINATED OCS MAPPING INITIATIVE.—**

(1) **IN GENERAL.**—The Secretary of the Interior, in cooperation with the Secretary of Commerce, the Commandant of the Coast Guard, and the Secretary of Defense, shall establish an interagency comprehensive digital mapping initiative for the outer Continental Shelf to assist in decisionmaking relating to the siting of activities under subsection (p) of section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as added by subsection (a)).

119 STAT. 747

(2) **USE OF DATA.**—The mapping initiative shall use, and develop procedures for accessing, data collected before the date on which the mapping initiative is established, to the maximum extent practicable.

(3) **INCLUSIONS.**—Mapping carried out under the mapping initiative shall include an indication of the locations on the outer Continental Shelf of—

- (A) Federally-permitted activities;
- (B) obstructions to navigation;
- (C) submerged cultural resources;
- (D) undersea cables;
- (E) offshore aquaculture projects; and
- (F) any area designated for the purpose of safety, national security, environmental protection, or conservation and management of living marine resources.

(c) **CONFORMING AMENDMENT.**—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: “LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—”.

43 USC 1337  
note.

(d) **SAVINGS PROVISION.**—Nothing in the amendment made by subsection (a) requires the resubmittal of any document that was previously submitted or the reauthorization of any action that was previously authorized with respect to a project for which, before the date of enactment of this Act—

- (1) an offshore test facility has been constructed; or
- (2) a request for a proposal has been issued by a public authority.

43 USC 1337  
note.

(e) **STATE CLAIMS TO JURISDICTION OVER SUBMERGED LANDS.**—Nothing in this section shall be construed to alter, limit, or modify any claim of any State to any jurisdiction over, or any right, title, or interest in, any submerged lands.

\* \* \* \* \*

42 USC 15942.

**SEC. 390. NEPA REVIEW.**

(a) **NEPA REVIEW.**—Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

119 STAT. 748

(b) **ACTIVITIES DESCRIBED.**—The activities referred to in subsection (a) are the following:

- (1) Individual surface disturbances of less than 5 acres so long as the total surface disturbance on the lease is not



PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 748

greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

(4) Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within 5 years prior to the date of placement of the pipeline.

(5) Maintenance of a minor activity, other than any construction or major renovation or a building or facility.

\* \* \* \* \*

TITLE VII—VEHICLES AND FUELS

119 STAT. 814

\* \* \* \* \*

Subtitle F—Federal and State Procurement

119 STAT. 835

\* \* \* \* \*

SEC. 782. FEDERAL AND STATE PROCUREMENT OF FUEL CELL VEHICLES AND HYDROGEN ENERGY SYSTEMS.

42 USC 16122.

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

(1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;

(2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and

(3) to require the Federal government, which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

(b) FEDERAL LEASES AND PURCHASES.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

Deadline.

119 STAT. 836

(B) LEARNING DEMONSTRATION VEHICLES.—The Secretary may lease or purchase appropriate vehicles developed under subsections (a)(10) and (b)(1)(A) of section 808 to meet the requirement in subparagraph (A).

(2) COSTS OF LEASES AND PURCHASES.—

(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

(i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and

(ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or

(ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

(3) EXCEPTION.—

(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

(i) the needs of the agency; and

(ii) an evaluation performed by—

(I) the Task Force; or

(II) the Technical Advisory Committee.

(c) ENERGY SAVINGS GOALS.—

Deadlines.

(1) IN GENERAL.—

(A) REGULATIONS.—Not later than December 31, 2006, the Secretary shall—

(i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(B) REVIEW, EVALUATION, AND NEW REGULATIONS.—Not later than December 31, 2010, the Secretary shall—

(i) review the regulations promulgated under subparagraph (A);

(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

119 STAT. 837

(2) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

(d) COOPERATIVE PROGRAM WITH STATE AGENCIES.—

(1) IN GENERAL.—The Secretary may establish a cooperative program with State agencies managing motor vehicle fleets to encourage purchase of fuel cell vehicles by the agencies.

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 837

(2) INCENTIVES.—In carrying out the cooperative program, the Secretary may offer incentive payments to a State agency to assist with the cost of planning, differential purchases, and administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

- (1) \$15,000,000 for fiscal year 2008;
- (2) \$25,000,000 for fiscal year 2009;
- (3) \$65,000,000 for fiscal year 2010; and
- (4) such sums as are necessary for each of fiscal years 2011 through 2015.

\* \* \* \* \*

TITLE VIII—HYDROGEN

\* \* \* \* \*

119 STAT. 844  
Spark M.  
Matsunaga  
Hydrogen Act of  
2005.  
119 STAT. 850  
42 USC 16157.

SEC. 808. DEMONSTRATION.

(a) IN GENERAL.—In carrying out the programs under this section, the Secretary shall fund a limited number of demonstration projects, consistent with this title and a determination of the maturity, cost-effectiveness, and environmental impacts of technologies supporting each project. In selecting projects under this subsection, the Secretary shall, to the extent practicable and in the public interest, select projects that—

- (1) involve using hydrogen and related products at existing facilities or installations, such as existing office buildings, military bases, vehicle fleet centers, transit bus authorities, or units of the National Park System;
- (2) depend on reliable power from hydrogen to carry out essential activities;
- (3) lead to the replication of hydrogen technologies and draw such technologies into the marketplace;
- (4) include vehicle, portable, and stationary demonstrations of fuel cell and hydrogen-based energy technologies;
- (5) address the interdependency of demand for hydrogen fuel cell applications and hydrogen fuel infrastructure;
- (6) raise awareness of hydrogen technology among the public;
- (7) facilitate identification of an optimum technology among competing alternatives;
- (8) address distributed generation using renewable sources;
- (9) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary;
- (10) carry out a program to demonstrate developmental hydrogen and fuel cell systems for mobile, portable, and stationary uses, using improved versions of the learning demonstrations program concept of the Department including demonstrations involving—
  - (A) light-duty vehicles;
  - (B) heavy-duty vehicles;
  - (C) fleet vehicles;
  - (D) specialty industrial and farm vehicles; and
  - (E) commercial and residential portable, continuous, and backup electric power generation;

119 STAT. 850

PUBLIC LAW 109-58—AUG. 8, 2005

(11) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and

(12) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen, and hydrogen reformed from renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavier duty, and advanced internal combustion-powered vehicles.

The Secretary shall give preference to projects which address multiple elements contained in paragraphs (1) through (12).

(b) SYSTEM DEMONSTRATIONS.—

Grants.

(1) IN GENERAL.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—

119 STAT. 851

(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under section 782 that—

(i) have as a primary goal the reduction of drive energy requirements;

(ii) after 2010, add another research and development phase, as defined in subsection (c), including the vehicle and infrastructure partnerships developed under the learning demonstrations program concept of the Department; and

(iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost-shared projects by manufacturers and governments; and

(B) designing a local distributed energy system that—

(i) incorporates renewable hydrogen production, off-grid electricity production, and fleet applications in industrial or commercial service;

(ii) integrates energy or applications described in clause (i), such as stationary, portable, micro, and mobile fuel cells, into a high-density commercial or residential building complex or agricultural community; and

(iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

(c) IDENTIFICATION OF NEW PROGRAM REQUIREMENTS.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—

(1) after 2008 for stationary and portable applications, and after 2010 for vehicles, identify new requirements that refine technological concepts, planning, and applications; and

(2) during the second phase of the learning demonstrations under subsection (b)(1)(A)(ii), redesign subsequent program work to incorporate those requirements.

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

(1) \$185,000,000 for fiscal year 2006;

(2) \$200,000,000 for fiscal year 2007;

PUBLIC LAW 109–58—AUG. 8, 2005

119 STAT. 851

- (3) \$250,000,000 for fiscal year 2008;
- (4) \$300,000,000 for fiscal year 2009;
- (5) \$375,000,000 for fiscal year 2010; and
- (6) such sums as are necessary for each of fiscal years 2011 through 2020.

\* \* \* \* \*

TITLE XII—ELECTRICITY

119 STAT. 941  
Electricity  
Modernization  
Act of 2005.

\* \* \* \* \*

Subtitle B—Transmission Infrastructure  
Modernization

119 STAT. 946

**SEC. 1221. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.**

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

**“SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.**

16 USC 824p.

“(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—(1) Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the ‘Secretary’), in consultation with affected States, shall conduct a study of electric transmission congestion.

Deadlines.

“(2) After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study, which may designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor.

Reports.

“(3) The Secretary shall conduct the study and issue the report in consultation with any appropriate regional entity referred to in section 215.

“(4) In determining whether to designate a national interest electric transmission corridor under paragraph (2), the Secretary may consider whether—

“(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

119 STAT. 947

“(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

“(ii) a diversification of supply is warranted;

“(C) the energy independence of the United States would be served by the designation;

“(D) the designation would be in the interest of national energy policy; and

“(E) the designation would enhance national defense and homeland security.

“(b) CONSTRUCTION PERMIT.—Except as provided in subsection (i), the Commission may, after notice and an opportunity for hearing, issue one or more permits for the construction or modification of electric transmission facilities in a national interest electric

transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

“(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

“(i) approve the siting of the facilities; or

“(ii) consider the interstate benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

“(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

“(C) a State commission or other entity that has authority to approve the siting of the facilities has—

“(i) withheld approval for more than 1 year after the filing of an application seeking approval pursuant to applicable law or 1 year after the designation of the relevant national interest electric transmission corridor, whichever is later; or

“(ii) conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce or is not economically feasible;

“(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

“(3) the proposed construction or modification is consistent with the public interest;

“(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers;

“(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence; and

“(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.

“(c) PERMIT APPLICATIONS.—(1) Permit applications under subsection (b) shall be made in writing to the Commission.

“(2) The Commission shall issue rules specifying—

“(A) the form of the application;

“(B) the information to be contained in the application;

and

“(C) the manner of service of notice of the permit application on interested persons.

“(d) COMMENTS.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

“(e) RIGHTS-OF-WAY.—(1) In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to

## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 948

agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located.

“(2) Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition.

“(3) The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as practicable to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.

“(4) Nothing in this subsection shall be construed to authorize the use of eminent domain to acquire a right-of-way for any purpose other than the construction, modification, operation, or maintenance of electric transmission facilities and related facilities. The right-of-way cannot be used for any other purpose, and the right-of-way shall terminate upon the termination of the use for which the right-of-way was acquired.

“(f) COMPENSATION.—(1) Any right-of-way acquired pursuant to subsection (e) shall be considered a taking of private property for which just compensation is due.

“(2) Just compensation shall be an amount equal to the fair market value (including applicable severance damages) of the property taken on the date of the exercise of eminent domain authority.

“(g) STATE LAW.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

“(h) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—(1) In this subsection:

“(A) The term ‘Federal authorization’ means any authorization required under Federal law in order to site a transmission facility.

“(B) The term ‘Federal authorization’ includes such permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law in order to site a transmission facility.

119 STAT. 949

“(2) The Department of Energy shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility.

“(3) To the maximum extent practicable under applicable Federal law, the Secretary shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

“(4)(A) As head of the lead agency, the Secretary, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multistate entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate

119 STAT. 949

PUBLIC LAW 109-58—AUG. 8, 2005

- milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.
- Deadline. “(B) The Secretary shall ensure that, once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed—
- “(i) within 1 year; or
  - “(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.
- Deadline. “(C) The Secretary shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—
- “(i) the likelihood of approval for a potential facility; and
  - “(ii) key issues of concern to the agencies and public.
- “(5)(A) As lead agency head, the Secretary, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.
- “(B) The Secretary and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.
- “(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.
- “(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.
- “(B) Based on the overall record and in consultation with the affected agency, the President may—
- “(i) issue the necessary authorization with any appropriate conditions; or
  - “(ii) deny the application.
- “(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.
- “(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—
- “(i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);
  - “(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
  - “(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
  - “(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
  - “(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).
- 119 STAT. 950
- President.
- Deadline.
- President.



## PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 950

“(7)(A) Not later than 18 months after the date of enactment of this section, the Secretary shall issue any regulations necessary to implement this subsection.

Deadline.  
Regulations.

“(B)(i) Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

Deadline.  
Memorandum.

“(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

“(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

“(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

“(i) for a duration, as determined by the Secretary, commensurate with the anticipated use of the facility; and

“(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

“(B) On the expiration of the authorization (including an authorization issued before the date of enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

“(9) In exercising the responsibilities under this section, the Secretary shall consult regularly with—

“(A) the Federal Energy Regulatory Commission;

“(B) electric reliability organizations (including related regional entities) approved by the Commission; and

“(C) Transmission Organizations approved by the Commission.

“(i) INTERSTATE COMPACTS.—(1) The consent of Congress is given for three or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to—

“(A) facilitate siting of future electric energy transmission facilities within those States; and

“(B) carry out the electric energy transmission siting responsibilities of those States.

“(2) The Secretary may provide technical assistance to regional transmission siting agencies established under this subsection.

“(3) The regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities, including facilities in national interest electric transmission corridors (other than facilities on property owned by the United States).

“(4) The Commission shall have no authority to issue a permit for the construction or modification of an electric transmission facility within a State that is a party to a compact, unless the members of the compact are in disagreement and the Secretary makes, after notice and an opportunity for a hearing, the finding described in subsection (b)(1)(C).

“(j) RELATIONSHIP TO OTHER LAWS.—(1) Except as specifically provided, nothing in this section affects any requirement of an

119 STAT. 951

environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) Subsection (h)(6) shall not apply to any unit of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, or a National Monument.

“(k) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).”

(b) REPORTS TO CONGRESS ON CORRIDORS AND RIGHTS-OF-WAY ON FEDERAL LANDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, the Secretary, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall submit to Congress a joint report identifying—

(1)(A) all existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.);

(B) the schedule for completing the work;

(C) any impediments to completing the work; and

(D) steps that Congress could take to expedite the process;

(2)(A) the number of pending applications to locate transmission facilities on Federal land;

(B) key information relating to each such facility;

(C) how long each application has been pending;

(D) the schedule for issuing a timely decision as to each facility; and

(E) progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or the equivalent of those plans; and

(3)(A) the number of existing transmission and distribution rights-of-way on Federal land that will come up for renewal within the following 5-, 10-, and 15-year periods; and

(B) a description of how the Secretaries plan to manage the renewals.

\* \* \* \* \*

119 STAT. 1122

TITLE XVIII—STUDIES

\* \* \* \* \*

119 STAT. 1139

SEC. 1834. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary, and the Secretary of the Army shall jointly conduct a study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on

PUBLIC LAW 109-58—AUG. 8, 2005

119 STAT. 1139

Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility and the level of Federal power customer involvement in the determination of such costs.

119 STAT. 1140

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, water supply, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

\* \* \* \* \*

Approved August 8, 2005.

119 STAT. 1143

LEGISLATIVE HISTORY—H.R. 6:

HOUSE REPORTS: No. 109-190 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Apr. 20, 21, considered and passed House.

June 14-16, 20-23, 28, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 8, Presidential remarks and statement.

**16. Fairbanks, Alaska Heritage Education Center**

117 STAT. 11 PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7  
108th Congress**Joint Resolution**Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*Consolidated  
Appropriations  
Resolution, 2003.**SECTION 1. SHORT TITLE.**This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.117 STAT. 12  
1 USC 1 note.**SEC. 3. REFERENCES.**Except as expressly provided otherwise, any reference to “this  
Act” contained in any division of this joint resolution shall be  
treated as referring only to the provisions of that division.117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003****JOINT RESOLUTION**Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:**TITLE I—DEPARTMENT OF THE INTERIOR****BUREAU OF LAND MANAGEMENT**

\* \* \* \* \*

117 STAT. 237

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 244

**SEC. 141.** Section 6(f) of Public Law 88-578 as amended shall  
not apply to LWCF program #02-00010.

\* \* \* \* \*

117 STAT. 554

Approved February 20, 2003.

**LEGISLATIVE HISTORY—H.J. Res. 2:**

HOUSE REPORTS: No. 108-10 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

**17. Fort Bayard National Historic Landmark,  
New Mexico**

PUBLIC LAW 108–209—MAR. 19, 2004

118 STAT. 562

Public Law 108–209  
108th Congress

**An Act**

To designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

Mar. 19, 2004  
[H.R. 2059]

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

Fort Bayard  
National Historic  
Landmark Act.

**SECTION 1. FORT BAYARD NATIONAL HISTORIC LANDMARK ACT.**

(a) **SHORT TITLE.**—This Act may be cited as the “Fort Bayard National Historic Landmark Act”.

(b) **DESIGNATION.**—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(c) **ADMINISTRATION.**—Nothing in this section shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

(d) **COOPERATIVE AGREEMENTS.**—The Secretary, in consultation with the State of New Mexico, Grant County, New Mexico, and affected subdivisions of Grant County, may enter into cooperative agreements with appropriate public or private entities, for the purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(e) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (d).

(f) **NO EFFECT ON ACTIONS OF PROPERTY OWNERS.**—Designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit any actions which may otherwise be taken by any property owners, including the owners of the Fort Bayard National Historic Landmark, with respect to their property.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

118 STAT. 563

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

Approved March 19, 2004.

LEGISLATIVE HISTORY—H.R. 2059 (S. 214):

HOUSE REPORTS: No. 108–257 (Comm. on Resources).

SENATE REPORTS: No. 108–8 accompanying S. 214 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Sept. 23, considered and passed House.

Vol. 150 (2004): Mar. 4, considered and passed Senate.

**18. Harriet Tubman Sites, Maryland and  
New York (study)**

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352  
108th Congress

An Act

Oct. 21, 2004  
[S. 2178]

To make technical corrections to laws relating to certain units of the National  
Park System and to National Park programs.

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

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws  
Technical Amendments Act of 2004”.

\* \* \* \* \*

118 STAT. 1396

**SEC. 8. HARRIET TUBMAN SPECIAL RESOURCE STUDY.**

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106–516; 114 Stat. 2405) is amended by striking “Public Law 91–383” and all that follows through “(P.L. 105–391; 112 Stat. 3501)” and inserting “section 8 of Public Law 91–383 (16 U.S.C. 1a–5)”.

\* \* \* \* \*

118 STAT. 1398

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.  
118 STAT. 3092

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

SEC. 323. Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “section 8 of section 8” and inserting “section 8.”

118 STAT. 3098

\* \* \* \* \*

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**19. Harriet Tubman Home, New York**

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

**Public Law 108–108  
108th Congress****An Act**Nov. 10, 2003  
[H.R. 2691]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 1264

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 1280

**SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.**—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of \$11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) **USE OF AMOUNTS.**—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

\* \* \* \* \*

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

**LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):**

**HOUSE REPORTS:** Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

**SENATE REPORTS:** No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
**CONGRESSIONAL RECORD,** Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 39 (2003):

Nov. 10, Presidential statement.



**20. Hibben Center, New Mexico**

PUBLIC LAW 108–413—OCT. 30, 2004

118 STAT. 2325

Public Law 108–413  
108th Congress**An Act**

To authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

Oct. 30, 2004  
[S. 643]

*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 “Hibben Center Act”.

Hibben Center  
Act.  
16 USC 410ii  
note.

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) **TERM; RENT.**—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) **IMPROVEMENTS.**—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

**SEC. 3. GRANT.**

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

- (1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and
- (2) the cost of improvements, not to exceed \$2,488,000.

**SEC. 4. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

16 USC 410ii  
note.

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

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

118 STAT. 2326

Approved October 30, 2004.

**LEGISLATIVE HISTORY—S. 643 (H.R. 3258):**

HOUSE REPORTS: No. 108–743 accompanying H.R. 3258 (Comm. on Resources).

SENATE REPORTS: No. 108–94 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): July 17, considered and passed Senate.

Vol. 150 (2004): Sept. 28, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

**21. Highlands Region Conservation, Connecticut,  
New Jersey, New York, and Pennsylvania**

118 STAT. 2375

PUBLIC LAW 108–421—NOV. 30, 2004

Public Law 108–421  
108th Congress

An Act

Nov. 30, 2004  
[H.R. 1964]

To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Highlands  
Conservation  
Act.

*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 “Highlands Conservation Act”.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **HIGHLANDS REGION.**—The term “Highlands region” means the area depicted on the map entitled “The Highlands Region”, dated June 2004, including the list of municipalities included in the Highlands region, and maintained in the headquarters of the Forest Service in Washington, District of Columbia.

(2) **HIGHLANDS STATE.**—The term “Highlands State” means—

- (A) the State of Connecticut;
- (B) the State of New Jersey;
- (C) the State of New York; and
- (D) the State of Pennsylvania.

(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term “land conservation partnership project” means a land conservation project—

- (A) located in the Highlands region;

(B) identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and

(C) in which a non-Federal entity acquires land or an interest in land from a willing seller to permanently protect, conserve, or preserve the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term “non-Federal entity” means—

(A) any Highlands State; or

(B) any agency or department of any Highlands State with authority to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(5) STUDY.—The term “Study” means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term “Update” means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

(7) PENNSYLVANIA AND CONNECTICUT UPDATE.—The term “Pennsylvania and Connecticut Update” means a report to be completed by the Forest Service that identifies areas having high conservation values in the States of Connecticut and Pennsylvania in a manner similar to that utilized in the Study and Update.

**SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.**

(a) SUBMISSION OF PROPOSED PROJECTS.—Each year, the governors of the Highlands States, with input from pertinent units of local government and the public, may—

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—Each year, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a list of the land conservation partnership projects submitted under subsection (a)(2) that are eligible to receive financial assistance under this section.

Reports.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

Contracts.

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share under subsection (d);

(3) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for

a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(A) may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court; and

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in—

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

(D) land identified as having higher or highest resource value in the Conservation Values Assessment portion of the Update; and

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

(d) **NON-FEDERAL SHARE REQUIREMENT.**—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior \$10,000,000 for each of fiscal years 2005 through 2014, to remain available until expended.

**SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.**

(a) **IN GENERAL.**—To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

(b) **DUTIES.**—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

(2) communicate the findings of the Study and Update and maintain a public dialogue regarding implementation of the Study and Update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying

## PUBLIC LAW 108-421—NOV. 30, 2004

118 STAT. 2378

and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of fiscal years 2005 through 2014.

**SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act—

(1) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to, or use of, private land.

(b) LIABILITY.—Nothing in this Act creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act modifies any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act requires the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this Act.

(e) PURCHASE OF LAND OR INTERESTS IN LAND FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this Act shall be used to purchase land or interests in land only from willing sellers.

Approved November 30, 2004.

---

LEGISLATIVE HISTORY—H.R. 1964:

HOUSE REPORTS: No. 108-373, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 108-376 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Nov. 21, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.

## 22. Jamestown Settlement 400th Anniversary Commemorative Coin

118 STAT. 1017

PUBLIC LAW 108–289—AUG. 6, 2004

Public Law 108–289  
108th Congress

### An Act

Aug. 6, 2004  
[H.R. 1914]

To provide for the issuance of a coin to commemorate the 400th anniversary of  
the Jamestown settlement.

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

Jamestown 400th  
Anniversary  
Commemorative  
Coin Act of 2004.  
31 USC 5112  
note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Jamestown 400th Anniversary Commemorative Coin Act of 2004”.

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States.

(2) The Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures.

(3) The economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status.

(4) The National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown.

(5) In 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances.

(6) A commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia.

(7) The proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

## PUBLIC LAW 108–289—AUG. 6, 2004

118 STAT. 1018

**SEC. 2. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 5 dollar 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 dollar 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. 3. SOURCES OF BULLION.**

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

**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 settlement of Jamestown, Virginia, the first permanent English settlement in 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 “2007”; 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—

- (A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;
- (B) the National Park Service; and
- (C) the Commission of Fine Arts; and

(2) reviewed by the citizens advisory committee established under section 5135 of title 31, United States Code.

**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 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(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) **SURCHARGE REQUIRED.**—All sales shall include a surcharge of \$35 per coin for the \$5 coins and \$10 per coin for the \$1 coins.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) **PROGRAMS TO PROMOTE UNDERSTANDING OF THE LEGACIES OF JAMESTOWN.**— $\frac{1}{2}$  of the surcharges shall be used to support programs to promote the understanding of the legacies of Jamestown and for such purpose shall be paid to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(2) **OTHER PURPOSES FOR SURCHARGES.**—

(A) **IN GENERAL.**— $\frac{1}{2}$  of the surcharges shall be used for the following purposes:

(i) To sustain the ongoing mission of preserving Jamestown.

(ii) To enhance national and international educational programs relating to Jamestown, Virginia.

(iii) To improve infrastructure and archaeological research activities relating to Jamestown, Virginia.

(iv) To conduct other programs to support the commemoration of the 400th anniversary of the settlement of Jamestown, Virginia.

(B) **RECIPIENTS OF SURCHARGES FOR SUCH OTHER PURPOSES.**—The surcharges referred to in subparagraph (A) shall be distributed by the Secretary in equal shares to the following organizations for the purposes described in such subparagraph:

(i) The Secretary of the Interior.

(ii) The Association for the Preservation of Virginia Antiquities.

(iii) The Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(c) **AUDITS.**—The Jamestown-Yorktown Foundation of the Commonwealth of Virginia, the Secretary of the Interior, and the Association for the Preservation of Virginia Antiquities shall each be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of



PUBLIC LAW 108–289—AUG. 6, 2004

118 STAT. 1020

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 6, 2004.

---

LEGISLATIVE HISTORY—H.R. 1914:

HOUSE REPORTS: No. 108–472, Pt. 1 (Comm. on Financial Services) and Pt. 2 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 14, considered and passed House.

July 20, considered and passed Senate.

**23. Japanese American Confinement Sites**

120 STAT. 3288

PUBLIC LAW 109-441—DEC. 21, 2006

Public Law 109-441  
109th Congress**An Act**Dec. 21, 2006  
[H.R. 1492]

To provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

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

16 USC 461 note.

**SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.**

(a) **PRESERVATION PROGRAM.**—The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

**(b) GRANTS.**—

(1) **CRITERIA.**—The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).

Deadline.

(2) **PROVISION OF GRANTS.**—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph.

**(c) PROPERTY ACQUISITION.**—

(1) **AUTHORITY.**—Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

(2) **PROPERTY DESCRIPTIONS.**—The property referred to in paragraph (2) is the following:

(A) Jerome, depicted in Figure 7.1 of the Site Document.

(B) Rohwer, depicted in Figure 11.2 of the Site Document.

(C) Topaz, depicted in Figure 12.2 of the Site Document.

## PUBLIC LAW 109-441—DEC. 21, 2006

120 STAT. 3289

(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south, Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

(3) NO EFFECT ON PRIVATE PROPERTY.—The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require a 50 percent non-Federal match for funds provided under this section.

(e) SUNSET OF AUTHORITY.—This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

**SEC. 2. DEFINITIONS.**

16 USC 461 note.

For purposes of this Act the following definitions apply:

(1) HISTORIC CONFINEMENT SITES.—(A) The term “historic confinement sites” means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

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

(3) SITE DOCUMENT.—The term “Site Document” means the document titled “Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites”, published by the Western Archeological and Conservation Center, National Park Service, in 1999.

**SEC. 3. PRIVATE PROPERTY PROTECTION.**

16 USC 461 note.

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**120 STAT. 3290  
16 USC 461 note.

There are authorized to be appropriated to the Secretary \$38,000,000 to carry out this Act. Such sums shall remain available until expended.

Approved December 21, 2006.

**LEGISLATIVE HISTORY—H.R. 1492:**

HOUSE REPORTS: No. 109-142 (Comm. on Resources).

SENATE REPORTS: No. 109-314 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Nov. 16, considered and passed House.

Vol. 152 (2006): Nov. 16, considered and passed Senate, amended.

Dec. 5, House concurred in Senate amendments.

**24. Kris Eggle Memorial**

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

Public Law 108–108  
108th Congress

## An Act

Nov. 10, 2003  
[H.R. 2691]Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2004, and for other purposes.Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

## TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

117 STAT. 1249

## NATIONAL PARK SERVICE

\* \* \* \* \*

117 STAT. 1253

## ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed \$70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

## PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1253

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”. 117 STAT. 1321

Approved November 10, 2003.

---

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

**25. Lewis and Clark Interpretive Center, Nebraska**

117 STAT. 871

PUBLIC LAW 108–62—JULY 29, 2003

Public Law 108–62  
108th Congress**An Act**July 29, 2003  
[H.R. 255]

To authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. AUTHORITY TO GRANT EASEMENT.**(a) **IN GENERAL.**—The Secretary of the Interior is authorized to grant an easement to Otoe County, Nebraska, for the purpose of constructing and maintaining an access road between the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, and each of the following roads:

- (1) Nebraska State Highway 2.
- (2) Otoe County Road 67.

(b) **LOCATION OF ROAD.**—The access road referred to in subsection (a) shall not be located, in whole or in part, on private property.**SEC. 2. USE OF FEDERAL FUNDS.**

No funds from the Department of the Interior may be used for design, construction, maintenance, or operation of the access road referred to in subsection (a) of section 1.

Approved July 29, 2003.

---

**LEGISLATIVE HISTORY—H.R. 255:**

**SENATE REPORTS:** No. 108–99 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD,** Vol. 149 (2003):  
 May 14, considered and passed House.  
 July 17, considered and passed Senate.

**26. Lewis and Clark National Historic Landmark  
Theme Study, Eastern Sites (study)**

PUBLIC LAW 108–387—OCT. 30, 2004

118 STAT. 2234

Public Law 108–387  
108th Congress

**An Act**

To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

Oct. 30, 2004  
[H.R. 3819]

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

**TITLE I—LEWIS AND CLARK NATIONAL  
HISTORICAL PARK DESIGNATION ACT**

Lewis and Clark  
National  
Historical Park  
Designation Act.  
16 USC 410kkk  
note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Lewis and Clark National Historical Park Designation Act”.

\* \* \* \* \*

**TITLE II—LEWIS AND CLARK EASTERN  
LEGACY STUDY**

118 STAT. 2237

**SEC. 201. DESIGNATION OF ADDITIONAL SITES FOR STUDY.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall update, with an accompanying map, the 1958 Lewis and Clark National Historic Landmark theme study to determine the historical significance of the eastern sites of the Corps of Discovery expedition used by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase starting at Monticello, Virginia, and traveling to Wood River, Illinois, and the return phase from Saint Louis, Missouri, to Washington, District of Columbia, including sites in Virginia, Washington, District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois.

(2) FOCUS OF UPDATE; NOMINATION AND ADDITION OF PROPERTIES.—The focus of the study under paragraph (1) shall be on developing historic context information to assist in the evaluation and identification, including the use of plaques, of sites eligible for listing in the National Register of Historic Places or designation as a National Historic Landmark.

(b) REPORT.—Not later than 1 year after funds are made available for the study under this section, the Secretary shall submit to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate a report describing any findings, conclusions, and recommendations of the study.

118 STAT. 2237

PUBLIC LAW 108-387—OCT. 30, 2004

**SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 30, 2004.

---

**LEGISLATIVE HISTORY—H.R. 3819 (S. 2167):**

HOUSE REPORTS: No. 108-570 (Comm. on Resources).

SENATE REPORTS: No. 108-322 accompanying S. 2167 (Comm. on Energy and  
Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Oct. 10, considered and passed Senate.



**27. Lewis and Clark Expedition  
Bicentennial Commemorative Coin**

PUBLIC LAW 109–232—JUNE 15, 2006

120 STAT. 395

Public Law 109–232  
109th Congress

**An Act**

To amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

June 15, 2006  
[H.R. 5401]

*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 “Lewis and Clark Commemorative Coin Correction Act”.

Lewis and Clark  
Commemorative  
Coin Correction  
Act.  
31 USC 5112  
note.

**SEC. 2. LEWIS AND CLARK COMMEMORATIVE COIN AMENDMENTS.**

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking “Secretary as follows:” and all that follows through the end of the subsection and inserting the following:

“Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

“(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.— $\frac{1}{2}$  to the National Council of the Lewis and Clark Bicentennial.

“(2) MISSOURI HISTORICAL SOCIETY.— $\frac{1}{2}$  to the Missouri Historical Society.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

“(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.”.

120 STAT. 396

Approved June 15, 2006.

---

**LEGISLATIVE HISTORY—H.R. 5401:**

CONGRESSIONAL RECORD, Vol. 152 (2006):  
May 22, considered and passed House.  
May 25, considered and passed Senate.

**28. Manhattan Project Sites, New Mexico,  
Washington, Tennessee (study)**

118 STAT. 1362

PUBLIC LAW 108–340—OCT. 18, 2004

Public Law 108–340  
108th Congress

An Act

Oct. 18, 2004  
[S. 1687]

To direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

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

Manhattan  
Project National  
Historical Park  
Study Act.  
State listing.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Manhattan Project National Historical Park Study Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

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

(2) STUDY.—The term “study” means the study authorized by section 3(a).

(3) STUDY AREA.—

(A) IN GENERAL.—The term “study area” means the historically significant sites associated with the Manhattan Project.

(B) INCLUSIONS.—The term “study area” includes—

(i) Los Alamos National Laboratory and townsite in the State of New Mexico;

(ii) the Hanford Site in the State of Washington; and

(iii) Oak Ridge Reservation in the State of Tennessee.

**SEC. 3. SPECIAL RESOURCE STUDY.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating 1 or more sites within the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with interested Federal, State, tribal, and local officials, representatives of organizations, and members of the public;

(B) evaluate, in coordination with the Secretary of Energy, the compatibility of designating 1 or more sites within the study area as a unit of the National Park

## PUBLIC LAW 108-340—OCT. 18, 2004

118 STAT. 1363

System with maintaining the security, productivity, and management goals of the Department of Energy and public health and safety; and

(C) consider research in existence on the date of enactment of this Act by the Department of Energy on the historical significance and feasibility of preserving and interpreting the various sites and structures in the study area.

(b) REPORT.—Not later than 2 years after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and the conclusions and recommendations of the Secretary.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 18, 2004.

---

**LEGISLATIVE HISTORY—S. 1687:**

SENATE REPORTS: No. 108-270 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Sept. 28, considered and passed House.

**29. Miami Circle, Florida (study)**

117 STAT. 1161

PUBLIC LAW 108–93—OCT. 3, 2003

**Public Law 108–93  
108th Congress****An Act**Oct. 3, 2003  
[S. 111]

To direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

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

Deadlines.

**SECTION 1. SPECIAL RESOURCE STUDY.**Native  
Americans.

(a) **STUDY.**—Not later than 3 years after the date funds are made available, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall conduct a special resource study to determine the national significance of the Miami Circle archaeological site in Miami-Dade County, Florida (hereinafter referred to as “Miami Circle”), as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park. In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) **CONTENT OF STUDY.**—In addition to determining national significance, feasibility, and suitability, the study shall include the analysis and recommendations of the Secretary on—

(1) any areas in or surrounding the Miami Circle that should be included in Biscayne National Park;

(2) whether additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of Biscayne National Park; and

(3) any effect on the local area from the inclusion of Miami Circle in Biscayne National Park.

(c) **SUBMISSION OF REPORT.**—Not later than 30 days after completion of the study, the Secretary shall submit a report on the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

117 STAT. 1162

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 3, 2003.

**LEGISLATIVE HISTORY—S. 111:**

HOUSE REPORTS: No. 108–268 (Comm. on Resources).

SENATE REPORTS: No. 108–4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Sept. 23, considered and passed House.

**30. Michigan Maritime Sites (study)**

PUBLIC LAW 109–436—DEC. 20, 2006

120 STAT. 3264

Public Law 109–436  
109th Congress**An Act**To direct the Secretary of the Interior to conduct a study of maritime sites in  
the State of Michigan.Dec. 20, 2006  
[S. 1346]*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*Michigan  
Lighthouse and  
Maritime  
Heritage Act.**SECTION 1. SHORT TITLE.**This Act may be cited as the “Michigan Lighthouse and Mari-  
time Heritage Act”.**SEC. 2. DEFINITIONS.**

In this Act:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) STATE.—The term “State” means the State of Michigan.

**SEC. 3. STUDY.**

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

- (1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and
- (2) the manner in which the public can best learn about and experience the resources.

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

- (1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;
- (2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;
- (3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;
- (4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and
- (5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units

120 STAT. 3265

PUBLIC LAW 109-436—DEC. 20, 2006

of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

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

- (1) the results of the study; and
- (2) any findings and recommendations of the Secretary.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved December 20, 2006.

---

**LEGISLATIVE HISTORY—S. 1346:**

SENATE REPORTS: No. 109-234 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 152 (2006):  
Sept. 29, considered and passed Senate.  
Dec. 6, considered and passed House.

**31. Migratory Birds**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. 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.

118 STAT. 2810  
1 USC 1 note.

**SEC. 4. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

118 STAT. 3062

\* \* \* \* \*

SEC. 143. (a) **SHORT TITLE.**—This section may be cited as the “Migratory Bird Treaty Reform Act of 2004”.

118 STAT. 3071  
Migratory Bird  
Treaty Reform  
Act of 2004.  
16 USC 710 note.

(b) **EXCLUSION OF NON-NATIVE SPECIES FROM APPLICATION OF CERTAIN PROHIBITIONS UNDER MIGRATORY BIRD TREATY ACT.**—Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) in the first sentence by striking “That unless and except as permitted” and inserting the following: “(a) **IN GENERAL.**—Unless and except as permitted”; and

(2) by adding at the end the following:

“(b) **LIMITATION ON APPLICATION TO INTRODUCED SPECIES.**—

“(1) **IN GENERAL.**—This Act applies only to migratory bird species that are native to the United States or its territories.

“(2) **NATIVE TO THE UNITED STATES DEFINED.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in this subsection the term ‘native to the United States or its territories’ means occurring in the United States or its

118 STAT. 3071

PUBLIC LAW 108–447—DEC. 8, 2004

territories as the result of natural biological or ecological processes.

“(B) TREATMENT OF INTRODUCED SPECIES.—For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

“(i) it was native to the United States or its territories and extant in 1918;

118 STAT. 3072

“(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and

“(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.”.

16 USC 703 note.  
Deadline.  
Federal Register,  
publication.

(c) PUBLICATION OF LIST.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

(2) PUBLIC COMMENT.—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

(3) EFFECT OF SECTION.—Nothing in this subsection shall delay implementation of other provisions of this section or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

16 USC 703 note.

(d) RELATIONSHIP TO TREATIES.—It is the sense of Congress that the language of this section is consistent with the intent and language of the 4 bilateral treaties implemented by this section.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

HOUSE REPORTS: Nos. 108–599 (Comm. on Appropriations) and 108–792 (Comm. of Conference).

SENATE REPORTS: No. 108–346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.



**32. Mt. Soledad Veterans Memorial**

PUBLIC LAW 109–272—AUG. 14, 2006

120 STAT. 770

Public Law 109–272  
109th Congress**An Act**

To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

Aug. 14, 2006  
[H.R. 5683]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 431 note.

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as “a lasting memorial to the dead of the First and Second World Wars and the Korean conflict” and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

**SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.**

(a) ACQUISITION.—To effectuate the purpose of section 116 of division E of Public Law 108–447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San

Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) COMPENSATION.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

Memorandum.

(c) MAINTENANCE.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition

PUBLIC LAW 109-272—AUG. 14, 2006

120 STAT. 772

of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

Approved August 14, 2006.

---

LEGISLATIVE HISTORY—H.R. 5683:  
CONGRESSIONAL RECORD, Vol. 152 (2006):  
July 19, considered and passed House.  
Aug. 1, considered and passed Senate.

**33. National Museum of African American History**

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7  
108th Congress**Joint Resolution**Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.Consolidated  
Appropriations  
Resolution, 2003.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**This joint resolution may be cited as the “Consolidated Approp-  
riations Resolution, 2003”.

\* \* \* \* \*

117 STAT. 12  
1 USC 1 note.**SEC. 3. REFERENCES.**Except as expressly provided otherwise, any reference to “this  
Act” contained in any division of this joint resolution shall be  
treated as referring only to the provisions of that division.

\* \* \* \* \*

117 STAT. 216  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.**DIVISION F—INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS, 2003****JOINT RESOLUTION**Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the Department of  
the Interior and related agencies for the fiscal year ending Sep-  
tember 30, 2003, and for other purposes, namely:**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 237

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

117 STAT. 243  
115 Stat. 1010.**SEC. 136.** Public Law 107-106 is amended as follows: in section  
5(a) strike “9 months after the date of enactment of the Act”  
and insert in lieu thereof “September 30, 2003”.**SEC. 137.** Notwithstanding any other provision of law, the  
funds provided in the Labor, Health and Human Services, Education  
and Related Agencies Appropriations Act of 2002, Public Law 107-  
116, for the National Museum of African American History and

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 243

Culture Plan for Action Presidential Commission shall remain available until expended.

\* \* \* \* \*

Approved February 20, 2003.

117 STAT. 554

---

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

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

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

**34. New Jersey Coastal Heritage Trail Route**

120 STAT. 1783

PUBLIC LAW 109-338—OCT. 12, 2006

Public Law 109-338  
109th Congress

**An Act**

Oct. 12, 2006  
[S. 203]

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

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

National  
Heritage Areas  
Act of 2006.

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

16 USC 461 note.

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Areas Act of 2006”.

\* \* \* \* \*

120 STAT. 1857  
John H. Chafee  
Blackstone River  
Valley National  
Heritage  
Corridor  
Reauthorization  
Act of 2006.

**TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION**

\* \* \* \* \*

120 STAT. 1859

**SEC. 703. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Public Law 100-515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

**“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

“(b) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—Amounts made available under subsection (a) shall be used only for—

“(A) technical assistance; and

“(B) the design and fabrication of interpretative materials, devices, and signs.

“(2) **LIMITATIONS.**—No funds made available under subsection (a) shall be used for—

“(A) operation, repair, or construction costs, except for the costs of constructing interpretative exhibits; or

“(B) operation, maintenance, or repair costs for any road or related structure.

“(3) **COST-SHARING REQUIREMENT.**—

“(A) **FEDERAL SHARE.**—The Federal share of any project carried out with amounts made available under subsection (a)—

“(i) may not exceed 50 percent of the total project costs; and

“(ii) shall be provided on a matching basis.

“(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials,

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1859

or in-kind services, the value of which shall be determined by the Secretary.

“(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.”.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route. Deadline.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

\* \* \* \* \*

Approved October 12, 2006.

120 STAT. 1862

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.

**35. Noxious Weed Control and Eradication**

118 STAT. 2320

PUBLIC LAW 108–412—OCT. 30, 2004

Public Law 108–412  
108th Congress**An Act**Oct. 30, 2004  
[S. 144]

To require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.**

The Plant Protection Act (7 U.S.C. 7701 et seq.) is amended by adding at the end the following new subtitle:

Noxious Weed  
Control and  
Eradication Act  
of 2004.**“SUBTITLE E—NOXIOUS WEED CONTROL AND  
ERADICATION**

7 USC 7701 note.

**“SEC. 451. SHORT TITLE.**

“This subtitle may be cited as the ‘Noxious Weed Control and Eradication Act of 2004’.

7 USC 7781.

**“SEC. 452. DEFINITIONS.**

“In this subtitle:

“(1) **INDIAN TRIBE.**—The term ‘Indian Tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).“(2) **WEED MANAGEMENT ENTITY.**—The term ‘weed management entity’ means an entity that—

“(A) is recognized by the State in which it is established;

“(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

“(C) may be multijurisdictional and multidisciplinary in nature;

“(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

“(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.



## PUBLIC LAW 108-412—OCT. 30, 2004

118 STAT. 2321

“(3) FEDERAL LANDS.—The term ‘Federal lands’ means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

**“SEC. 453. ESTABLISHMENT OF PROGRAM.**

7 USC 7782.

“(a) IN GENERAL.—The Secretary shall establish a program to provide financial and technical assistance to control or eradicate noxious weeds.

“(b) GRANTS.—Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

“(c) AGREEMENTS.—Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

**“SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.**

7 USC 7783.

“(a) CONSULTATION AND CONSENT.—In carrying out a grant under this subtitle, the weed management entity and the Secretary shall—

“(1) if the activities funded under the grant will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) GRANT CONSIDERATIONS.—In determining the amount of a grant to a weed management entity, the Secretary shall consider—

“(1) the severity or potential severity of the noxious weed problem;

“(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the noxious weed problem;

“(3) the extent to which the weed management entity has made progress in addressing the noxious weeds problem; and

“(4) other factors that the Secretary determines to be relevant.

“(c) USE OF GRANT FUNDS; COST SHARES.—

“(1) USE OF GRANTS.—A weed management entity that receives a grant under subsection (a) shall use the grant funds to carry out a project authorized by subsection (d) for the control or eradication of a noxious weed.

“(2) COST SHARES.—

“(A) FEDERAL COST SHARE.—The Federal share of the cost of carrying out an authorized project under this section exclusively on non-Federal land shall not exceed 50 percent.

“(B) FORM OF NON-FEDERAL COST SHARE.—The non-Federal share of the cost of carrying out an authorized project under this section may be provided in cash or in kind.

“(d) AUTHORIZED PROJECTS.—Projects funded by grants under this section include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

118 STAT. 2322

PUBLIC LAW 108-412—OCT. 30, 2004

Regulations.

“(2) Other activities to control or eradicate noxious weeds or promote control or eradication of noxious weeds.

“(e) APPLICATION.—To be eligible to receive assistance under this section, a weed management entity shall prepare and submit to the Secretary an application containing such information as the Secretary shall by regulation require.

“(f) SELECTION OF PROJECTS.—Projects funded under this section shall be selected by the Secretary on a competitive basis, taking into consideration the following:

“(1) The severity of the noxious weed problem or potential problem addressed by the project.

“(2) The likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the Federal funds will leverage non-Federal funds to address the noxious weed problem addressed by the project.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the weed management entity has made progress in addressing noxious weed problems.

“(6) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds.

“(7) The extent to which the project will reduce the total population of noxious weeds.

“(8) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(9) Other factors that the Secretary determines to be relevant.

“(g) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which projects receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

“(h) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to States with approved weed management entities established by Indian Tribes and may provide an additional allocation to a State to meet the particular needs and projects that the weed management entity plans to address.

7 USC 7784.

**“SEC. 455. AGREEMENTS.**

“(a) CONSULTATION AND CONSENT.—In carrying out an agreement under this section, the Secretary shall—

“(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) APPLICATION OF OTHER LAWS.—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United

## PUBLIC LAW 108-412—OCT. 30, 2004

118 STAT. 2323

States Code, and other laws relating to the procurement of goods and services for the Federal Government.

“(c) ELIGIBLE ACTIVITIES.—Activities carried out under an agreement under this section may include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

“(2) Other activities to control or eradicate noxious weeds.

“(d) SELECTION OF ACTIVITIES.—Activities funded under this section shall be selected by the Secretary taking into consideration the following:

“(1) The severity of the noxious weeds problem or potential problem addressed by the activities.

“(2) The likelihood that the activity will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(6) Other factors that the Secretary determines to be relevant.

“(e) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

“(f) RAPID RESPONSE PROGRAM.—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

“(1) there is a demonstrated need for the assistance;

“(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

“(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

“(4) the proposed response to such threat—

“(A) is technically feasible;

“(B) economically responsible; and

“(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

118 STAT. 2324

PUBLIC LAW 108–412—OCT. 30, 2004

7 USC 7785.

**“SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.**

“Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code.

7 USC 7786.

**“SEC. 457. AUTHORIZATION OF APPROPRIATIONS.**

“(a) GRANTS.—To carry out section 454, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

“(b) AGREEMENTS.—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.”.

**SEC. 2. TECHNICAL AMENDMENT.**

7 USC 1501 note.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting after the item relating to section 442 the following:

“Subtitle E—Noxious Weed Control and Eradication

“Sec. 451. Short title.

“Sec. 452. Definitions.

“Sec. 453. Establishment of program.

“Sec. 454. Grants to weed management entities.

“Sec. 455. Agreements.

“Sec. 456. Relationship to other programs.

“Sec. 457. Authorization of Appropriations.”.

Approved October 30, 2004.

**LEGISLATIVE HISTORY—S. 144:**

HOUSE REPORTS: No. 108–517, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 108–6 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Mar. 4, considered and passed Senate.

Vol. 150 (2004): Oct. 4, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

**36. Nutria Eradication and Control,  
Maryland and Louisiana**

PUBLIC LAW 108–16—APR. 23, 2003

117 STAT. 621

Public Law 108–16  
108th Congress

**An Act**

To provide for the eradication and control of nutria in Maryland and Louisiana.

Apr. 23, 2003

[H.R. 273]

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

Nutria  
Eradication and  
Control Act of  
2003.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nutria Eradication and Control Act of 2003”.

**SEC. 2. FINDINGS AND PURPOSES.**

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

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.

(b) **PURPOSE.**—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

**SEC. 3. NUTRIA ERADICATION PROGRAM.**

(a) **GRANT AUTHORITY.**—The Secretary of the Interior (in this Act referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) **GOALS.**—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) **ACTIVITIES.**—In the State of Maryland, the Secretary shall require that the program consist of management, research, and

117 STAT. 622

PUBLIC LAW 108–16—APR. 23, 2003

public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) **IN-KIND CONTRIBUTIONS.**—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—For financial assistance under this section, there is authorized to be appropriated to the Secretary \$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.

Deadline.

**SEC. 4. REPORT.**

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled “Nutria in Louisiana”, and the 2002 document entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

Approved April 23, 2003.

---

**LEGISLATIVE HISTORY—H.R. 273:**

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 8, considered and passed House.

Apr. 9, considered and passed Senate.

### 37. Peleliu Battlefield 60th Anniversary Commemoration

PUBLIC LAW 108-479—DEC. 21, 2004

118 STAT. 3905

Public Law 108-479  
108th Congress

#### Joint Resolution

Recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

Dec. 21, 2004  
[H.J. Res. 102]

Whereas on December 7, 1941, Imperial Japan bombed the United States fleet at Pearl Harbor, Hawaii, forcing the United States to declare war on Japan;

Whereas by 1944, United States victories in the Southwest and Central Pacific were bringing the war ever closer to Japan;

Whereas on September 15, 1944, after three days of naval gunfire, United States forces landed on the beaches of Peleliu, in the Palau islands chain, with the objective of capturing a vital air field;

Whereas the battle for Peleliu lasted more than two months, during which the United States suffered over 10,000 casualties, including an estimated 1,250 Marines and 540 soldiers killed in action;

Whereas George H.W. Bush, the 41st President of the United States, served as a torpedo-bomber pilot in the Navy and sank an armed Japanese trawler during Operation Snapshot, an operation to weaken Japanese defenses on Peleliu before United States Marines invaded the island in September 1944;

George H.W.  
Bush.

Whereas former Secretary of State George P. Shultz served as an officer in the Marine Corps detached to the 81st Infantry Division of the Army during the Battle of Peleliu and participated in the seizure, occupation, and defense of Angaur Island in the Palau islands chain;

George P. Shultz.

Whereas on February 4, 1985, the Secretary of the Interior officially designated the Peleliu battlefield as the “Peleliu Battlefield National Historic Landmark”;

Whereas the landmark plaque has been mounted and is now displayed in a prominent place in the village of Kloulkubed;

Whereas that designation as a national historic landmark attests not only to the significance of the battlefield site, but also to the integrity of the site;

Whereas the Peleliu battlefield today has considerable physical evidence of the battle, including about 100 identified individual cave sites occupied by the defending Japanese troops, as well as pill boxes, casemates, and large military equipment, both American and Japanese, which played a direct role in the battle for Peleliu; and

118 STAT. 3906

PUBLIC LAW 108-479—DEC. 21, 2004

Whereas thanks to the sacrifices of members of the United States Armed Forces who participated in the Battle of Peleliu, the Republic of Palau today is an independent, democratic nation and a strong ally of the United States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress recognizes the bravery and courage of the members of the United States Armed Forces who participated in the Battle of Peleliu and of all veterans who fought in the Pacific Theater during World War II.

SEC. 2. The Congress urges the Secretary of the Interior—

(1) to recognize the year 2004 as the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II;

(2) to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark; and

(3) to establish commemorative programs honoring the Americans who fought at those sites.

Approved December 21, 2004.

---

LEGISLATIVE HISTORY—H.J. Res. 102:  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Sept. 28, considered and passed House.  
Dec. 7, considered and passed Senate.



**38. Public Land Management Agency Foundations’  
Travel**

PUBLIC LAW 108–352—OCT. 21, 2004

118 STAT. 1395

Public Law 108–352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National  
Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws  
Technical Amendments Act of 2004”.

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 9. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.**

Employees of the foundations established by Acts of Congress  
to solicit private sector funds on behalf of Federal land management  
agencies shall qualify for General Service Administration contract  
airfares.

118 STAT. 1396  
40 USC 502 note.

118 STAT. 1397

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

---

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**39. River Raisin, Michigan (study)**

120 STAT. 2916

PUBLIC LAW 109-429—DEC. 20, 2006

Public Law 109-429  
109th Congress

**An Act**

Dec. 20, 2006  
[H.R. 5132]

To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

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

River Raisin  
National  
Battlefield  
Study Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “River Raisin National Battlefield Study Act”.

**SEC. 2. SPECIAL RESOURCE STUDY, MONROE COUNTY, MICHIGAN, SITES RELATING TO BATTLES OF THE RIVER RAISIN.**

(a) **STUDY REQUIRED.**—The Secretary of the Interior shall conduct a special resource study of sites in Monroe County, Michigan, relating to the Battles of the River Raisin on January 18 and 22, 1813, and their aftermath to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) **REQUIREMENTS.**—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on Monroe County, Michigan, of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

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

PUBLIC LAW 109-429—DEC. 20, 2006

120 STAT. 2917

- (1) the findings of the study; and
- (2) any conclusions and recommendations of the Secretary.

Approved December 20, 2006.

---

LEGISLATIVE HISTORY—H.R. 5132:

HOUSE REPORTS: No. 109-637 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 152 (2006):  
Sept. 25, considered and passed House.  
Dec. 7, considered and passed Senate.

**40. San Gabriel River Watershed, California (study)**

117 STAT. 840

PUBLIC LAW 108-42—JULY 1, 2003

Public Law 108-42  
108th Congress**An Act**July 1, 2003  
[H.R. 519]

To authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

San Gabriel  
River Watershed  
Study Act.  
California.*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 “San Gabriel River Watershed Study Act”.

**SEC. 2. STUDY OF SAN GABRIEL RIVER WATERSHED.**

(a) IN GENERAL.—The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall conduct a special resource study of the following areas:

(1) The San Gabriel River and its tributaries north of and including the city of Santa Fe Springs.

(2) The San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (as defined in section 32603(c)(1)(C) of the State of California Public Resource Code).

Applicability.

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

(c) CONSULTATION WITH FEDERAL, STATE, AND LOCAL GOVERNMENTS.—In conducting the study under this section, the Secretary shall consult with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other appropriate Federal, State, and local governmental entities.

(d) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider regional flood control and drainage needs and publicly owned infrastructure such as wastewater treatment facilities.

Deadline.

**SEC. 3. REPORT.**

Not later than 3 years after funds are made available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

Approved July 1, 2003.

**LEGISLATIVE HISTORY—H.R. 519:**SENATE REPORTS: No. 108-65 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):Mar. 19, considered and passed House.  
June 16, considered and passed Senate.

**41. Sentinel Island Light Station Conveyance, Alaska**

PUBLIC LAW 108–293—AUG. 9, 2004

118 STAT. 1028

Public Law 108–293  
108th Congress

**An Act**

An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

Aug. 9, 2004  
[H.R. 2443]

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

Coast Guard and  
Maritime  
Transportation  
Act of 2004.  
14 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be referred to as the “Coast Guard and Maritime Transportation Act of 2004”.

\* \* \* \* \*

**TITLE VI—MISCELLANEOUS**

118 STAT. 1050

\* \* \* \* \*

**SEC. 612. CONVEYANCE.**

118 STAT. 1058

(a) **AUTHORITY TO CONVEY.—**

Alaska.

(1) **IN GENERAL.—**Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to Sentinel Island, Alaska, to the entity to which the Sentinel Island Light Station is conveyed under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(2) **IDENTIFICATION OF PROPERTY.—**The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) **LIMITATION.—**The Secretary may not under this section convey—

118 STAT. 1059

(A) any historical artifact, including any lens or lantern, located on property conveyed under this section at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) **GENERAL TERMS AND CONDITIONS.—**

(1) **IN GENERAL.—**Any conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) **REVERSIONARY INTEREST.—**In addition to any term or condition established under this section, any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Secretary shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park,

118 STAT. 1059

PUBLIC LAW 108–293—AUG. 9, 2004

recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

Deadline.  
Notification.

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed that are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant of the Coast Guard;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining, and inspecting aids to navigation and for the purpose of enforcing compliance with this subsection; and

118 STAT. 1060

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—

(A) IN GENERAL.—Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) LIMITATION.—The owner of a property conveyed under this section is not required to maintain any active aids to navigation on the property, except private aids to navigation authorized under section 83 of title 14, United States Code.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIDS TO NAVIGATION.—The term “aids to navigation” means equipment used for navigation purposes, including a

## PUBLIC LAW 108–293—AUG. 9, 2004

118 STAT. 1060

light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment that are operated or maintained by the United States.

(2) OWNER.—The term “owner” means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

\* \* \* \* \*

Approved August 9, 2004.

118 STAT. 1088

---

**LEGISLATIVE HISTORY—H.R. 2443 (S. 733):**

**HOUSE REPORTS:** Nos. 108–233 (Comm. on Transportation and Infrastructure) and 108–617 (Comm. of Conference).

**SENATE REPORTS:** No. 108–202 accompanying S. 733 (Comm. on Commerce, Science, and Transportation).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Nov. 5, considered and passed House.

Vol. 150 (2004): Mar. 30, considered and passed Senate, amended.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Aug. 9, Presidential statement.

**42. Service First Initiative**

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

**Public Law 109–54  
109th Congress****An Act**Aug. 2, 2005  
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2006.*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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

\* \* \* \* \*

119 STAT. 549

**TITLE IV—GENERAL PROVISIONS**

\* \* \* \* \*

119 STAT. 555

**SEC. 428.** Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

(1) in the first sentence, by striking “2005” and inserting “2008”;

(2) in the first sentence by striking “may pilot test agency-wide joint permitting and leasing programs” and inserting after “Congress,” the following: “may establish pilot programs involving the land management agencies referred to in this section to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department;”;

119 STAT. 556

(3) in the third sentence, by inserting “, National Park Service, Fish and Wildlife Service,” after “Bureau of Land Management”; and

(4) by adding at the end the following new sentence: “To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.”.

\* \* \* \* \*



## PUBLIC LAW 109–54—AUG. 2, 2005

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

---

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

**43. Ste. Genevieve County, Missouri (study)**

120 STAT. 1746

PUBLIC LAW 109-319—OCT. 11, 2006

**Public Law 109-319  
109th Congress****An Act**Oct. 11, 2006  
[H.R. 1728]

To authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

Ste. Genevieve  
County National  
Historic Site  
Study Act of  
2005.  
Conservation.

*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 “Ste. Genevieve County National Historic Site Study Act of 2005”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **AREA.**—The term “Area” means Ste. Genevieve County, Missouri, which includes the Bequette-Ribault, St. Gemme-Amoureux, and Wilhawk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

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

**SEC. 3. STUDY.**

Deadline.

(a) **In General.**—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System, which shall include the potential impact that designation of the area as a unit of the National Park System is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted; and

Reports.

(2) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

120 STAT. 1747

(b) **Contents.**—The study under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

Approved October 11, 2006.

**LEGISLATIVE HISTORY—H.R. 1728:**

HOUSE REPORTS: No. 109-338 (Comm. on Resources).

SENATE REPORTS: No. 109-246 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):

Feb. 28, considered and passed House.

Sept. 29, considered and passed Senate.

**44. Train to the Mountain Project, Washington**

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447  
108th Congress

**An Act**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

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

Consolidated  
Appropriations  
Act, 2005.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

\* \* \* \* \*

**SEC. 3. REFERENCES.**

118 STAT. 2810  
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. 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, 2005.

\* \* \* \* \*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

118 STAT. 3039  
Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

118 STAT. 3048

\* \* \* \* \*

**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, \$61,832,000: *Provided*, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program’s final strategic plan: *Provided further*, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading

118 STAT. 3048

PUBLIC LAW 108-447—DEC. 8, 2004

to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.

\* \* \* \* \*

118 STAT. 3466

Approved December 8, 2004.

---

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

**45. Veterans Memorial Preservation and  
Recognition Act of 2003**

PUBLIC LAW 108–29—MAY 29, 2003

117 STAT. 772

Public Law 108–29  
108th Congress

**An Act**

To further the protection and recognition of veterans' memorials, and for other purposes.

May 29, 2003  
[S. 330]

*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 “Veterans’ Memorial Preservation and Recognition Act of 2003”.

Veterans’  
Memorial  
Preservation and  
Recognition Act  
of 2003.  
18 USC 1369  
note.

**SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS’ MEMORIALS.**

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1369. Destruction of veterans’ memorials**

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1369. Destruction of veterans’ memorials.”.

**SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.**

23 USC 109 note.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

117 STAT. 773

PUBLIC LAW 108-29—MAY 29, 2003

(b) **APPLICABILITY.**—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

Approved May 29, 2003.

---

**LEGISLATIVE HISTORY—S. 330:**

HOUSE REPORTS: No. 108-112, Pt. 1 (Comm. on the Judiciary).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Mar. 27, considered and passed Senate.  
May 20, considered and passed House.

**46. Vicksburg Campaign Trail Battlefields (study)**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004  
[S. 2178]

*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 Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.  
16 USC 1 note.

\* \* \* \* \*

**SEC. 7. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.**

118 STAT. 1396

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (114 Stat. 2202) is amended—

(1) in section 2(a)(1), by striking “and Tennessee” and inserting “Tennessee, and Kentucky”; and

114 Stat. 2202.

(2) in section 3—  
(A) in paragraph (1), by striking “and Tennessee,” and inserting “Tennessee, and Kentucky,”; and  
(B) in paragraph (2)—

114 Stat. 2202.

(i) in subparagraph (R), by striking “and” at the end;

(ii) by redesignating subparagraph (S) as subparagraph (T); and

(iii) by inserting after subparagraph (R) the following:

“(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and”.

\* \* \* \* \*

Approved October 21, 2004.

118 STAT. 1398

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

**47. Youth Conservation Corps**

119 STAT. 2890

PUBLIC LAW 109–154—DEC. 30, 2005

Public Law 109–154  
109th Congress**An Act**Dec. 30, 2005  
[S. 1238]

To amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Public Lands  
Corps Healthy  
Forests  
Restoration Act  
of 2005.  
16 USC 1701  
note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Public Lands Corps Healthy Forests Restoration Act of 2005”.

**SEC. 2. AMENDMENTS TO THE PUBLIC LANDS CORPS ACT OF 1993.**(a) **DEFINITIONS.**—Section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722) is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (13), respectively;

(2) by inserting after paragraph (7) the following:

“(8) **PRIORITY PROJECT.**—The term ‘priority project’ means an appropriate conservation project conducted on eligible service lands to further 1 or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), as follows:

“(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.

“(B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.

“(C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.

“(D) To protect, restore, or enhance forest ecosystem components to—

“(i) promote the recovery of threatened or endangered species;

“(ii) improve biological diversity; or

“(iii) enhance productivity and carbon sequestration.”; and

(3) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

“(12) **SECRETARY.**—The term ‘Secretary’ means—

“(A) with respect to National Forest System land, the Secretary of Agriculture; and

“(B) with respect to Indian lands, Hawaiian home lands, or land administered by the Department of the Interior, the Secretary of the Interior.”.



## PUBLIC LAW 109-154—DEC. 30, 2005

119 STAT. 2891

(b) QUALIFIED YOUTH OR CONSERVATION CORPS.—Section 204(c) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(c)) is amended—

(1) by striking “The Secretary of the Interior and the Secretary of Agriculture are” and inserting the following:

“(1) IN GENERAL.—The Secretary is”; and

(2) by adding at the end the following:

“(2) PREFERENCE.—

“(A) IN GENERAL.—For purposes of entering into contracts and cooperative agreements under paragraph (1), the Secretary may give preference to qualified youth or conservation corps located in a specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged to carry out projects within the area.

“(B) PRIORITY PROJECTS.—In carrying out priority projects in a specific area, the Secretary shall, to the maximum extent practicable, give preference to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged.”.

(c) CONSERVATION PROJECTS.—Section 204(d) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(d)) is amended—

(1) in the first sentence—

(A) by striking “The Secretary of the Interior and the Secretary of Agriculture may each” and inserting the following:

“(1) IN GENERAL.—The Secretary may”; and

(B) by striking “such Secretary” and inserting “the Secretary”;

(2) in the second sentence, by striking “Appropriate conservation” and inserting the following:

“(2) PROJECTS ON INDIAN LANDS.—Appropriate conservation”; and

(3) by striking the third sentence and inserting the following:

“(3) DISASTER PREVENTION OR RELIEF PROJECTS.—The Secretary may authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private land as part of a Federal disaster prevention or relief effort.”.

(d) CONSERVATION CENTERS AND PROGRAM SUPPORT.—Section 205 of the Public Lands Corps Act of 1993 (16 U.S.C. 1724) is amended—

(1) by striking the heading and inserting the following:

**“SEC. 205. CONSERVATION CENTERS AND PROGRAM SUPPORT.”;**

(2) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT AND USE.—

“(1) IN GENERAL.—The Secretary may establish and use conservation centers owned and operated by the Secretary for—

“(A) use by the Public Lands Corps; and

“(B) the conduct of appropriate conservation projects under this title.

“(2) ASSISTANCE FOR CONSERVATION CENTERS.—The Secretary may provide to a conservation center established under paragraph (1) any services, facilities, equipment, and supplies

119 STAT. 2892

PUBLIC LAW 109-154—DEC. 30, 2005

that the Secretary determines to be necessary for the conservation center.

“(3) STANDARDS FOR CONSERVATION CENTERS.—The Secretary shall—

“(A) establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under paragraph (1); and

“(B) ensure that the standards established under subparagraph (A) are enforced.

“(4) MANAGEMENT.—As the Secretary determines to be appropriate, the Secretary may enter into a contract or other appropriate arrangement with a State or local government agency or private organization to provide for the management of a conservation center.”; and

(3) by adding at the end the following:

“(d) ASSISTANCE.—The Secretary may provide any services, facilities, equipment, supplies, technical assistance, oversight, monitoring, or evaluations that are appropriate to carry out this title.”.

(e) LIVING ALLOWANCES AND TERMS OF SERVICE.—Section 207 of the Public Lands Corps Act of 1993 (16 U.S.C. 1726) is amended—

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

“(a) LIVING ALLOWANCES.—The Secretary shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount established by the Secretary.”; and

(2) by adding at the end the following:

“(c) HIRING.—The Secretary may—

“(1) grant to a member of the Public Lands Corps credit for time served with the Public Lands Corps, which may be used toward future Federal hiring; and

“(2) provide to a former member of the Public Lands Corps noncompetitive hiring status for a period of not more than 120 days after the date on which the member’s service with the Public Lands Corps is complete.”.

(f) FUNDING.—The Public Lands Corps Act of 1993 is amended—

(1) in section 210 (16 U.S.C. 1729), by adding at the end the following:

“(c) OTHER FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under section 211 are in addition to amounts allocated to the Public Lands Corps through other Federal programs or projects.”; and

(2) by inserting after section 210 the following:

16 USC 1730.

**“SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$12,000,000 for each fiscal year, of which \$8,000,000 is authorized to carry out priority projects and \$4,000,000 of which is authorized to carry out other appropriate conservation projects.

“(b) DISASTER RELIEF OR PREVENTION PROJECTS.—Notwithstanding subsection (a), any amounts made available under that subsection shall be available for disaster prevention or relief projects.

“(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for any fiscal year to carry out this title shall remain available for obligation and expenditure

## PUBLIC LAW 109-154—DEC. 30, 2005

119 STAT. 2893

until the end of the fiscal year following the fiscal year for which the amounts are appropriated.”.

(g) CONFORMING AMENDMENTS.—The Public Lands Corps Act of 1993 is amended—

(1) in section 204 (16 U.S.C. 1723)—

(A) in subsection (b)—

(i) in the first sentence, by striking “Secretary of the Interior or the Secretary of Agriculture” and inserting “Secretary”;

(ii) in the third sentence, by striking “Secretaries” and inserting “Secretary”; and

(iii) in the fourth sentence, by striking “Secretaries” and inserting “Secretary”; and

(B) in subsection (e), by striking “Secretary of the Interior and the Secretary of Agriculture” and inserting “Secretary”;

(2) in section 205 (16 U.S.C. 1724)—

(A) in subsection (b), by striking “Secretary of the Interior and the Secretary of Agriculture” and inserting “Secretary”; and

(B) in subsection (c), by striking “Secretary of the Interior and the Secretary of Agriculture” and inserting “Secretary”;

(3) in section 206 (16 U.S.C. 1725)—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking “Secretary of the Interior and the Secretary of Agriculture are each” and inserting “Secretary is”; and

(II) by striking “such Secretary” and inserting “the Secretary”;

(ii) in the third sentence, by striking “Secretaries” and inserting “Secretary”; and

(iii) in the fourth sentence, by striking “Secretaries” and inserting “Secretary”; and

(B) in the first sentence of subsection (b), by striking “Secretary of the Interior or the Secretary of Agriculture” and inserting “the Secretary”; and

(4) in section 210 (16 U.S.C. 1729)—

(A) in subsection (a)—

(i) in paragraph (1), by striking “Secretary of the Interior and the Secretary of Agriculture are each” and inserting “Secretary is”; and

(ii) in paragraph (2), by striking “Secretary of the Interior and the Secretary of Agriculture are each” and inserting “Secretary is”; and

119 STAT. 2894

PUBLIC LAW 109-154—DEC. 30, 2005

(B) in subsection (b), by striking “Secretary of the Interior and the Secretary of Agriculture” and inserting “Secretary”.

Approved December 30, 2005.

---

LEGISLATIVE HISTORY—S. 1238 (H.R. 2875):

HOUSE REPORTS: No. 109-273, Pt. 1 accompanying H.R. 2875 (Comm. on Resources).

SENATE REPORTS: No. 109-152 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Nov. 16, considered and passed Senate.

Dec. 18, considered and passed House.

XXII. APPENDIX I

**1. National Park System Technical Amendments Act  
of 2004**

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352  
108th Congress

**An Act**

To make technical corrections to laws relating to certain units of the National  
Park System and to National Park programs.

Oct. 21, 2004

[S. 2178]

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

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws  
Technical Amendments Act of 2004”.

**SEC. 2. LACKAWANNA VALLEY HERITAGE AREA.**

Section 106 of the Lackawanna Valley National Heritage Area  
Act of 2000 (16 U.S.C. 461 note; Public Law 106-278) is amended  
by striking subsection (a) and inserting the following:

“(a) AUTHORITIES OF MANAGEMENT ENTITY.—For purposes of  
preparing and implementing the management plan, the manage-  
ment entity may—

“(1) make grants to, and enter into cooperative agreements  
with, the State and political subdivisions of the State, private  
organizations, or any person; and

“(2) hire and compensate staff.”.

**SEC. 3. HAWAII VOLCANOES NATIONAL PARK.**

Section 5 of the Act of June 20, 1938 (16 U.S.C. 392c) is  
amended by striking “Hawaii Volcanoes” each place it appears  
and inserting “Hawai'i Volcanoes”.

**SEC. 4. “I HAVE A DREAM” PLAQUE AT LINCOLN MEMORIAL.**

Section 2 of Public Law 106-365 (114 Stat. 1409) is amended  
by striking “and expand contributions” and inserting “and expend  
contributions”.

40 USC 8903  
note.

**SEC. 5. WILD AND SCENIC RIVERS.**

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

(1) by redesignating paragraph (162) (relating to White  
Clay Creek, Delaware and Pennsylvania) as paragraph (163);

(2) by designating the second paragraph (161) (relating  
to the Wekiva River, Wekiwa Springs Run, Rock Springs Run,  
and Black Water Creek, Florida) as paragraph (162);

(3) by designating the undesignated paragraph relating  
to the Wildhorse and Kiger Creeks, Oregon, as paragraph (164);

(4) by redesignating the third paragraph (161) (relating  
to the Lower Delaware River and associated tributaries, New  
Jersey and Pennsylvania) as paragraph (165) and by indenting  
appropriately; and

118 STAT. 1396

PUBLIC LAW 108-352—OCT. 21, 2004

(5) by redesignating the undesignated paragraph relating to the Rivers of Caribbean National Forest, Puerto Rico, as paragraph (166).

**SEC. 6. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.**

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg et seq.) is amended—

16 USC 410ggg.

(1) in section 2(b), by striking “numbered 963/80000” and inserting “numbered 963/80,000”; and

16 USC 410ggg.

(2) in section 3—

(A) in subsection (a)(1), by striking “August 35” and inserting “August 25”;

(B) in subsection (b)(1), by striking “the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A”; and

(C) in subsection (e)(2), by striking “the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,”.

**SEC. 7. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.**

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (114 Stat. 2202) is amended—

114 Stat. 2202.

(1) in section 2(a)(1), by striking “and Tennessee” and inserting “Tennessee, and Kentucky”; and

114 Stat. 2202.

(2) in section 3—

(A) in paragraph (1), by striking “and Tennessee,” and inserting “Tennessee, and Kentucky,”; and

(B) in paragraph (2)—

(i) in subparagraph (R), by striking “and” at the end;

(ii) by redesignating subparagraph (S) as subparagraph (T); and

(iii) by inserting after subparagraph (R) the following:

“(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and”.

**SEC. 8. HARRIET TUBMAN SPECIAL RESOURCE STUDY.**

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “Public Law 91-383” and all that follows through “(P.L. 105-391; 112 Stat. 3501)” and inserting “section 8 of Public Law 91-383 (16 U.S.C. 1a-5)”.

40 USC 502 note.

**SEC. 9. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.**

Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management

## PUBLIC LAW 108–352—OCT. 21, 2004

118 STAT. 1397

agencies shall qualify for General Service Administration contract airfares.

**SEC. 10. SHORT TITLES.**

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.) is amended by adding at the end the following: 16 USC 1 note.

**“SEC. 5. SHORT TITLE.**

“This Act may be cited as the ‘National Park Service Organic Act’.”.

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.—Public Law 91–383 (commonly known as the “National Park System General Authorities Act”) (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following: 16 USC 1 note.

**“SEC. 14. SHORT TITLE.**

“This Act may be cited as the ‘National Park System General Authorities Act’.”.

**SEC. 11. PARK POLICE INDEMNIFICATION.**

Section 2(b) of Public Law 106–437 (114 Stat. 1921) is amended by striking “the Act” and inserting “of the Act”. 16 USC 1a–6.

**SEC. 12. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.**

Section 1029 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4233) is amended— 16 USC 460kkk.

- (1) in subsection (c)(2)(B)(i), by striking “reference” and inserting “referenced”; and
- (2) in subsection (d)(4), by inserting a period after “plans”.

**SEC. 13. NATIONAL HISTORIC PRESERVATION ACT.**

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (Public Law 106–208; 114 Stat. 319) is amended by striking “section 110(1)” and inserting “section 110(l)”. 16 USC 470h–2.

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

- (1) in section 5— 16 USC 1244.

(A) in subsection (c)—

(i) in paragraph (19), by striking “Kissimme” and inserting “Kissimnee”;

(ii) in paragraph (40)(D) by striking “later that” and inserting “later than”; and

(iii) by designating the undesignated paragraphs relating to the Metacoment-Monadnock-Mattabesett Trail and The Long Walk Trail as paragraphs (41) and (42), respectively; and

(B) in the first sentence of subsection (d), by striking “establishment.”; and

- (2) in section 10(c)(1), by striking “The Ice Age” and inserting “the Ice Age”. 16 USC 1249.

**SEC. 15. VICKSBURG NATIONAL MILITARY PARK.**

Section 3(b) of the Vicksburg National Military Park Boundary Modification Act of 2002 (16 U.S.C. 430h–11) is amended by striking

118 STAT. 1398

PUBLIC LAW 108-352—OCT. 21, 2004

“the Secretary add it” and inserting “the Secretary shall add the property”.

**SEC. 16. ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE.**

16 USC 461 note. Section 2(2) of the Allegheny Portage Railroad National Historic Site Boundary Revision Act (Public Law 107-369; 116 Stat. 3069) is amended by striking “NERO 423/80,014 and dated May 01” and inserting “NERO 423/80,014A and dated July 02”.

**SEC. 17. TALLGRASS PRAIRIE NATIONAL PRESERVE.**

16 USC 698u-4. Section 1006(b) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4208) is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

Approved October 21, 2004.

---

**LEGISLATIVE HISTORY—S. 2178:**

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.



**2. National Heritage Areas Act of 2006**

PUBLIC LAW 109–338—OCT. 12, 2006

120 STAT. 1783

Public Law 109–338  
109th Congress**An Act**

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006  
[S. 203]*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 “National Heritage Areas Act of 2006”.(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:National  
Heritage Areas  
Act of 2006.

16 USC 461 note.

Sec. 1. Short title; table of contents.

**TITLE I—SODA ASH ROYALTY REDUCTION**

Sec. 101. Short title.

Sec. 102. Reduction in royalty rate on soda ash.

Sec. 103. Study.

**TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS****Subtitle A—Northern Rio Grande National Heritage Area**

Sec. 201. Short title.

Sec. 202. Congressional findings.

Sec. 203. Definitions.

Sec. 204. Northern Rio Grande National Heritage Area.

Sec. 205. Authority and duties of the Management Entity.

Sec. 206. Duties of the Secretary.

Sec. 207. Private property protections; savings provisions.

Sec. 208. Sunset.

Sec. 209. Authorization of appropriations.

**Subtitle B—Atchafalaya National Heritage Area**

Sec. 211. Short title.

Sec. 212. Definitions.

Sec. 213. Atchafalaya National Heritage Area.

Sec. 214. Authorities and duties of the local coordinating entity.

Sec. 215. Management Plan.

Sec. 216. Requirements for inclusion of private property.

Sec. 217. Private property protection.

Sec. 218. Effect of subtitle.

Sec. 219. Reports.

Sec. 220. Authorization of appropriations.

Sec. 221. Termination of authority.

**Subtitle C—Arabia Mountain National Heritage Area**

Sec. 231. Short title.

Sec. 232. Findings and purposes.

Sec. 233. Definitions.

Sec. 234. Arabia Mountain National Heritage Area.

Sec. 235. Authorities and duties of the local coordinating entity.

Sec. 236. Management Plan.

- Sec. 237. Technical and financial assistance.
- Sec. 238. Effect on certain authority.
- Sec. 239. Authorization of appropriations.
- Sec. 240. Termination of authority.
- Sec. 241. Requirements for inclusion of private property.
- Sec. 242. Private property protection.

Subtitle D—Mormon Pioneer National Heritage Area

- Sec. 251. Short title.
- Sec. 252. Findings and purpose.
- Sec. 253. Definitions.
- Sec. 254. Mormon Pioneer National Heritage Area.
- Sec. 255. Designation of Alliance as local coordinating entity.
- Sec. 256. Management of the Heritage Area.
- Sec. 257. Duties and authorities of Federal agencies.
- Sec. 258A. Requirements for inclusion of private property.
- Sec. 258B. Private property protection.
- Sec. 259. Authorization of appropriations.
- Sec. 260. Termination of authority.

Subtitle E—Freedom’s Frontier National Heritage Area

- Sec. 261. Short title.
- Sec. 262. Purpose.
- Sec. 263. Definitions.
- Sec. 264. Freedom’s Frontier National Heritage Area.
- Sec. 265. Technical and financial assistance; other Federal agencies.
- Sec. 266. Private property protection.
- Sec. 267. Savings provisions.
- Sec. 268. Authorization of appropriations.
- Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

- Sec. 271. Short title.
- Sec. 272. Findings and purposes.
- Sec. 273. Definitions.
- Sec. 274. Upper Housatonic Valley National Heritage Area.
- Sec. 275. Authorities, prohibitions, and duties of the Management Entity.
- Sec. 276. Management Plan.
- Sec. 277. Duties and authorities of the Secretary.
- Sec. 278. Duties of other Federal agencies.
- Sec. 279. Requirements for inclusion of private property.
- Sec. 280. Private property protection.
- Sec. 280A. Authorization of appropriations.
- Sec. 280B. Sunset.

Subtitle G—Champlain Valley National Heritage Partnership

- Sec. 281. Short title.
- Sec. 282. Findings and purposes.
- Sec. 283. Definitions.
- Sec. 284. Heritage Partnership.
- Sec. 285. Requirements for inclusion of private property.
- Sec. 286. Private property protection.
- Sec. 287. Effect.
- Sec. 288. Authorization of appropriations.
- Sec. 289. Termination of authority.

Subtitle H—Great Basin National Heritage Route

- Sec. 291. Short title.
- Sec. 291A. Findings and purposes.
- Sec. 291B. Definitions.
- Sec. 291C. Great Basin National Heritage Route.
- Sec. 291D. Memorandum of understanding.
- Sec. 291E. Management Plan.
- Sec. 291F. Authority and duties of local coordinating entity.
- Sec. 291G. Duties and authorities of Federal agencies.
- Sec. 291H. Land use regulation; applicability of Federal law.
- Sec. 291I. Authorization of appropriations.
- Sec. 291J. Termination of authority.
- Sec. 291K. Requirements for inclusion of private property.
- Sec. 291L. Private property protection.

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1785

## Subtitle I—Gullah/Geechee Heritage Corridor

- Sec. 295. Short title.
- Sec. 295A. Purposes.
- Sec. 295B. Definitions.
- Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
- Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
- Sec. 295E. Operation of the local coordinating entity.
- Sec. 295F. Management Plan.
- Sec. 295G. Technical and financial assistance.
- Sec. 295H. Duties of other Federal agencies.
- Sec. 295I. Coastal Heritage Centers.
- Sec. 295J. Private property protection.
- Sec. 295K. Authorization of appropriations.
- Sec. 295L. Termination of authority.

## Subtitle J—Crossroads of the American Revolution National Heritage Area

- Sec. 297. Short title.
- Sec. 297A. Findings and purposes.
- Sec. 297B. Definitions.
- Sec. 297C. Crossroads of the American Revolution National Heritage Area.
- Sec. 297D. Management Plan.
- Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
- Sec. 297F. Technical and financial assistance; other Federal agencies.
- Sec. 297G. Authorization of appropriations.
- Sec. 297H. Termination of authority.
- Sec. 297I. Requirements for inclusion of private property.
- Sec. 297J. Private property protection.

## TITLE III—NATIONAL HERITAGE AREA STUDIES

## Subtitle A—Western Reserve Heritage Area Study

- Sec. 301. Short title.
- Sec. 302. National Park Service study regarding the Western Reserve, Ohio.

## Subtitle B—St. Croix National Heritage Area Study

- Sec. 311. Short title.
- Sec. 312. Study.

## Subtitle C—Southern Campaign of the Revolution

- Sec. 321. Short title.
- Sec. 322. Southern Campaign of the Revolution Heritage Area study.
- Sec. 323. Private property.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE  
CORRIDOR ACT AMENDMENTS

- Sec. 401. Short title.
- Sec. 402. Transition and provisions for new local coordinating entity.
- Sec. 403. Private property protection.
- Sec. 404. Technical amendments.

## TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

- Sec. 501. Authorization of Mokelumne River Regional Water Storage and Conjunctive Use Project Study.
- Sec. 502. Use of reports and other information.
- Sec. 503. Cost shares.
- Sec. 504. Water rights.
- Sec. 505. Authorization of appropriations.

## TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

- Sec. 601. Short title.
- Sec. 602. Study.
- Sec. 603. Themes.
- Sec. 604. Report.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL  
HERITAGE CORRIDOR REAUTHORIZATION

- Sec. 701. Short title.
- Sec. 702. John H. Chafee Blackstone River Valley National Heritage Corridor.

120 STAT. 1786

PUBLIC LAW 109-338—OCT. 12, 2006

Sec. 703. New Jersey Coastal Heritage Trail Route.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION  
INITIATIVE

Sec. 801. Short title.

Sec. 802. Definitions.

Sec. 803. California basins remediation.

Sec. 804. Sunset of authority.

## TITLE IX—NATIONAL COAL HERITAGE AREA

Sec. 901. National Coal Heritage Area amendments.

Soda Ash Royalty  
Reduction Act of  
2006.TITLE I—SODA ASH ROYALTY  
REDUCTION

30 USC 262 note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Soda Ash Royalty Reduction Act of 2006”.

30 USC 262 note.

**SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.**

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

30 USC 262 note.

**SEC. 103. STUDY.**

Reports.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1787

TITLE II—ESTABLISHMENT OF  
NATIONAL HERITAGE AREASSubtitle A—Northern Rio Grande National  
Heritage AreaNorthern Rio  
Grande National  
Heritage Area  
Act.  
New Mexico.  
16 USC 461 note.**SEC. 201. SHORT TITLE.**

This subtitle may be cited as the “Northern Rio Grande National Heritage Area Act”.

**SEC. 202. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

**SEC. 203. DEFINITIONS.**

As used in this subtitle—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

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

**SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos,

and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

**SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) **MANAGEMENT PLAN.**—

Deadline.

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

Deadline.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

Recommendations.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) **AUTHORITY.**—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) **DUTIES.**—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1789

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

#### SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

#### SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) **LIABILITY.**—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) **TRIBAL LANDS.**—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) **TRUST RESPONSIBILITIES.**—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

**SEC. 208. SUNSET.**

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

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1791

Subtitle B—Atchafalaya National Heritage  
Area

Atchafalaya  
National  
Heritage Area  
Act.  
Louisiana.  
16 USC 461 note.

**SEC. 211. SHORT TITLE.**

This subtitle may be cited as the “Atchafalaya National Heritage Area Act”.

**SEC. 212. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 213(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 215.

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

(5) **STATE.**—The term “State” means the State of Louisiana.

**SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the State the Atchafalaya National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) **COMPOSITION.**—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

**SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

120 STAT. 1792

PUBLIC LAW 109-338—OCT. 12, 2006

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

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

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

**SEC. 215. MANAGEMENT PLAN.**

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—  
(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle,

Records.

Deadline.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1793

the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan. Deadline.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), 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

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate. Recommendations.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

#### SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

#### SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

**SEC. 218. EFFECT OF SUBTITLE.**

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

**SEC. 219. REPORTS.**

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity;

and

(2) the expenses and income of the local coordinating entity.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1795

**SEC. 220. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

**SEC. 221. TERMINATION OF AUTHORITY.**

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

Subtitle C—Arabia Mountain National  
Heritage Area

Arabia Mountain  
National  
Heritage Area  
Act.  
Georgia.  
16 USC 461 note.

**SEC. 231. SHORT TITLE.**

This subtitle may be cited as the “Arabia Mountain National Heritage Area Act”.

**SEC. 232. FINDINGS AND PURPOSES.**

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

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) **PURPOSES.**—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural,

historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

**SEC. 233. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 234(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 236.

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

(5) **STATE.**—The term “State” means the State of Georgia.

**SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “Arabia Mountain National Heritage Area”, numbered AMNHA-80,000, and dated October 2003.

(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) **LOCAL COORDINATING ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

**SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1797

(2) **PRIORITIES.**—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) **AUDIT.**—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

#### **SEC. 236. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

Records.

120 STAT. 1798

PUBLIC LAW 109-338—OCT. 12, 2006

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), 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

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1799

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate. Recommendations.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

**SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.**

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

**SEC. 238. EFFECT ON CERTAIN AUTHORITY.**

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

**SEC. 239. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

**SEC. 240. TERMINATION OF AUTHORITY.**

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

120 STAT. 1800

PUBLIC LAW 109-338—OCT. 12, 2006

**SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 242. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

Mormon Pioneer  
National  
Heritage Area  
Act.  
Utah.  
16 USC 461 note.

Subtitle D—Mormon Pioneer National  
Heritage Area

**SEC. 251. SHORT TITLE.**

This subtitle may be cited as the “Mormon Pioneer National Heritage Area Act”.

**SEC. 252. FINDINGS AND PURPOSE.**

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

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah,

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1801

and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

- (A) the colonization of the western United States; and
- (B) the expansion of the United States as a major world power;
- (3) the great relocation to the western United States was facilitated by—
  - (A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and
  - (B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;
- (4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;
- (5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;
- (6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—
  - (A) interacted with Native Americans; and
  - (B) established towns and cities in a harsh, yet spectacular, natural environment;
- (7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;
- (8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and
- (9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

- (1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;
- (2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;
- (3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and
- (4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

**SEC. 253. DEFINITIONS.**

In this subtitle:

- (1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.
- (2) HERITAGE AREA.—The term “Heritage Area” means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the local coordinating entity under section 256(a).

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

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

**SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State—

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

**SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.**

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1803

(1) **AUTHORIZATION TO RECEIVE FUNDS.**—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) **DISQUALIFICATION.**—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) **USE OF FEDERAL FUNDS.**—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) **PROHIBITION OF ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

**SEC. 256. MANAGEMENT OF THE HERITAGE AREA.**

(a) **HERITAGE AREA MANAGEMENT PLAN.**—

(1) **DEVELOPMENT AND SUBMISSION FOR REVIEW.**—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area. Deadline.

(2) **CONTENTS.**—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area; Recommendations.

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that— Records.

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

120 STAT. 1804

PUBLIC LAW 109-338—OCT. 12, 2006

- (II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;
- Recommendations.
- (ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;
  - (iii) a program for implementation of the management plan, including plans for restoration and construction;
  - (iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;
  - (v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and
  - (vi) an interpretive plan for the Heritage Area.
- Deadline.
- (3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—
- (A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.
  - (B) DISAPPROVAL AND REVISIONS.—
    - (i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—
      - (I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and
      - (II) make recommendations for revision of the management plan.
    - (ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.
- (b) PRIORITIES.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—
- (1) assisting units of government, regional planning organizations, and nonprofit organizations in—
    - (A) conserving the historical, cultural, and natural resources of the Heritage Area;
    - (B) establishing and maintaining interpretive exhibits in the Heritage Area;
    - (C) developing recreational opportunities in the Heritage Area;
    - (D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;
    - (E) restoring historic buildings that are—
      - (i) located within the boundaries of the Heritage Area; and
      - (ii) related to the theme of the Heritage Area;
- Recommendations.
- Deadline.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1805

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

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

and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

#### SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of

120 STAT. 1806

PUBLIC LAW 109-338—OCT. 12, 2006

the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

Public  
information.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

**SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 258B. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.



## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1807

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 259. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

**SEC. 260. TERMINATION OF AUTHORITY.**

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

Subtitle E—Freedom’s Frontier National  
Heritage Area

Freedom’s  
Frontier National  
Heritage Area  
Act.  
Kansas.  
Missouri.  
16 USC 461 note.

**SEC. 261. SHORT TITLE.**

This subtitle may be cited as the “Freedom’s Frontier National Heritage Area Act”.

**SEC. 262. PURPOSE.**

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

**SEC. 263. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom’s Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 264(e).

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

(5) **STATE.**—The term “State” means each of the States of Kansas and Missouri.

(6) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” means the government of a State, a political subdivision of a State, or an Indian tribe.

**SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the States the Freedom's Frontier National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) **MAP.**—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) **MANAGEMENT PLAN.**—

Deadline.

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) **CONTENTS.**—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

Standards.

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1809

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle

Records.

Deadline.

120 STAT. 1810

PUBLIC LAW 109-338—OCT. 12, 2006

- until the date on which the Secretary receives the proposed management plan.
- Deadline. (5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.
- Recommendations. (6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.
- (7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.
- (8) IMPLEMENTATION.—
- (A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—
- (i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and
  - (ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.
- (B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.
- (f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.
- (g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—
- (1) the accomplishments of the local coordinating entity; and
  - (2) the expenses and income of the local coordinating entity.
- (h) AUDIT.—The local coordinating entity shall—
- (1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and
  - (2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.
- (i) USE OF FEDERAL FUNDS.—
- (1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1811

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

**SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

**SEC. 266. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

120 STAT. 1812

PUBLIC LAW 109-338—OCT. 12, 2006

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **LAND USE REGULATION.**—

(1) **IN GENERAL.**—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) **EFFECT.**—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) **PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) **EFFECT.**—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) **REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**—

(1) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

#### **SEC. 267. SAVINGS PROVISIONS.**

(a) **RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.**—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) **WATER AND WATER RIGHTS.**—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) **NO DIMINISHMENT OF STATE AUTHORITY.**—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1813

**SEC. 268. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

**SEC. 269. TERMINATION OF AUTHORITY.**

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

Subtitle F—Upper Housatonic Valley  
National Heritage Area

Upper  
Housatonic  
Valley National  
Heritage Area  
Act.  
Connecticut.  
Massachusetts.  
16 USC 461 note.

**SEC. 271. SHORT TITLE.**

This subtitle may be cited as the “Upper Housatonic Valley National Heritage Area Act”.

**SEC. 272. FINDINGS AND PURPOSES.**

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

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton’s home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville’s home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois’ Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew’s Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country’s leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B.

DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

#### SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) MANAGEMENT ENTITY.—The term "Management Entity" means the management entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1815

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

(6) STATE.—The term “State” means the State of Connecticut and the Commonwealth of Massachusetts.

**SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River’s watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

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

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

**SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) 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;

120 STAT. 1816

PUBLIC LAW 109-338—OCT. 12, 2006

Public meetings.

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

Reports.

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

Records.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) **AUTHORITIES.**—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) **PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

**SEC. 276. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include 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;

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1817

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

Records.

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

**SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

Contracts.

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

Deadline.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) 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;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) 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; and

120 STAT. 1818

PUBLIC LAW 109-338—OCT. 12, 2006

Recommendations.

Deadline.

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

**SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 280. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1819

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) **MATCHING FUNDS.**—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

**SEC. 280B. SUNSET.**

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

Subtitle G—Champlain Valley National  
Heritage Partnership

Champlain  
Valley National  
Heritage  
Partnership Act  
of 2006.  
Vermont.  
New York.  
16 USC 461 note.

**SEC. 281. SHORT TITLE.**

This subtitle may be cited as the “Champlain Valley National Heritage Partnership Act of 2006”.

**SEC. 282. FINDINGS AND PURPOSES.**

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

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled “Champlain Valley Heritage Corridor Project”, “the Champlain Valley contains resources and represents a theme ‘The Making of Nations and Corridors of Commerce’, that is of outstanding importance in United States history”; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme “the making of nations and corridors of commerce” to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1821

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

**SEC. 283. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE PARTNERSHIP.**—The term “Heritage Partnership” means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Lake Champlain Basin Program.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 284(b)(1)(B)(i).

(4) **REGION.**—

(A) **IN GENERAL.**—The term “region” means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) **INCLUSIONS.**—The term “region” includes

(i) **THE LINKED NAVIGABLE WATERWAYS OF.**—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

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

(6) **STATE.**—the term “State” means

(A) the State of Vermont; and

(B) the State of New York.

(7) **THEME.**—The term “theme” means the theme “The Making of Nations and Corridors of Commerce”, as the term is used in the 1999 report of the National Park Service entitled “Champlain Valley Heritage Corridor Project”, that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

**SEC. 284. HERITAGE PARTNERSHIP.**

(a) **ESTABLISHMENT.**—There is established in the region the Champlain Valley National Heritage Partnership.

(b) **MANAGEMENT ENTITY.**—

(1) **DUTIES.**—

(A) **IN GENERAL.**—The management entity shall implement this subtitle.

(B) **MANAGEMENT PLAN.**—

(i) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

Deadline.

(ii) **EXISTING PLAN.**—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle

120 STAT. 1822

PUBLIC LAW 109-338—OCT. 12, 2006

based on its federally authorized plan “Opportunities for Action, an Evolving Plan For Lake Champlain”.

(iii) CONTENTS.—The management plan shall include—

Recommen-  
dations.

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

Records.

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

Recommen-  
dations.

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

Deadline.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

Deadline.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

Recommen-  
dations.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1823

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

Recommendations.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

**SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until—

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

**SEC. 286. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on

liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) **EFFECT OF ESTABLISHMENT.**—

(1) **IN GENERAL.**—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) **REGULATORY AUTHORITY.**—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

**SEC. 287. EFFECT.**

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

**SEC. 288. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

**SEC. 289. TERMINATION OF AUTHORITY.**

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

Great Basin  
National  
Heritage Route  
Act.  
Utah.  
Nevada.  
Native  
Americans.  
16 USC 461 note.

Subtitle H—Great Basin National Heritage  
Route

**SEC. 291. SHORT TITLE.**

This subtitle may be cited as the “Great Basin National Heritage Route Act”.

**SEC. 291A. FINDINGS AND PURPOSES.**

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

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1825

valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture;

and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage

Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

**SEC. 291B. DEFINITIONS.**

In this subtitle:

(1) GREAT BASIN.—The term “Great Basin” means the North American Great Basin.

(2) HERITAGE ROUTE.—The term “Heritage Route” means the Great Basin National Heritage Route established by section 291C(a).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the local coordinating entity under section 291E(a).

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

**SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.**

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) BOUNDARIES.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1827

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

**SEC. 291D. MEMORANDUM OF UNDERSTANDING.**

(a) **IN GENERAL.**—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) **INCLUSIONS.**—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) **ADDITIONAL REQUIREMENTS.**—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) **USE OF FUNDS.**—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 291E. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

Deadline.

120 STAT. 1828

PUBLIC LAW 109-338—OCT. 12, 2006

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local

Deadline.

Recommendations.

Deadline.

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1829

coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.**

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

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

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

**SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

**SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.**

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1831

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

**SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

**SEC. 291J. TERMINATION OF AUTHORITY.**

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

**SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 291L. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not

120 STAT. 1832

PUBLIC LAW 109-338—OCT. 12, 2006

be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

Gullah/Geechee  
Cultural  
Heritage Act.  
State listing.  
16 USC 461 note.

Subtitle I—Gullah/Geechee Heritage  
Corridor

**SEC. 295. SHORT TITLE.**

This subtitle may be cited as the “Gullah/Geechee Cultural Heritage Act”.

**SEC. 295A. PURPOSES.**

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

**SEC. 295B. DEFINITIONS.**

In this subtitle:

(1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) **HERITAGE CORRIDOR.**—The term “Heritage Corridor” means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

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

**SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.**

(a) **ESTABLISHMENT.**—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled “Gullah/Geechee Cultural Heritage Corridor” numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) **REVISIONS.**—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

Federal Register,  
publication.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1833

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

**SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the “Gullah/Geechee Cultural Heritage Corridor Commission” whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

**SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.**

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

120 STAT. 1834

PUBLIC LAW 109-338—OCT. 12, 2006

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

Public meetings.

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

Reports.

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

Records.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

**SEC. 295F. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

Records.

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1835

the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) 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 Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and 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 implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle. Deadline.

(c) **FAILURE TO SUBMIT.**—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan. Deadline.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted. Recommendations.

(4) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments. Deadline.

**SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.**

(a) **IN GENERAL.**—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) **PRIORITY FOR ASSISTANCE.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) **SPENDING FOR NON-FEDERAL PROPERTY.**—

(1) **IN GENERAL.**—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) **AGREEMENTS.**—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

**SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

Establishment.

**SEC. 295I. COASTAL HERITAGE CENTERS.**

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

**SEC. 295J. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1837

to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

**SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) **COST SHARE.**—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

**SEC. 295L. TERMINATION OF AUTHORITY.**

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

Subtitle J—Crossroads of the American  
Revolution National Heritage Area

**SEC. 297. SHORT TITLE.**

This subtitle may be cited as the “Crossroads of the American Revolution National Heritage Area Act of 2006”.

Crossroads of the  
American  
Revolution  
National  
Heritage Area  
Act of 2006.  
New Jersey.  
16 USC 461 note.

**SEC. 297A. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as “the times that try men’s souls”;

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington’s Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1839

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

**SEC. 297B. DEFINITIONS.**

In this subtitle:

(1) HERITAGE AREA.—The term “Heritage Area” means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 297D.

120 STAT. 1840

PUBLIC LAW 109-338—OCT. 12, 2006

(4) MAP.—The term “map” means the map entitled “Crossroads of the American Revolution National Heritage Area”, numbered CRRE/80,000, and dated April 2002.

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

(6) STATE.—The term “State” means the State of New Jersey.

**SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(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) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

**SEC. 297D. MANAGEMENT PLAN.**

Deadline.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and inter-agency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1841

- (ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;
- (D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and
- (E) an interpretive plan for the Heritage Area.
- (c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—
- (1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan. Deadline.
- (2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—
- (A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—
- (i) governments;
  - (ii) natural and historic resource protection organizations;
  - (iii) educational institutions;
  - (iv) businesses; and
  - (v) recreational organizations;
- (B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;
- (C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and
- (D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.
- (3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—
- (A) advise the local coordinating entity in writing of the reasons for the disapproval;
  - (B) make recommendations for revisions to the management plan; and Recommendations.
  - (C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision. Deadline.
- (d) AMENDMENTS.—
- (1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.
- (2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.
- (e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this

120 STAT. 1842

PUBLIC LAW 109-338—OCT. 12, 2006

subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

**SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

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

(A) cultural, historic, or natural resource protection;

or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area;

and

(B) that is consistent with the management plan.

(b) **DUTIES.**—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

Public meetings.

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1843

(A) submit to the Secretary a report that describes for the year— Reports.

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and Records.

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

**SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) **OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

**SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

**SEC. 297H. TERMINATION OF AUTHORITY.**

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

**SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 297J. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1845

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

### TITLE III—NATIONAL HERITAGE AREA STUDIES

#### Subtitle A—Western Reserve Heritage Area Study

Western Reserve  
Heritage Areas  
Study Act.  
Ohio.

#### SEC. 301. SHORT TITLE.

This subtitle may be cited as the “Western Reserve Heritage Areas Study Act”.

#### SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

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

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the

establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1847

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage  
Area Study

St. Croix  
National  
Heritage Area  
Study Act.

**SEC. 311. SHORT TITLE.**

This subtitle may be cited as the “St. Croix National Heritage Area Study Act”.

**SEC. 312. STUDY.**

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

120 STAT. 1848

PUBLIC LAW 109-338—OCT. 12, 2006

(8) has a conceptual boundary map that is supported by the public.

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

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Southern  
Campaign of the  
Revolution  
Heritage Area  
Study Act.  
South Carolina.  
North Carolina.

Subtitle C—Southern Campaign of the  
Revolution

**SEC. 321. SHORT TITLE.**

This subtitle may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

**SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.**

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1849

organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

#### **SEC. 323. PRIVATE PROPERTY.**

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

120 STAT. 1850

PUBLIC LAW 109-338—OCT. 12, 2006

Illinois and  
Michigan Canal  
National  
Heritage  
Corridor Act  
Amendments of  
2006.

16 USC 461 note.

TITLE IV—ILLINOIS AND MICHIGAN  
CANAL NATIONAL HERITAGE COR-  
RIDOR ACT AMENDMENTS

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006”.

**SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.**

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

16 USC 461 note.

(1) In section 103—

(A) in paragraph (8), by striking “and”;

(B) in paragraph (9), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”

16 USC 461 note.

(2) By adding at the end of section 112 the following new paragraph:

Memorandum.

“(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.”

(3) By adding at the end the following new sections:

**“SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.**

“Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

**“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

**“SEC. 121. DUTIES OF THE ASSOCIATION.**

“The Association shall—

Deadline.

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1851

“(B) in establishing and maintaining interpretive exhibits in the corridor;

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan; Public meetings.

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made; Reports.

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and Records.

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds. Records.

**“SEC. 122. USE OF FEDERAL FUNDS.**

“(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

**“SEC. 123. MANAGEMENT PLAN.**

“(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall— Deadline.

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development; Recommendations.

“(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include—

120 STAT. 1852

PUBLIC LAW 109-338—OCT. 12, 2006

- “(A) identification of the geographic boundaries of the corridor;
- “(B) a brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;
- “(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;
- “(D) a listing of the key resources and themes of the corridor;
- “(E) identification of parties proposed to be responsible for carrying out the tasks;
- “(F) a financial plan and other information on costs and sources of funds;
- “(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;
- “(H) a mechanism and schedule for updating the plan based on actual progress;
- “(I) a bibliography of documents used to develop the management plan; and
- “(J) a discussion of any other relevant issues relating to the management plan.
- Deadline. “(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.
- Deadline. “(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.
- Public meetings. “(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.
- Recommendations. “(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.
- “(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation)

## PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1853

to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

**“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

“(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

Contracts.

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

**“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

“(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

**“SEC. 126. SUNSET.**

“The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.”

**SEC. 403. PRIVATE PROPERTY PROTECTION.**

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

**“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

“(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

120 STAT. 1854

PUBLIC LAW 109-338—OCT. 12, 2006

“(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

**“SEC. 128. PRIVATE PROPERTY PROTECTION.**

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”

**SEC. 404. TECHNICAL AMENDMENTS.**

16 USC 461 note. Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

**TITLE V—MOKELUMNE RIVER  
FEASIBILITY STUDY**

**SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.**

Deadline.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than



PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1855

2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the “Secretary”), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

**SEC. 502. USE OF REPORTS AND OTHER INFORMATION.**

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

**SEC. 503. COST SHARES.**

(a) **FEDERAL SHARE.**—The Federal share of the costs of the study conducted under this title shall not exceed 50 percent of the total cost of the study.

(b) **IN-KIND CONTRIBUTIONS.**—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

**SEC. 504. WATER RIGHTS.**

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

**SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary \$3,300,000 for the Federal cost share of the study conducted under this title.

**TITLE VI—DELAWARE NATIONAL  
COASTAL SPECIAL RESOURCES STUDY**

Delaware  
National Coastal  
Special  
Resources Study  
Act.

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware National Coastal Special Resources Study Act”.

**SEC. 602. STUDY.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this title as the “Secretary”) shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) **INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.**—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware

coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) **STUDY GUIDELINES.**—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 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) **CONSULTATION.**—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

- (1) the State of Delaware;
- (2) the coastal region communities;
- (3) owners of private property that would likely be impacted by a National Park Service designation; and
- (4) the general public.

**SEC. 603. THEMES.**

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

- (1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;
- (2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;
- (3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;
- (4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;
- (5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;
- (6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;
- (7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and
- (8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

**SEC. 604. REPORT.**

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1857

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

John H. Chafee  
Blackstone River  
Valley National  
Heritage  
Corridor  
Reauthorization  
Act of 2006.  
16 USC 461 note.

**SEC. 701. SHORT TITLE.**

This title may be cited as the “John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006”.

**SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

16 USC 461 note.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) by striking “nineteen members” and inserting “25 members”;

(2) in paragraph (2)—

(A) by striking “six” and inserting “6”; and

(B) by striking “Department of Environmental Management Directors from Rhode Island and Massachusetts” and inserting “the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs”;

(3) in paragraph (3)—

(A) by striking “four” each place it appears and inserting “5”; and

(B) by striking “and” after the semicolon;

(4) in paragraph (4)—

(A) by striking “two” each place it appears and inserting “3”; and

(B) by striking the period and inserting “; and”; and

(5) by inserting after paragraph (4) the following:

“(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.”.

(b) QUORUM.—Section 3(f)(1) of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking “Ten” and inserting “13”.

(c) UPDATE OF PLAN.—Section 6 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

Deadline.

“(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute.

“(3) The update shall include—

“(A) performance goals; and

“(B) an analysis of—

“(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

“(ii) the partnerships that sustain those resources; and

“(iii) the funding program for the Corridor.

120 STAT. 1858

PUBLIC LAW 109-338—OCT. 12, 2006

“(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

“(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.”.

(d) EXTENSION OF COMMISSION.—Public Law 99-647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

**“SEC. 7. TERMINATION OF COMMISSION.**

“The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.”.

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(d) SPECIAL RESOURCE STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

“(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

“(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

“(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

“(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

“(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

“(A) the findings of the study; and

“(B) the conclusions and recommendations of the Secretary.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking “\$650,000” and inserting “\$1,000,000”; and

(2) by striking subsection (b) and inserting the following:

“(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than \$10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

“(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).”.

Deadline.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1859

**SEC. 703. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Public Law 100-515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

**“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

**“(b) USE OF FUNDS.—**

“(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

“(A) technical assistance; and

“(B) the design and fabrication of interpretative materials, devices, and signs.

“(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

“(A) operation, repair, or construction costs, except for the costs of constructing interpretative exhibits; or

“(B) operation, maintenance, or repair costs for any road or related structure.

**“(3) COST-SHARING REQUIREMENT.—**

“(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

“(i) may not exceed 50 percent of the total project costs; and

“(ii) shall be provided on a matching basis.

“(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

“(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.”.

**(b) STRATEGIC PLAN.—**

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

Deadline.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

120 STAT. 1860

PUBLIC LAW 109-338—OCT. 12, 2006

California  
Reclamation  
Groundwater  
Remediation  
Initiative.

TITLE VIII—CALIFORNIA RECLAMATION  
GROUNDWATER REMEDIATION INI-  
TIATIVE

**SEC. 801. SHORT TITLE.**

This title may be cited as the “California Reclamation Groundwater Remediation Initiative”.

**SEC. 802. DEFINITIONS.**

For the purposes of this title:

(1) **GROUNDWATER REMEDIATION.**—The term “groundwater remediation” means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) **LOCAL WATER AUTHORITY.**—The term “local water authority” means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley; and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) **REMEDIATION FUND.**—The term “Remediation Fund” means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

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

**SEC. 803. CALIFORNIA BASINS REMEDIATION.**

(a) **CALIFORNIA BASINS REMEDIATION.**—

(1) **ESTABLISHMENT OF REMEDIATION FUND.**—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) **ADMINISTRATION OF REMEDIATION FUND.**—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) **PURPOSES OF REMEDIATION FUND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) **COST-SHARING LIMITATION.**—

(i) **IN GENERAL.**—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

PUBLIC LAW 109-338—OCT. 12, 2006

120 STAT. 1861

(ii) **NON-FEDERAL RESPONSIBILITY.**—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) **CREDITS TOWARD NON-FEDERAL SHARE.**—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) **COMPLIANCE WITH APPLICABLE LAW.**—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) **RELATIONSHIP TO OTHER ACTIVITIES.**—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Remediation Fund \$25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

**SEC. 804. SUNSET OF AUTHORITY.**

This title—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

Effective date.

120 STAT. 1862

PUBLIC LAW 109-338—OCT. 12, 2006

TITLE IX—NATIONAL COAL HERITAGE  
AREA**SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.**

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

16 USC 461 note.

(1) In section 103(b)—

(A) by striking “comprised of the counties” and inserting “shall be comprised of the following:

“(1) The counties; and”.

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

“(2) Lincoln County, West Virginia.

“(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.”.

16 USC 461 note.

(2) In section 104, by striking “Governor” and all that follows through “organizations” and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

Approved October 12, 2006.

---

**LEGISLATIVE HISTORY—S. 203:**

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): July 26, considered and passed Senate.

Vol. 152 (2006): July 24, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Oct. 13, Presidential statement.



XXIII. APPENDIX II

**1. Establishment of the Northwestern Hawaiian Islands  
Marine National Monument**

PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3819

**Proclamation 8031 of June 15, 2006**

**Establishment of the Northwestern Hawaiian Islands  
Marine National Monument**

*By the President of the United States of America*

*A Proclamation*

In the Pacific Ocean northwest of the principal islands of Hawaii lies an approximately 1,200 nautical mile stretch of coral islands, seamounts, banks, and shoals. The area, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial, supports a dynamic reef ecosystem with more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.

WHEREAS Executive Order 13089 of June 11, 1998, Executive Order 13178 of December 4, 2000, and Executive Order 13196 of January 18, 2001, as well as the process for designation of a National Marine Sanctuary undertaken by the Secretary of Commerce, have identified objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States in the area of the Northwestern Hawaiian Islands;

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 would be in the public interest to preserve the marine area of the Northwestern Hawaiian Islands and certain lands 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 Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Northwestern Hawaiian Islands Marine National Monument (the “monument” or “national monu-

---

NOTE: This national monument proclamation is for a site managed by another federal agency.

120 STAT. 3819

## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3820

ment”) for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map entitled “Northwestern Hawaiian Islands Marine National Monument” attached to and forming a part of this proclamation. The Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, 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 appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have primary responsibility regarding management of the marine areas, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have sole responsibility for management of the areas of the monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Secretary of Commerce and the Secretary of the Interior (collectively, the “Secretaries”) shall review and, as appropriate, modify the interagency agreement developed for coordinated management of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, signed on May 19, 2006. To manage the monument, the Secretary of Commerce, in consultation with the Secretary of the Interior and the State of Hawaii, shall modify, as appropriate, the plan developed by NOAA’s National Marine Sanctuary Program through the public sanctuary designation process, and will provide for public review of that plan. To the extent authorized by law, the Secretaries, acting through the FWS and NOAA, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The Secretary of State, in consultation with the Secretaries, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of the monument and to promote the purposes for which the monument is established. The Secretary of State, in consultation with the Secretaries, shall seek the cooperation of other governments and international organizations in furtherance of the purposes of this proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas. Furthermore, 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 State of Hawaii.

The establishment of this monument is subject to valid existing rights and use of the monument shall be administered as follows:

## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3820

**Access to the Monument**

The Secretaries shall prohibit entering the monument except pursuant to permission granted by the Secretaries or their designees. Any person passing through the monument without interruption must notify an official designated by the Secretaries at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the monument must be provided within 12 hours of leaving. A person providing notice must provide the following information, as applicable: (i) position when making report; (ii) vessel name and International Maritime Organization identification number; (iii) name, address, and telephone number of owner and operator; (iv) United States Coast Guard (USCG) documentation, State license, or registration number; (v) home port; (vi) intended and actual route through the monument; (vii) general categories of any hazardous cargo on board; and (viii) length of vessel and propulsion type (e.g., motor or sail).

120 STAT. 3821

**Vessel Monitoring Systems**

1. As soon as possible but not later than 30 days following the issuance of this proclamation, NOAA shall publish in the **Federal Register** a list of approved transmitting units and associated communications service providers for purposes of this proclamation. An owner or operator of a vessel that has been issued a permit for accessing the monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the Office of Legal Enforcement in the National Oceanic and Atmospheric Administration in the Department of Commerce (OLE) when voyaging within the monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider.
2. Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:
  - a. Follow procedures indicated on an installation and activation checklist, which is available from OLE; and
  - b. Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.
3. No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.
4. When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.
5. As a condition of authorized access to the monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG, and their authorized officers and designees access to the vessels position data obtained from the VMS. Consistent with applicable law, including the limitations on access to, and use, of VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.

120 STAT. 3821

## PROCLAMATION 8031—JUNE 15, 2006

6. OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit, when deemed appropriate by OLE.

120 STAT. 3822

7. The Secretaries shall prohibit any person from conducting or causing to be conducted:

a. Operating any vessel without an approved transmitting device within the monument area 45 days after the publication of the list of approved transmitting devices described in paragraph (1) above;

b. Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;

c. Failing to operate and maintain a mobile transceiver unit on board the vessel at all times;

d. Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel;

e. Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted;

f. Registering a VMS or mobile transceiver unit registered to more than one vessel at the same time;

g. Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE;

h. Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

### **Restrictions**

#### *Prohibited Activities*

The Secretaries shall prohibit persons from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil, gas, or minerals within the monument;

2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a monument resource;

3. Introducing or otherwise releasing an introduced species from within or into the monument; and

4. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

#### *Regulated Activities*

Except as otherwise provided in this proclamation, the Secretaries shall prohibit any person from conducting or causing to be conducted within the monument the following activities:

1. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving monument resource;

2. Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;

## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3822

3. Anchoring a vessel;
4. Deserting a vessel aground, at anchor, or adrift;
5. Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust; 120 STAT. 3823
6. Discharging or depositing any material or other matter into the monument, or discharging or depositing any material or other matter outside of the monument that subsequently enters the monument and injures any resources of the monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;
7. Touching coral, living or dead;
8. Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument;
9. Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and
10. Attracting any living monument resources.

**Emergencies and Law Enforcement Activities**

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 law enforcement purposes.

**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) that are consistent with applicable laws.
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.
3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.
4. 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 USCG, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

**Commercial Fishing**

1. The Secretaries shall ensure that any commercial lobster fishing permit shall be subject to a zero annual harvest limit.

2. Fishing for bottomfish and pelagic species. The Secretaries shall ensure that:

a. Commercial fishing for bottomfish and associated pelagic species may continue within the monument for not longer than 5 years from the date of this proclamation provided that:

**(I) THE FISHING IS CONDUCTED IN ACCORDANCE WITH A VALID COMMERCIAL BOTTOMFISH PERMIT ISSUED BY NOAA; AND**

**(II) SUCH PERMIT IS IN EFFECT ON THE DATE OF THIS PROCLAMATION AND IS SUBSEQUENTLY RENEWED PURSUANT TO NOAA REGULATIONS AT 50 CFR PART 660 SUBPART E AS NECESSARY.**

b. Total landings for each fishing year may not exceed the following amounts:

**(I) 350,000 POUNDS FOR BOTTOMFISH SPECIES; AND**

**(II) 180,000 POUNDS FOR PELAGIC SPECIES.**

c. Commercial fishing for bottomfish and associated pelagic species is prohibited in the monument after 5 years from the date of this proclamation.

#### **General Requirements**

The Secretaries shall ensure that any commercial fishing within the monument is conducted in accordance with the following restrictions and conditions:

1. A valid permit or facsimile of a valid permit is on board the fishing vessel and is available for inspection by an authorized officer;
2. No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report;
3. Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;
4. Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the monument and within 12 hours after leaving the monument;
5. All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the monument;
6. All fishing vessels must carry an observer when requested to do so by the Secretaries; and
7. The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

#### **Permitting Procedures and Criteria**

Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity regulated by this proclamation if such activity is specifically authorized by a permit. The Secretaries, in their discretion, may issue a permit under this proclamation if the Secretaries find that the activity: (i) is research designed to further understanding of monument resources and qualities; (ii) will further the educational value of the monument; (iii) will assist in the conservation

## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3825

and management of the monument; (iv) will allow Native Hawaiian practices; (v) will allow a special ocean use; or (vi) will allow recreational activities.

**Findings**

1. The Secretaries may not issue any permit unless the Secretaries find:

a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the monument;

b. The activity will be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance monument resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;

c. There is no practicable alternative to conducting the activity within the monument;

d. The end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity;

e. The duration of the activity is no longer than necessary to achieve its stated purpose;

f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to monument resources, qualities, and ecological integrity;

i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of this proclamation; and

j. There are no other factors that would make the issuance of a permit for the activity inappropriate.

2. *Additional Findings for Native Hawaiian Practice Permits.* In addition to the findings listed above, the Secretaries shall not issue a permit to allow Native Hawaiian practices unless the Secretaries find:

a. The activity is non-commercial and will not involve the sale of any organism or material collected;

b. The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;

c. The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;

d. The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

e. Any monument resource harvested from the monument will be consumed in the monument.

3. *Additional Findings, Criteria, and Requirements for Special Ocean Use Permits*

a. In addition to the findings listed above, the following requirements apply to the issuance of a permit for a special ocean use:

- (I) ANY PERMIT FOR A SPECIAL OCEAN USE ISSUED UNDER THIS SECTION:
- (A) SHALL AUTHORIZE THE CONDUCT OF AN ACTIVITY ONLY IF THAT ACTIVITY IS COMPATIBLE WITH THE PURPOSES FOR WHICH THE MONUMENT IS DESIGNATED AND WITH PROTECTION OF MONUMENT RESOURCES;
  - (B) SHALL NOT AUTHORIZE THE CONDUCT OF ANY ACTIVITY FOR A PERIOD OF MORE THAN 5 YEARS UNLESS RENEWED BY THE SECRETARIES;
  - (C) SHALL REQUIRE THAT ACTIVITIES CARRIED OUT UNDER THE PERMIT BE CONDUCTED IN A MANNER THAT DOES NOT DESTROY, CAUSE THE LOSS OF, OR INJURE MONUMENT RESOURCES; AND
  - (D) SHALL REQUIRE THE PERMITTEE TO PURCHASE AND MAINTAIN COMPREHENSIVE GENERAL LIABILITY INSURANCE, OR POST AN EQUIVALENT BOND, AGAINST CLAIMS ARISING OUT OF ACTIVITIES CONDUCTED UNDER THE PERMIT AND TO AGREE TO HOLD THE UNITED STATES HARMLESS AGAINST SUCH CLAIMS; AND
- (II) EACH PERSON ISSUED A PERMIT FOR A SPECIAL OCEAN USE UNDER THIS SECTION SHALL SUBMIT AN ANNUAL REPORT TO THE SECRETARIES NOT LATER THAN DECEMBER 31 OF EACH YEAR THAT DESCRIBES ACTIVITIES CONDUCTED UNDER THAT PERMIT AND REVENUES DERIVED FROM SUCH ACTIVITIES DURING THE YEAR.

b. The Secretaries may not issue a permit for a special ocean use unless they determine that the proposed activity will be consistent with the findings listed above for the issuance of any permit.

c. Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special ocean use may be issued only if a special ocean use pilot project for that category has been determined by the Secretaries to meet the criteria in this proclamation and any terms and conditions placed on the permit for the pilot project.

d. The Secretaries shall provide public notice prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.

e. The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.



## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3827

- (I) THE SECRETARIES MAY ISSUE A PERMIT FOR A SPECIAL OCEAN USE FOR ACTIVITIES WITHIN THE MIDWAY ATOLL SPECIAL MANAGEMENT AREA PROVIDED:
- (A) THE SECRETARIES FIND THE ACTIVITY FURTHERS THE CONSERVATION AND MANAGEMENT OF THE MONUMENT; AND
- (B) THE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE OR HIS OR HER DESIGNEE HAS DETERMINED THAT THE ACTIVITY IS COMPATIBLE WITH THE PURPOSES FOR WHICH THE MIDWAY ATOLL NATIONAL WILDLIFE REFUGE WAS DESIGNATED.
- (II) AS PART OF A PERMIT, THE SECRETARIES MAY ALLOW VESSELS TO TRANSIT THE MONUMENT AS NECESSARY TO ENTER THE MIDWAY ATOLL SPECIAL MANAGEMENT AREA.

f. The Secretaries may issue a permit for a special ocean use for activities outside the Midway Atoll Special Management Area provided:

- (I) THE SECRETARIES FIND THE ACTIVITY WILL DIRECTLY BENEFIT THE CONSERVATION AND MANAGEMENT OF THE MONUMENT;
- (II) THE SECRETARIES DETERMINE THE PURPOSE OF THE ACTIVITY IS FOR RESEARCH OR EDUCATION RELATED TO THE RESOURCES OR QUALITIES OF THE MONUMENT;
- (III) THE SECRETARIES PROVIDE PUBLIC NOTICE OF THE APPLICATION AND AN OPPORTUNITY TO PROVIDE COMMENTS AT LEAST 30 DAYS PRIOR TO ISSUING THE PERMIT; AND
- (IV) THE ACTIVITY DOES NOT INVOLVE THE USE OF A COMMERCIAL PASSENGER VESSEL.

4. *Additional Findings for Recreation Permits.* The Secretaries may issue a permit only for recreational activities to be conducted within the Midway Atoll Special Management Area. In addition to the general findings listed above for any permit, the Secretaries may not issue such permit unless the Secretaries find:

- a. The activity is for the purpose of recreation as defined in regulation;
- b. The activity is not associated with any for-hire operation; and
- c. The activity does not involve any extractive use.

#### **Sustenance Fishing**

Sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation. The Secretaries may permit sustenance fishing outside of any Special Preservation Area as a term or condition of any permit issued under this proclamation. The Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the activity has been determined by the Director of the United States Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with this proclamation, including considering the extent to which the conduct of the activity may diminish monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. The Secretaries will develop procedures for systematic reporting of sustenance fishing.

**Definitions** For purposes of this proclamation:

*Attract or Attracting* means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

*Bottomfish Species* means bottomfish management unit species as defined at 50 CFR 660.12.

*Commercial Bottomfishing* means commercial fishing for bottomfish species.

*Commercial Passenger Vessel* means a vessel that carries individuals who have paid for such carriage.

*Commercial Pelagic Trolling* means commercial fishing for pelagic species.

*Deserting* a vessel means:

1. Leaving a vessel aground or adrift:

**(I) WITHOUT NOTIFYING THE SECRETARIES OF THE VESSEL GOING AGROUND OR ADRIFT WITHIN 12 HOURS OF ITS DISCOVERY AND DEVELOPING AND PRESENTING TO THE SECRETARIES A PRELIMINARY SALVAGE PLAN WITHIN 24 HOURS OF SUCH NOTIFICATION;**

**(II) AFTER EXPRESSING OR MANIFESTING INTENTION TO NOT UNDERTAKE OR TO CEASE SALVAGE EFFORTS; OR**

**(III) WHEN THE SECRETARIES ARE UNABLE, AFTER REASONABLE EFFORTS, TO REACH THE OWNER/OPERATOR WITHIN 12 HOURS OF THE VESSELS CONDITION BEING REPORTED TO AUTHORITIES.**

2. Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

*Ecological Reserve* means an area of the monument consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the monument.

*Ecological Integrity* means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

*Fishing Year* means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

*Introduced Species* means:

1. A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the monument; or

2. Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

*Landing* means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

## PROCLAMATION 8031—JUNE 15, 2006

120 STAT. 3829

*Midway Atoll Special Management Area* means the area of the monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of monument wildlife and historical resources.

*Mobile Transceiver Unit* means a vessel monitoring system or VMS device installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by this proclamation.

*Native Hawaiian Practices* means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of monument resources for direct personal consumption while in the monument.

*Ocean-Based Ecotourism* means a class of fee-for-service activities that involves visiting the monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

*Pelagic Species* means Pacific Pelagic Management Unit Species as defined at 50 CFR 660.12.

*Pono* means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

*Recreational Activity* means an activity conducted for personal enjoyment that does not result in the extraction of monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

*Special Preservation Area (SPA)* means discrete, biologically important areas of the monument within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

*Special Ocean Use* means an activity or use of the monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

*Stowed and Not Available for Immediate Use* means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

*Sustenance Fishing* means fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation.

*Vessel Monitoring System or VMS* means a vessel monitoring system or mobile transceiver unit approved by the Office for Law Enforcement

120 STAT. 3830

## PROCLAMATION 8031—JUNE 15, 2006

for use on vessels permitted to access the monument, as required by this subpart.

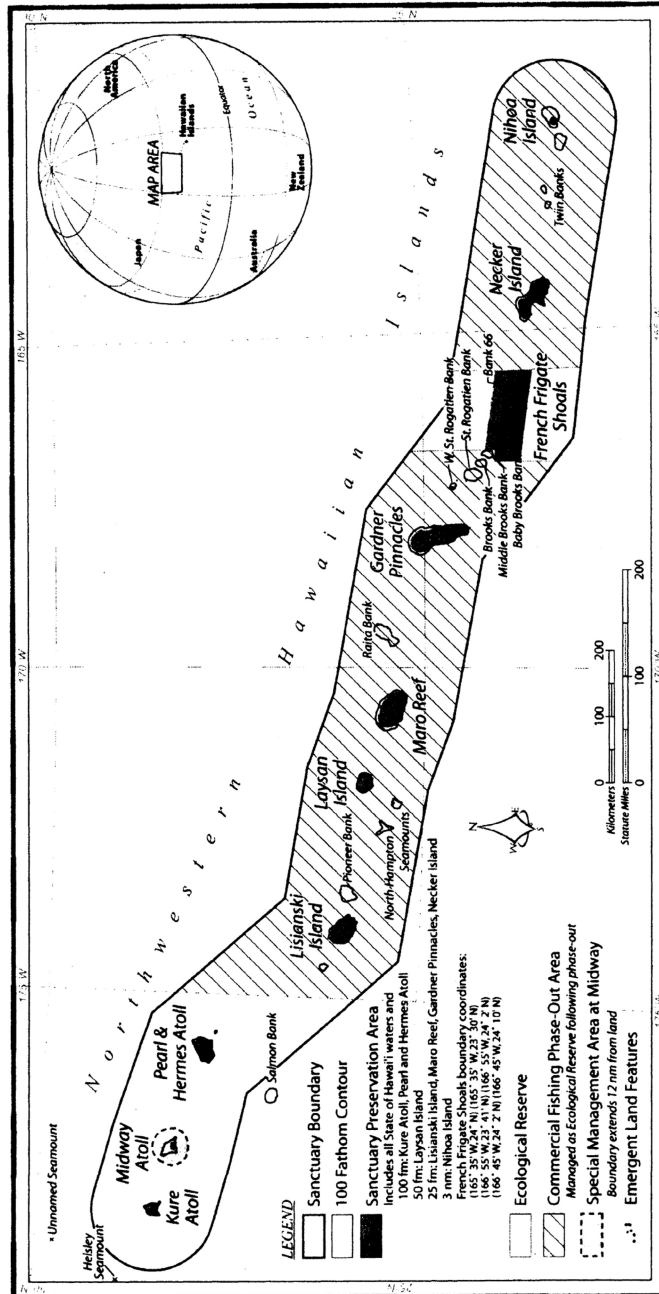
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, 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 fifteenth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH

Northwestern Hawaiian Islands Marine National Monument





XXIV. APPENDIX III

1. Catoctin Mountain Park

PUBLIC LAW 68-654—AUG. 24, 1954

68 STAT. 791

Public Law 68-654  
68th Congress

An Act

To authorize the exchange of lands acquired by the United States for the Catoctin recreational demonstration area, Frederick County, Maryland, for the purpose of consolidating Federal holdings therein.

Aug. 24, 1954

[H.R. 8821]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, for the purpose of consolidating Federal holdings of land acquired for the Catoctin recreational demonstration area, Frederick County, Maryland, is hereby empowered, in his discretion, to obtain for the United States land and interests in lands held in private ownership within the established watersheds and boundaries of said recreational demonstration area by accepting from the owners of such privately owned land complete relinquishment thereof, and the Secretary may grant to such owners in exchange therefor, in each instance, federally owned lands of approximately equal value now a part of the Catoctin recreational demonstration area, that he considers are not essential for the administration, control, and operation of the aforesaid recreational demonstration area. Any land acquired by the United States pursuant to this authorization shall become a part of the Catoctin recreational demonstration area upon the vesting of title in the United States, and shall be subject to the laws applicable thereto.

Catoctin recreational demonstration area, Md.  
Land exchange.

68 STAT. 792

---

NOTE: This law was omitted from Supplement II, 1963 Volume of the Laws Relating to the National Park Service.

## 2. Chopawamsic Recreational Demonstration Project

54 STAT. 785

PUBLIC LAW 54-763—AUG. 13, 1940

Public Law 54-763  
54th Congress

### An Act

<p>Aug. 13, 1940 [S. 2493]</p>	<p>To provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Virginia, by the Secretary of the Interior through the National Park Service, and for other purposes.</p>
<p>Chopawamsic recreational demonstration project. Administration through National Park Service.</p>	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That hereafter the lands comprising the Chopawamsic recreational demonstration project transferred to the Secretary of the Interior by Executive Order Numbered 7496, dated November 14, 1936, shall be administered by the Secretary of the Interior through the National Park Service as part of the park system of the National Capital and its environs.</p>
<p>Fees.</p>	<p>SEC. 2. The Director of the National Park Service, under the direction of the Secretary of the Interior, is authorized—</p> <p>(a) To prescribe and collect fees and charges for such recreational and other facilities, conveniences, and services as may be furnished by the National Park Service for the accommodation of the public within the said area.</p>
<p>Contracts for operation of facilities, etc.</p>	<p>(b) To enter into a contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids for the operation or performance of any such recreational or other facilities, conveniences, and services within the said area.</p>
<p>Revenues.</p>	<p>All revenues collected by the National Park Service, pursuant to the authority of this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.</p>
<p>Powers and duties of director, National Park Service.</p>	<p>SEC. 3. The director of the National Park Service, under the direction of the Secretary of the Interior, is authorized to exercise and perform with respect to the said area all the powers and duties that are conferred and imposed upon him by law in relation to the construction, maintenance, care, custody, policing, upkeep, and repair of the public buildings and parks in the District of Columbia.</p>

Approved, August 13, 1940.



### 3. Frederick Douglass National Historic Site

SECRETARIAL ORDER—FEB. 12, 1988

76 STAT. 435

Secretarial Order of February 12, 1988

#### Designation of Frederick Douglass National Historic Site

*By the Secretary of the United States Department of the Interior  
An Order*

1. *Purpose.* This order designates the property administratively named the Frederick Douglass Home as the “Frederick Douglass National Historic Site,” a title that reflects its national historical significance and matches the nomenclature of comparable units of the National Park System.
2. *Authority.* This order is issued pursuant to section 2 of the Act approved August 21, 1935 (49 Stat. 666).
3. *Designation.* The property at 1411 W Street Southeast, Washington, District of Columbia, acquired and administered by the National Park Service pursuant to the Act approved September 5, 1962 (76 Stat. 435), is hereby designated as the “Frederick Douglass National Historic Site.”
4. *Effective Date.* This order is effective immediately.

DONALD PAUL HODEL

#### 4. Prince William Forest Park

62 STAT. 571

PUBLIC LAW 62-736—JUNE 22, 1948

#### Public Law 62-736 62d Congress

#### An Act

June 22, 1948  
[H.R. 6245]

To authorize the transfer of certain Federal lands within the Chopawamsic Park to the Secretary of the Navy, the addition of lands surplus to the Department of the Army to this park, the acquisition of additional lands needed to round out the boundaries of this park, to change the name of said park to Prince William Forest Park, and for other purposes.

Chopawamsic  
Park, Va.  
Transfer of  
jurisdiction.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to transfer to the Secretary of the Navy control and jurisdiction over those parcels of land within the Chopawamsic Park, known hereafter as the Prince William Forest Park, a part of the park system of the National Capital and its environs by Act of Congress of August 13, 1940 (54 Stat. 785), comprising approximately five thousand acres, lying south of the Joplin Road and contiguous to the Marine Base at Quantico, Virginia, with the exception of approximately four acres at the intersection of roads 626 and 620, which land contains the fire tower, upon assurance that the Secretary of the Navy will guarantee the potability and the undamaged source of water of the South Branch of Quantico Creek to the lands lying east of route 619, now or hereafter acquired for the Chopawamsic Park: *Provided, however,* That the transfer of jurisdiction herein authorized shall not be effectuated until funds have been made available by the Congress for the acquisition of the lands referred to in section 3 of this Act.

62 STAT. 572  
Condition of  
transfer.

Surplus lands of  
Department of  
Army.

SEC. 2. That all of the lands that were formerly acquired by the War Department and that are now surplus to the needs of the Department of the Army within and adjacent to the Chopawamsic Park, comprising approximately one thousand one hundred and thirty-eight and sixty-two one hundredths acres, are hereby added to and made a part of that park, and shall be subject to all the laws, rules, and regulations applicable thereto.

Acquisition of  
land.

SEC. 3. That the Secretary of the Interior and the Secretary of the Navy be, and they are hereby, authorized to acquire on behalf of the United States, by donation or purchase, lands adjoining or contiguous to the Chopawamsic Park, in the State of Virginia, as may be necessary for the proper rounding out of the boundaries of that park, but not exceeding one thousand five hundred acres. The title to real property acquired pursuant to this Act shall be satisfactory to the Attorney General of the United States. All property acquired by the United States pursuant to this Act shall become a part of the Chopawamsic Park upon acceptance of title thereto, and shall be subject to all laws, rules, and regulations applicable thereto.

Appropriation  
authorized.

SEC. 4. There is authorized to be appropriated not to exceed the sum of \$10,000 to carry out the provisions of section 3 of this Act.

Approved June 22, 1948.

PUBLIC LAW 67-144—JULY 23, 1953

67 STAT. 184

Public Law 67-144  
67th Congress

An Act

To authorize the exchange of lands acquired by the United States for Prince William Forest Park, Prince William County, Virginia, for the purpose of consolidating Federal holdings therein, and for other purposes.

July 23, 1953  
[H.R. 3380]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, for the purposes of consolidating Federal holdings of lands acquired for the Prince William Forest Park, Prince William County, Virginia, is hereby empowered, in his discretion, to obtain for the United States land and interests in lands held in private ownership within the established watersheds and boundaries of said park by accepting from the owners of such privately owned land complete relinquishment thereof, and the Secretary may grant to such owners in exchange therefor, in each instance, federally owned lands of approximately equal value, now a part of the Prince William Forest Park, that he considers are not essential for the administration, control, and operation of the aforesaid park. Any land acquired by the United States pursuant to this authorization shall become a part of Prince William Forest Park upon the vesting of title thereto in the United States, and shall be subject to the laws applicable thereto.

Prince William  
Forest Park, Va.  
Land exchange.

SEC. 2. The Secretary of the Interior is authorized and empowered to grant to any citizen, association, or corporation of the United States, in exchange for the relinquishment of existing easements for utility rights-of-way, perpetual easements across land in Federal ownership within the Prince William Forest Park, such easements to be used for rights-of-way for electric poles, lines, and underground pipes for the transmission and distribution of electric power and gas and for poles and lines for telephone and telegraph purposes to the extent of not more than seventy-five feet on each side of the center line of such electric, gas, telephone, and telegraph lines: *Provided*, That the said easements shall be conveyed by the United States subject to such terms and conditions as the Secretary of the Interior may deem advisable, but no part of the easements granted by him shall be used for any other than utility purposes, and in the event of any breach of this restriction, or in the event that the easements cease to be used for utility purposes, the entire interest herein authorized to be granted shall revert to the United States upon a finding to that effect by the Secretary of the Interior.

67 STAT. 185  
Easements.

Approved July 23, 1953.



## XXV. EXECUTIVE ORDERS

**No. 13285, 68 F.R. 5203**

January 29, 2003

### **President's Council on Service and Civic Participation**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to encourage the recognition of volunteer service and civic participation by all Americans, and especially America's youth, it is hereby ordered as follows:

**Section 1.** *The President's Council on Service and Civic Participation.*

(a) There is hereby established within the Corporation for National and Community Services (CNCS) the President's Council on Service and Civic Participation (Council).

(b) The Council shall be composed of up to 25 members, including representatives of America's youth, appointed by the President. Each member shall serve for a term of 2 years and may continue to serve after the expiration of their term until a successor is appointed. The President shall designate one member to serve as Chair and one member to serve as Vice Chair. Subject to the direction of the Chief Executive Officer of the CNCS, the Chair, and in the Chair's absence the Vice Chair, shall convene and preside at the meetings of the Council, determine its agenda, and direct its work.

**Sec. 2.** *Mission and Functions of the Council.*

- (a) The mission of the Council shall be to:
  - (i) encourage the recognition of outstanding volunteer service and civic participation by individuals, schools, and organizations and thereby encourage more such activity, especially on the part of America's youth; and
  - (ii) facilitate awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.
- (b) In carrying out its mission, the Council shall:
  - (i) design and recommend programs to recognize individuals, schools, and organizations that excel in their efforts to support volunteer service and civic participation, especially with respect to students in primary schools, secondary schools, and institutions of higher learning;
  - (ii) exchange information and ideas with interested individuals and organizations on ways to expand and improve programs developed pursuant to subsection 2(b)(i) of this order;
  - (iii) advise the Chief Executive Officer of the CNCS on broad dissemination, especially among schools and youth organizations, of information regarding recommended practices for the promotion of volunteer service and civic participation, and other relevant educational and promotional materials;
  - (iv) monitor and advise the Chief Executive Officer of the CNCS on the need for the enhancement of materials disseminated pursuant to subsection 2(b)(iii) of this order; and

January 29, 2003

- (v) make recommendations from time to time to the President, through the Director of the USA Freedom Corps, on ways to promote and recognize outstanding volunteer service and civic participation by individuals, schools, and organizations and to promote awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.

**Sec. 3. Administration.** (a) Each Federal agency, to the extent permitted by law and subject to the availability of appropriations, shall furnish such information and assistance to the Council as the Council may, with the approval of the Director of the USA Freedom Corps, request.

(b) The members of the Council shall serve without compensation for their work on the Council. Members of the Council who are not officers or employees of the United States may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701–5707).

(c) To the extent permitted by law, the Chief Executive Officer of the CNCS shall furnish the Council with necessary staff, supplies, facilities, and other administrative services and shall pay the expenses of the Council.

(d) The Chief Executive Officer of the CNCS shall appoint an Executive Director to head the staff of the Council.

(e) The Council, with the approval of the Chief Executive Officer of the CNCS, may establish subcommittees of the Council, consisting exclusively of members of the Council, as appropriate to aid the Council in carrying out its mission under this order.

**Sec. 4. General Provisions.** (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Chief Executive Officer of CNCS in accordance with the guidelines and procedures issued by the Administrator of General Services.

(b) Unless extended by the President, this order shall expire 2 years from the date of this order.

George W. Bush

THE WHITE HOUSE,  
January 29, 2003.

**No. 13287, 68 F.R. 10635**

March 3, 2003

**Preserve America**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.), it is hereby ordered:

**Section 1. *Statement of Policy.*** It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

**Sec. 2. *Building Preservation Partnerships.*** When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

**Sec. 3. *Improving Federal Agency Planning and Accountability.*** (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-

March 3, 2003

2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470h-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)–(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

**Sec. 4. *Improving Federal Stewardship of Historic Properties.*** (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.



March 3, 2003

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

**Sec. 5. *Promoting Preservation Through Heritage Tourism.***

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

**Sec. 6. *National and Homeland Security Considerations.***

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

**Sec. 7. *Definitions.*** For the purposes of this order, the term “historic property” means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term “heritage tourism” means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale’s history, landscape (including trail systems), and culture. The terms “Federally owned” and “in Federal ownership,” and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

**Sec. 8. *Judicial Review.*** This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural,

March 3, 2003

enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
*March 3, 2003.*

**No. 13316, 68 F.R. 55255**

September 17, 2003

**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 in accordance 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, 2005.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; Section 3 of 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 on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Council on Bioethics; Executive Order 13237 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).

(l) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(n) 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.** The following Executive Orders, or sections thereof, which established committees that have terminated or whose work is completed, are revoked:

(a) Sections 5 through 7 of Executive Order 13111, as amended by Executive Order 13188 and Section 3(a) of Executive Order 13218, pertaining to the establishment of the Advisory Committee on Expanding Training Opportunities;

September 17, 2003

(b) Executive Order 12975, as amended by Executive Orders 13018, 13046, and 13137, establishing the National Bioethics Advisory Commission;

(c) Executive Order 13227, as amended by Executive Order 13255, establishing the President's Commission on Excellence in Special Education;

(d) Executive Order 13278, establishing the President's Commission on the United States Postal Service;

(e) Executive Order 13210, establishing the President's Commission to Strengthen Social Security;

(f) Sections 5 through 8 of Executive Order 13177, pertaining to the establishment of the President's Council on the Use of Offsets in Commercial Trade;

(g) Executive Order 13263, establishing the President's New Freedom Commission on Mental Health;

(h) Executive Order 13214, establishing the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans; and

(i) Executive Order 13147, as amended by Executive Order 13167, establishing the White House Commission on Complementary and Alternative Medicine Policy.

**Sec. 4.** Executive Order 13225 is superseded.

**Sec. 5.** Section 1–102(a) of Executive Order 12131, as amended, is further amended to read as follows:

“(a) The heads of the following executive agencies or their representatives:

- (1) Department of State.
- (2) Department of the Treasury.
- (3) Department of Agriculture.
- (4) Department of Commerce.
- (5) Department of Labor.
- (6) Department of Energy.
- (7) Department of Homeland Security.
- (8) Office of the United States Trade Representative.
- (9) Export-Import Bank of the United States.
- (10) Small Business Administration.”

**Sec. 6.** This order shall be effective September 30, 2003.

George W. Bush

THE WHITE HOUSE,  
*September 17, 2003.*

**No. 13327, 69 F.R. 5897**

February 4, 2004

**Federal Real Property Asset Management**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

**Sec. 2. Definition and Scope.** (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code, and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985, in section 8 of this order.

**Sec. 3. Establishment and Responsibilities of Agency Senior Real Property Officer.** (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:

February 4, 2004

- (i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;
  - (ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;
  - (iii) make life-cycle cost estimations associated with the prioritized actions;
  - (iv) identify legislative authorities that are required to address these priorities;
  - (v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;
  - (vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003, and for environmental management under Executive Order 13148 of April 21, 2000; and
  - (vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.
- (c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:
- (i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;
  - (ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and
  - (iii) reflected in the agency asset management plan.
- (d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:
- (i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and
  - (ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.
- (e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

**Sec. 4. Establishment of a Federal Real Property Council.** (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

February 4, 2004

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

- (i) life-cycle cost estimations associated with the agency's prioritized actions;
- (ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;
- (iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;
- (iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;
- (v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;
- (vi) changes in the amounts of vacant Federal space;
- (vii) the realization of equity value in Federal real property assets;
- (viii) opportunities for cooperative arrangements with the commercial real estate community; and
- (ix) the enhancement of Federal agency productivity through an improved working environment.

The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

**Sec. 5. *Role of the General Services Administration.*** (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

February 4, 2004

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

**Sec. 6. *General Provisions.*** (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

**Sec. 7. *Public Lands.*** In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

**Sec. 8.** Executive Order 12512 of April 29, 1985, is hereby revoked.

**Sec. 9. *Judicial Review.*** This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
February 4, 2004.



**No. 13330, 69 F.R. 9185**

February 24, 2004

**Human Service Transportation Coordination**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged, it is hereby ordered as follows:

**Section 1.** This order is issued consistent with the following findings and principles:

(a) A strong America depends on citizens who are productive and who actively participate in the life of their communities.

(b) Transportation plays a critical role in providing access to employment, medical and health care, education, and other community services and amenities. The importance of this role is underscored by the variety of transportation programs that have been created in conjunction with health and human service programs, and by the significant Federal investment in accessible public transportation systems throughout the Nation.

(c) These transportation resources, however, are often difficult for citizens to understand and access, and are more costly than necessary due to inconsistent and unnecessary Federal and State program rules and restrictions.

(d) A broad range of Federal program funding allows for the purchase or provision of transportation services and resources for persons who are transportation-disadvantaged. Yet, in too many communities, these services and resources are fragmented, unused, or altogether unavailable.

(e) Federally assisted community transportation services should be seamless, comprehensive, and accessible to those who rely on them for their lives and livelihoods. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between our communities should be as available and affordable as possible.

(f) The development, implementation, and maintenance of responsive, comprehensive, coordinated community transportation systems is essential for persons with disabilities, persons with low incomes, and older adults who rely on such transportation to fully participate in their communities.

**Sec. 2. Definitions.** (a) As used in this order, the term “agency” means an executive department or agency of the Federal Government.

(b) For the purposes of this order, persons who are transportation-disadvantaged are persons who qualify for Federally conducted or Federally assisted transportation-related programs or services due to disability, income, or advanced age.

**Sec. 3. Establishment of the Interagency Transportation Coordinating Council on Access and Mobility.** (a) There is hereby established, within the Department of Transportation for administrative purposes, the “Interagency Transportation Coordinating Council on Access and Mobility” (“Interagency Transportation Coordinating Council” or “Council”). The membership of the Interagency Transportation Coordinating Council shall consist of:

(i) the Secretaries of Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and

February 24, 2004

Urban Development, and the Interior, the Attorney General, and the Commissioner of Social Security; and

(ii) such other Federal officials as the Chairperson of the Council may designate.

(b) The Secretary of Transportation, or the Secretary's designee, shall serve as the Chairperson of the Council. The Chairperson shall convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of the Council's members.

(c) A member of the Council may designate any person who is part of the member's agency and who is an officer appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule to perform functions of the Council or its subgroups on the member's behalf.

**Sec. 4. *Functions of the Interagency Transportation Coordinating Council.*** The Interagency Transportation Coordinating Council shall:

(a) promote interagency cooperation and the establishment of appropriate mechanisms to minimize duplication and overlap of Federal programs and services so that transportation-disadvantaged persons have access to more transportation services;

(b) facilitate access to the most appropriate, cost-effective transportation services within existing resources;

(c) encourage enhanced customer access to the variety of transportation and resources available;

(d) formulate and implement administrative, policy, and procedural mechanisms that enhance transportation services at all levels; and

(e) develop and implement a method for monitoring progress on achieving the goals of this order.

**Sec. 5. *Report.*** In performing its functions, the Interagency Transportation Coordinating Council shall present to me a report not later than 1 calendar year from the date of this order. The report shall:

(a) Identify those Federal, State, Tribal and local laws, regulations, procedures, and actions that have proven to be most useful and appropriate in coordinating transportation services for the targeted populations;

(b) Identify substantive and procedural requirements of transportation-related Federal laws and regulations that are duplicative or restrict the laws' and regulations' most efficient operation;

(c) Describe the results achieved, on an agency and program basis, in: (i) simplifying access to transportation services for persons with disabilities, persons with low income, and older adults; (ii) providing the most appropriate, cost-effective transportation services within existing resources; and (iii) reducing duplication to make funds available for more services to more such persons;

(d) Provide recommendations to simplify and coordinate applicable substantive, procedural, and administrative requirements; and

(e) Provide any other recommendations that would, in the judgment of the Council, advance the principles set forth in section 1 of this order.

**Sec. 6. *General.*** (a) Agencies shall assist the Interagency Transportation Coordinating Council and provide information to the Council consistent with applicable law as may be necessary to carry out its

February 24, 2004

functions. To the extent permitted by law, and as permitted by available agency resources, the Department of Transportation shall provide funding and administrative support for the Council.

(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 budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
*February 24, 2004.*

**No. 13340, 69 F.R. 29043**

May 18, 2004

**Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to help establish a regional collaboration of national significance for the Great Lakes, it is hereby ordered as follows:

**Section 1. Policy.** The Great Lakes are a national treasure constituting the largest freshwater system in the world. The United States and Canada have made great progress addressing past and current environmental impacts to the Great Lakes ecology. The Federal Government is committed to making progress on the many significant challenges that remain. Along with numerous State, tribal, and local programs, over 140 Federal programs help fund and implement environmental restoration and management activities throughout the Great Lakes system. A number of intergovernmental bodies are providing leadership in the region to address environmental and resource management issues in the Great Lakes system. These activities would benefit substantially from more systematic collaboration and better integration of effort. It is the policy of the Federal Government to support local and regional efforts to address environmental challenges and to encourage local citizen and community stewardship. To this end, the Federal Government will partner with the Great Lakes States, tribal and local governments, communities, and other interests to establish a regional collaboration to address nationally significant environmental and natural resource issues involving the Great Lakes. It is the further policy of the Federal Government that its executive departments and agencies will ensure that their programs are funding effective, coordinated, and environmentally sound activities in the Great Lakes system.

**Sec. 2. Definitions.**

For purposes of this order:

(a) "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Marys River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border).

(b) "Great Lakes system" means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes.

**Sec. 3. Great Lakes Interagency Task Force.**

(a) Task Force Purpose. To further the policy described in section 1 of this order, there is established, within the Environmental Protection Agency for administrative purposes, the "Great Lakes Interagency Task Force" (Task Force) to:

- (i) Help convene and establish a process for collaboration among the members of the Task Force and the members of the Working Group that is established in paragraph b(ii) of this section, with the Great Lakes States, local communities, tribes, regional bodies, and other interests in the Great Lakes region regarding policies, strategies, plans, programs, projects, activities, and priorities for the Great Lakes system.

May 18, 2004

- (ii) Collaborate with Canada and its provinces and with bi-national bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes system.
  - (iii) Coordinate the development of consistent Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes system and assisting in the appropriate management of the Great Lakes system.
  - (iv) Develop outcome-based goals for the Great Lakes system relying upon, among other things, existing data and science-based indicators of water quality and related environmental factors. These goals shall focus on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes system and ensure that Federal policies, strategies, projects, and priorities support measurable results.
  - (v) Exchange information regarding policies, strategies, projects, and activities of the agencies represented on the Task Force related to the Great Lakes system.
  - (vi) Work to coordinate government action associated with the Great Lakes system.
  - (vii) Ensure coordinated Federal scientific and other research associated with the Great Lakes system.
  - (viii) Ensure coordinated government development and implementation of the Great Lakes portion of the Global Earth Observation System of Systems.
  - (ix) Provide assistance and support to agencies represented on the Task Force in their activities related to the Great Lakes system.
  - (x) Submit a report to the President by May 31, 2005, and thereafter as appropriate, that summarizes the activities of the Task Force and provides any recommendations that would, in the judgment of the Task Force, advance the policy set forth in section 1 of this order.
- (b) Membership and Operation.
- (i) The Task Force shall consist exclusively of the following officers of the United States: the Administrator of the Environmental Protection Agency (who shall chair the Task Force), the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of the Army, and the Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.
  - (ii) The Task Force shall establish a "Great Lakes Regional Working Group" (Working Group) composed of the appropriate regional administrator or director with programmatic responsibility for the Great Lakes system for each agency represented on the Task Force including: the Great Lakes National Program Office of the Environmental Protection Agency; the United States Fish and Wildlife Service, National Park Service, and

May 18, 2004

United States Geological Survey within the Department of the Interior; the Natural Resources Conservation Service and the Forest Service of the Department of Agriculture; the National Oceanic and Atmospheric Administration of the Department of Commerce; the Department of Housing and Urban Development; the Department of Transportation; the Coast Guard within the Department of Homeland Security; and the Army Corps of Engineers within the Department of the Army. The Working Group will coordinate and make recommendations on how to implement the policies, strategies, projects, and priorities of the Task Force.

(c) Management Principles for Regional Collaboration of National Significance. To further the policy described in section 1, the Task Force shall recognize and apply key principles and foster conditions to ensure successful collaboration. To that end, the Environmental Protection Agency will coordinate the development of a set of principles of successful collaboration.

**Sec. 4. *Great Lakes National Program Office.*** The Great Lakes National Program Office of the Environmental Protection Agency shall assist the Task Force and the Working Group in the performance of their functions. The Great Lakes National Program Manager shall serve as chair of the Working Group.

**Sec. 5. *Preservation of Authority.*** 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 budget, administrative, regulatory, and legislative proposals. Nothing in this order shall be construed to affect the statutory authority or obligations of any Federal agency or any bi-national agreement with Canada.

**Sec. 6. *Judicial Review.*** 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, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
May 18, 2004.

**No. 13347, 69 F.R. 44573**

July 22, 2004

**Individuals With Disabilities  
in Emergency Preparedness**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

**Section 1. Policy.** To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

**Sec. 2. Establishment of Council.** (a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the "Council"). The Council shall consist exclusively of the following members or their designees:

(i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and

(ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member's department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule.

**Sec. 3. Functions of Council.** (a) The Council shall:

(i) coordinate implementation by agencies of the policy set forth in section 1 of this order;

(ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-

July 22, 2004

time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation; and

- (iii) at the request of any agency head (or the agency head's designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.

(b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:

- (i) the achievements of the Council in implementing the policy set forth in section 1;
- (ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and
- (iii) recommendations of the Council for advancing the policy set forth in section 1.

**Sec. 4. General.** (a) To the extent permitted by law:

- (i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and
- (ii) the Department of Homeland Security shall provide funding and administrative support for the Council.

(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 budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
July 22, 2004.



**No. 13352, 69 F.R. 52989**

August 26, 2004

**Facilitation of Cooperative Conservation**

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 purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decisionmaking, in accordance with their respective agency missions, policies, and regulations.

**Sec. 2. Definition.** As used in this order, the term “cooperative conservation” means actions that relate to use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals.

**Sec. 3. Federal Activities.** To carry out the purpose of this order, the Secretaries of the Interior, Agriculture, Commerce, and Defense and the Administrator of the Environmental Protection Agency shall, to the extent permitted by law and subject to the availability of appropriations and in coordination with each other as appropriate:

- (a) carry out the programs, projects, and activities of the agency that they respectively head that implement laws relating to the environment and natural resources in a manner that:
  - (i) facilitates cooperative conservation;
  - (ii) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources;
  - (iii) properly accommodates local participation in Federal decision-making; and
  - (iv) provides that the programs, projects, and activities are consistent with protecting public health and safety;
- (b) report annually to the Chairman of the Council on Environmental Quality on actions taken to implement this order; and
- (c) provide funding to the Office of Environmental Quality Management Fund (42 U.S.C. 4375) for the Conference for which section 4 of this order provides.

**Sec. 4. White House Conference on Cooperative Conservation.** The Chairman of the Council on Environmental Quality shall, to the extent permitted by law and subject to the availability of appropriations:

- (a) convene not later than 1 year after the date of this order, and thereafter at such times as the Chairman deems appropriate, a White House Conference on Cooperative Conservation (Conference) to facilitate the exchange of information and advice relating to (i) cooperative conservation and (ii) means for achievement of the purpose of this order; and
- (b) ensure that the Conference obtains information in a manner that seeks from Conference participants their individual advice and does not involve collective judgment or consensus advice or deliberation.

August 26, 2004

**Sec. 5. *General Provision.*** 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, instrumentalities or entities, its officers, employees or agents, or any other person.

George W. Bush

THE WHITE HOUSE,  
*August 26, 2004.*

**No. 13366, 69 F.R. 76591**

December 17, 2004

**Committee on Ocean Policy**

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.** It shall be the policy of the United States to:

(a) coordinate the activities of executive departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental, economic, and security interests of present and future generations of Americans; and

(b) facilitate, as appropriate, coordination and consultation regarding ocean-related matters among Federal, State, tribal, local governments, the private sector, foreign governments, and international organizations.

**Sec. 2. Definition.** For purposes of this order the term “ocean-related matters” means matters involving the oceans, the Great Lakes, the coasts of the United States (including its territories and possessions), and related seabed, subsoil, and natural resources.

**Sec. 3. Establishment of Committee on Ocean Policy.**

(a) There is hereby established, as a part of the Council on Environmental Quality and for administrative purposes only, the Committee on Ocean Policy (Committee).

(b) The Committee shall consist exclusively of the following:

- (i) the Chairman of the Council on Environmental Quality, who shall be the Chairman of the Committee;
- (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 Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Chairman of the Joint Chiefs of Staff;
- (iii) the Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, and Economic Policy;
- (iv) an employee of the United States designated by the Vice President; and
- (v) such other officers or employees of the United States as the Chairman of the Committee may from time to time designate.

(c) The Chairman of the Committee, after coordination with the Assistants to the President for National Security Affairs and Homeland Security, shall regularly convene and preside at meetings of the Committee, determine its agenda, direct its work, and, as appropriate to deal with particular subject matters, establish and direct subcommittees of the Committee that shall consist exclusively of members of the Committee. The Committee shall coordinate its advice in a timely fashion.

(d) A member of the Committee may designate, to perform the Committee or subcommittee 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,

December 17, 2004

(ii) a member of the Senior Executive Service or the Senior Intelligence Service, (iii) an officer or employee within the Executive Office of the President, or (iv) an employee of the Vice President.

(e) Consistent with applicable law and subject to the availability of appropriations, the Council on Environmental Quality shall provide the funding, including through the Office of Environmental Quality as permitted by law and as appropriate, and administrative support for the Committee necessary to implement this order.

**Sec. 4. *Functions of the Committee.*** To implement the policy set forth in section 1 of this order, the Committee shall:

(a) provide advice on establishment or implementation of policies concerning ocean-related matters to:

- (i) the President; and
- (ii) the heads of executive departments and agencies from time to time as appropriate;

(b) obtain information and advice concerning ocean-related matters from:

- (i) State, local, and tribal elected and appointed officials in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation; and
- (ii) representatives of private entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation;

(c) at the request of the head of any department or agency who is a member of the Committee, unless the Chairman of the Committee declines the request, promptly review and provide advice on a policy or policy implementation action on ocean-related matters proposed by that department or agency;

(d) provide and obtain information and advice to facilitate:

- (i) development and implementation of common principles and goals for the conduct of governmental activities on ocean-related matters;
- (ii) voluntary regional approaches with respect to ocean-related matters;
- (iii) use of science in establishment of policy on ocean-related matters; and
- (iv) collection, development, dissemination, and exchange of information on ocean-related matters; and

(e) ensure coordinated government development and implementation of the ocean component of the Global Earth Observation System of Systems.

**Sec. 5. *Cooperation.*** To the extent permitted by law and applicable presidential guidance, executive departments and agencies shall provide the Committee such information, support, and assistance as the Committee, through the Chairman, may request.

**Sec. 6. *Coordination.*** The Chairman of the Council on Environmental Quality, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and, with respect to the interagency task force established by Executive Order 13340 of May 18, 2004, the Administrator of the Environmental Protection Agency, shall ensure appropriate coordination of the activities of the Committee under this order and other policy coordination structures relating to ocean or maritime issues pursuant to Presidential guidance.

December 17, 2004

**Sec. 7. *General Provisions.*** (a) Nothing in this order 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 budget, 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 a party against the United States, its departments, agencies, or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
*December 17, 2004.*

**No. 13371, 70 F.R. 5041**

January 27, 2005

**Amendments to Executive Order 13285,  
Relating to the President's Council on  
Service and Civic Participation**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to modify the mission and functions of the President's Council on Service and Civic Participation (Council) and to extend the Council, it is hereby ordered that Executive Order 13285 of January 29, 2003, is amended as follows:

**Section 1.** (a) Sections 2(a) and 2(b) of Executive Order 13285 are revised to read as follows: "(a) The mission and functions of the Council shall be to:

- (i) promote volunteer service and civic participation in American society;
- (ii) encourage the recognition of outstanding volunteer service through the presentation of the President's Volunteer Service Award by Council members and Certifying Organizations, thereby encouraging more such activity;
- (iii) promote the efforts and needs of local non-profits and volunteer organizations, including volunteer centers;
- (iv) promote greater public access to information about existing volunteer opportunities, including via the Internet;
- (v) assist with the promotion of Federally administered volunteer programs and the link that they have to increasing and strengthening community volunteer service; and
- (vi) promote increased and sustained private sector sponsorship of and engagement in volunteer service.

(b) In carrying out its mission, the Council shall:

- (i) encourage broad participation in the President's Volunteer Service Award program by qualified individuals and groups, especially students in primary schools, secondary schools, and institutions of higher learning;
- (ii) exchange information and ideas with interested individuals and organizations on ways to expand and improve volunteer service and civic participation;
- (iii) advise the Chief Executive Officer of the CNCS on broad dissemination, especially among schools and youth organizations, of information regarding recommended practices for the promotion of volunteer service and civic participation, and other relevant educational and promotional materials;
- (iv) monitor and advise the Chief Executive Officer of the CNCS on the need for the enhancement of materials disseminated pursuant to subsection 2(b)(iii) of this order; and
- (v) make recommendations from time to time to the President, through the Director of the USA Freedom Corps, on ways to encourage greater levels of volunteer service and civic participation by individuals, schools, and organizations."

January 27, 2005

**Sec. 2.** Section 4(b) of Executive Order 13285 is revised to read as follows: “(b) Unless further extended by the President, this order shall expire on January 29, 2007.”

George W. Bush

THE WHITE HOUSE,  
*January 27, 2005.*

**No. 13385, 70 F.R. 57989**

September 29, 2005

**Continuance of Certain Federal  
Advisory Committees and Amendments to  
and Revocation of Other Executive Orders**

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, 2007.

- (a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).
- (b) National Infrastructure Advisory Council; section 3 of 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 of Advisors on Science and Technology; Executive Order 13226, as amended (Office of Science and Technology Policy).
- (l) President's Council on Bioethics; Executive Order 13237 (Department of Health and Human Services).
- (m) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).
- (n) President's Export Council; Executive Order 12131, as amended (Department of Commerce).
- (o) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).
- (p) 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



September 29, 2005

designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

**Sec. 3.** The following Executive Orders that established committees that have terminated or whose work is completed are revoked:

- (a) Executive Order 13328, establishing the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; and
- (b) Executive Order 13326, establishing the President's Commission on Implementation of United States Space Exploration Policy.

**Sec. 4.** Sections 1 and 2 of Executive Order 13316 are superseded by sections 1 and 2 of this order.

**Sec. 5.** Section 3 of Executive Order 13231, as amended, is further amended by striking section 3, except subsection (c) thereof, and inserting immediately preceding subsection (c), the following:

**“Section 3.** *The National Infrastructure Advisory Council.* The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

- (a) **Membership.** The NIAC shall be composed of not more than 30 members appointed by the President, taking appropriate account of the benefits of having members (i) from the private sector, including but not limited to banking and finance, transportation, energy, communications, and emergency services organizations and institutions of higher learning, and State, local, and tribal governments, (ii) with senior leadership responsibilities for the reliability and availability, which include security, of the critical infrastructure and key resource sectors, (iii) with expertise relevant to the functions of the NIAC, and (iv) with experience equivalent to that of a chief executive of an organization. Unless otherwise determined by the President, no full-time officer or employee of the executive branch shall be appointed to serve as a member of the NIAC. The President shall designate from among the members of the NIAC a Chair and a Vice Chair, who shall perform the functions of the Chair if the Chair is absent, disabled, or in the instance of a vacancy in the Chair.
- (b) **Functions of the NIAC.** The NIAC shall meet periodically to:
  - (i) enhance the partnership of the public and private sectors in protecting critical infrastructures and their information systems and provide reports on this issue to the President through the Secretary of Homeland Security, as appropriate;
  - (ii) propose and develop ways to encourage private industry to perform periodic risk assessments;
  - (iii) monitor the development and operations of private sector coordinating councils and their information sharing mechanisms and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the sectors, the Department of Homeland Security, and other Federal Government entities;
  - (iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy,

September 29, 2005

and the Assistant to the President for National Security Affairs under the terms of this order; and

- (v) advise sector specific agencies with critical infrastructure responsibilities to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms.”

In implementing this order, the NIAC shall not advise or otherwise act on matters pertaining to National Security and Emergency Preparedness (NS/EP) Communications and, with respect to any matters to which the NIAC is authorized by this order to provide advice or otherwise act on that may depend upon or affect NS/EP Communications, shall coordinate with the National Security and Telecommunications Advisory Committee established by Executive Order 12382, as amended.

**Sec. 6.** Executive Order 12367, as amended, is further amended by:

- (a) Striking “including the Millennium” in section 2;
- (b) Changing the title of section 3 to read “Administrative and Project Support”; and
- (c) Adding the following new subsection 3(c):  
“(c) Additional project support may be provided, to the extent permitted by law, by the Director of the Institute of Museum and Library Services after consultation with the Chairpersons of the National Endowment for the Arts and the National Endowment for the Humanities.”

**Sec. 7.** Executive Order 12216, as amended, is further amended by revising subsection 1–101 to read as follows:

“1–101. There is established the President’s Committee on the International Labor Organization (ILO). The members will be the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and one representative each from organized labor and the business community, to be designated by the Secretary of Labor.”

**Sec. 8.** Executive Order 13226, as amended, is further amended by:

- (a) Striking “not more than 25 members,” in section 1 and inserting in lieu thereof “not more than 45 members,”;
- (b) Striking “24 of whom” in section 1 and inserting in lieu thereof “44 of whom”; and
- (c) Adding the following new subsection 2(d):  
“(d) PCAST shall serve as the President’s Information Technology Advisory Committee under subsections 101(b) and 103(b) of the High-Performance Computing Act of 1991 (Public Law 102–194), as amended (15 U.S.C. 5511(b) and 5513(b)).”

**Sec. 9.** Executive Order 13283 is revoked.

**Sec. 10.** This order shall be effective September 30, 2005.

George W. Bush

THE WHITE HOUSE,  
September 29, 2005.

**No. 13390, 70 F.R. 67327**

November 1, 2005

**Establishment of a  
Coordinator of Federal Support for the  
Recovery and Rebuilding of the Gulf Coast Region**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121–5206) (the “Stafford Act”), and to further strengthen Federal support for the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to provide effective, integrated, and fiscally responsible support from across the Federal Government to support State, local, and tribal governments, the private sector, and faith-based and other community humanitarian relief organizations in the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita (the “Federal Response”).

**Sec. 2. Establishment of Coordinator.** The Secretary of Homeland Security (Secretary) shall establish in the Department of Homeland Security the position of Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region (Coordinator). The Coordinator shall be selected by the President and shall be appointed by and report directly to the Secretary. The Secretary shall make available to the Coordinator such personnel, funds, and other resources as may be appropriate to enable the Coordinator to carry out the Coordinator’s mission.

**Sec. 3. Mission and Functions of Coordinator.** (a) The Coordinator’s mission shall be to work with executive departments and agencies to ensure the proper implementation of the policy set forth in section 1 of this order by coordinating the Federal Response. The Coordinator shall be the principal point of contact for the President and his senior advisors with respect to the Federal Response.

(b) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the process to develop the principles governing and define the goals of the Federal Response. The Coordinator shall communicate those principles and goals to all Federal officials involved in the Federal Response.

(c) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the development and monitor the implementation of the specific policies and programs that constitute the Federal Response, and ensure that those policies and programs are consistent with the principles and goals of the Federal Response.

(d) The Coordinator shall serve as the primary point of contact within the executive branch with the Congress, State and local governments, the private sector, and community leaders regarding the Federal Response. Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall be responsible for managing information flow, requests for actions, and discussions

November 1, 2005

regarding the Federal Response with the Congress, State and local governments, the private sector, and community leaders.

**Sec. 4. *Duties of Heads of Departments and Agencies.*** Heads of executive departments and agencies shall respond promptly to any request by the Coordinator, and shall, consistent with applicable law, provide such information as the Coordinator deems necessary to carry out the Coordinator's mission, and shall otherwise cooperate with the Coordinator to the greatest extent practicable to facilitate the performance of the Coordinator's mission.

**Sec. 5. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof;  
(ii) the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals;  
or

(iii) the chain of command over the Armed Forces provided in section 162(b) of title 10, United States Code.

(b) This order shall be implemented consistent with applicable law, subject to the availability of appropriations, and shall terminate 3 years from the date of this order.

(c) As used in this order, the term "agency" has the meaning set forth for the term "executive agency" in section 105 of title 5, United States Code, excluding the Government Accountability Office.

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

George W. Bush

THE WHITE HOUSE,  
November 1, 2005.

**No. 13392, 70 F.R. 75373**

December 14, 2005

**Improving Agency Disclosure of Information**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure appropriate agency disclosure of information, and consistent with the goals of section 552 of title 5, United States Code, it is hereby ordered as follows:

**Section 1. Policy.**

(a) The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal agencies. Under the FOIA, the public can obtain records from any Federal agency, subject to the exemptions enacted by the Congress to protect information that must be held in confidence for the Government to function effectively or for other purposes.

(b) FOIA requesters are seeking a service from the Federal Government and should be treated as such. Accordingly, in responding to a FOIA request, agencies shall respond courteously and appropriately. Moreover, agencies shall provide FOIA requesters, and the public in general, with citizen-centered ways to learn about the FOIA process, about agency records that are publicly available (e.g., on the agency's website), and about the status of a person's FOIA request and appropriate information about the agency's response.

(c) Agency FOIA operations shall be both results-oriented and produce results. Accordingly, agencies shall process requests under the FOIA in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing. When an agency's FOIA program does not produce such results, it should be reformed, consistent with available resources appropriated by the Congress and applicable law, to increase efficiency and better reflect the policy goals and objectives of this order.

(d) A citizen-centered and results-oriented approach will improve service and performance, thereby strengthening compliance with the FOIA, and will help avoid disputes and related litigation.

**Sec. 2. Agency Chief FOIA Officers.**

(a) *Designation.* The head of each agency shall designate within 30 days of the date of this order a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency. The head of the agency shall promptly notify the Director of the Office of Management and Budget (OMB Director) and the Attorney General of such designation and of any changes thereafter in such designation.

(b) *General Duties.* The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency:

(i) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

(ii) monitor FOIA implementation throughout the agency, including through the use of meetings with the public to the extent deemed appropriate by the agency's Chief FOIA Officer, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's per-

December 14, 2005

formance in implementing the FOIA, including the extent to which the agency meets the milestones in the agency's plan under section 3(b) of this order and training and reporting standards established consistent with applicable law and this order;

(iii) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy set forth in section 1 of this order;

(iv) review and report, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

(v) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.

(c) *FOIA Requester Service Center and FOIA Public Liaisons.* In order to ensure appropriate communication with FOIA requesters:

(i) Each agency shall establish one or more FOIA Requester Service Centers (Center), as appropriate, which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person's FOIA request and appropriate information about the agency's FOIA response. The Center shall include appropriate staff to receive and respond to inquiries from FOIA requesters;

(ii) The agency Chief FOIA Officer shall designate one or more agency officials, as appropriate, as FOIA Public Liaisons, who may serve in the Center or who may serve in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center, following an initial response from the Center staff. FOIA Public Liaisons shall seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries. For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities and shall perform their duties consistent with applicable law and agency regulations;

(iii) In addition to the services to FOIA requesters provided by the Center and FOIA Public Liaisons, the agency Chief FOIA Officer shall also consider what other FOIA-related assistance to the public should appropriately be provided by the agency;

(iv) In establishing the Centers and designating FOIA Public Liaisons, the agency shall use, as appropriate, existing agency staff and resources. A Center shall have appropriate staff to receive and respond to inquiries from FOIA requesters;

(v) As determined by the agency Chief FOIA Officer, in consultation with the FOIA Public Liaisons, each agency shall post appropriate information about its Center or Centers on the agency's website, including contact information for its FOIA Public Liaisons. In the case of an agency without a website, the agency shall publish the information on the Firstgov.gov website or, in the case of any agency with neither a website nor the capability to post on the Firstgov.gov website, in the *Federal Register*; and

December 14, 2005

(vi) The agency Chief FOIA Officer shall ensure that the agency has in place a method (or methods), including through the use of the Center, to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider, in consultation with the FOIA Public Liaisons, as appropriate, whether the agency's implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.

**Sec. 3. Review, Plan, and Report.**

(a) *Review.* Each agency's Chief FOIA Officer shall conduct a review of the agency's FOIA operations to determine whether agency practices are consistent with the policies set forth in section 1 of this order. In conducting this review, the Chief FOIA Officer shall:

(i) evaluate, with reference to numerical and statistical benchmarks where appropriate, the agency's administration of the FOIA, including the agency's expenditure of resources on FOIA compliance and the extent to which, if any, requests for records have not been responded to within the statutory time limit (backlog);

(ii) review the processes and practices by which the agency assists and informs the public regarding the FOIA process;

(iii) examine the agency's:

(A) use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters;

(B) practices with respect to requests for expedited processing; and

(C) implementation of multi-track processing if used by such agency;

(iv) review the agency's policies and practices relating to the availability of public information through websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, United States Code; and

(v) identify ways to eliminate or reduce its FOIA backlog, consistent with available resources and taking into consideration the volume and complexity of the FOIA requests pending with the agency.

(b) *Plan.*

(i) Each agency's Chief FOIA Officer shall develop, in consultation as appropriate with the staff of the agency (including the FOIA Public Liaisons), the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth in section 1 of this order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency's implementation of the FOIA during fiscal years 2006 and 2007.

(ii) The plan shall include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for the records under the FOIA.

December 14, 2005

(iii) The plan shall also include activities to increase public awareness of FOIA processing, including as appropriate, expanded use of the agency's Center and its FOIA Public Liaisons.

(iv) The plan shall also include, taking appropriate account of the resources available to the agency and the mission of the agency, concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan.

(c) *Agency Reports to the Attorney General and OMB Director.*

(i) The head of each agency shall submit a report, no later than 6 months from the date of this order, to the Attorney General and the OMB Director that summarizes the results of the review under section 3(a) of this order and encloses a copy of the agency's plan under section 3(b) of this order. The agency shall publish a copy of the agency's report on the agency's website or, in the case of an agency without a website, on the Firstgov.gov website, or, in the case of any agency with neither a website nor the capability to publish on the Firstgov.gov website, in the *Federal Register*.

(ii) The head of each agency shall include in the agency's annual FOIA reports for fiscal years 2006 and 2007 a report on the agency's development and implementation of its plan under section 3(b) of this order and on the agency's performance in meeting the milestones set forth in that plan, consistent with any related guidelines the Attorney General may issue under section 552(e) of title 5, United States Code.

(iii) If the agency does not meet a milestone in its plan, the head of the agency shall:

(A) identify this deficiency in the annual FOIA report to the Attorney General;

(B) explain in the annual report the reasons for the agency's failure to meet the milestone;

(C) outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and

(D) report this deficiency to the President's Management Council.

**Sec. 4. Attorney General.**

(a) *Report.* The Attorney General, using the reports submitted by the agencies under subsection 3(c)(i) of this order and the information submitted by agencies in their annual FOIA reports for fiscal year 2005, shall submit to the President, no later than 10 months from the date of this order, a report on agency FOIA implementation. The Attorney General shall consult the OMB Director in the preparation of the report and shall include in the report appropriate recommendations on administrative or other agency actions for continued agency dissemination and release of public information. The Attorney General shall thereafter submit two further annual reports, by June 1, 2007, and June 1, 2008, that provide the President with an update on the agencies' implementation of the FOIA and of their plans under section 3(b) of this order.

(b) *Guidance.* The Attorney General shall issue such instructions and guidance to the heads of departments and agencies as may be appropriate to implement sections 3(b) and 3(c) of this order.



December 14, 2005

**Sec. 5. OMB Director.** The OMB Director may issue such instructions to the heads of agencies as are necessary to implement this order, other than sections 3(b) and 3(c) of this order.

**Sec. 6. Definitions.** As used in this order:

(a) the term “agency”; has the same meaning as the term “agency”; under section 552(f)(1) of title 5, United States Code; and

(b) the term “record”; has the same meaning as the term “record”; under section 552(f)(2) of title 5, United States Code.

**Sec. 7. General Provisions.**

(a) The agency reviews under section 3(a) of this order and agency plans under section 3(b) of this order shall be conducted and developed in accordance with applicable law and applicable guidance issued by the President, the Attorney General, and the OMB Director, including the laws and guidance regarding information technology and the dissemination of information.

(b) This order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall not be construed to impair or otherwise affect the functions of the OMB Director relating to budget, legislative, or administrative proposals; and

(iii) is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,  
December 14, 2005.

**No. 13401, 71 F.R. 25737**

April 27, 2006

**Responsibilities of  
Federal Departments and Agencies  
With Respect to Volunteer Community Service**

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to help ensure that the Federal Government supports and encourages volunteer community service, it is hereby ordered as follows:

**Section 1. Designation of a Liaison for Volunteer Community Service.**

(a) The head of each agency shall, within 20 days after the date of this order, designate an officer or employee of such agency compensated at a level at or above the minimum level of pay of a member of the Senior Executive Service to serve under the authority of the head of the agency as the agency liaison for volunteer community service (Liaison).

(b) The Liaison in each agency shall promote and support community service on a voluntary basis among Federal employees, including those approaching retirement; promote the use of skilled volunteers; and facilitate public recognition for volunteer community service.

(c) The head of each agency shall prescribe arrangements within the agency for support and supervision of the Liaison that ensure high priority and substantial visibility for the function of the Liaison within the agency under this order.

(d) Each executive agency shall provide its Liaison with appropriate administrative support and other resources to meet the responsibilities of the Liaison under this order.

**Sec. 2. Goals and Responsibilities of the Liaison.** The Liaison shall foster within the Liaison's agency a culture of taking responsibility, service to others, and good citizenship. Toward that end, the Liaison shall:

(a) identify, catalog, and review all activities of the agency that relate to volunteer community service, including, but not limited to rules, orders, grant programs, external relations, and other policies and practices, and make such recommendations to the head of the agency for adjustments as may be appropriate;

(b) actively work with USA Freedom Corps to promote volunteer community service among agency employees by providing information about community service opportunities;

(c) coordinate within the agency actions to facilitate public recognition for volunteer community service;

(d) promote, expand, and enhance skilled volunteer community service opportunities;

(e) work with the USA Freedom Corps and the Director of the Office of Personnel Management (OPM) to consider any appropriate changes in agency policies or practices that are not currently consistent with OPM guidance;

(f) coordinate the awarding of the President's Volunteer Service Award to recognize outstanding volunteer service by employees within the agency; and

(g) act as a liaison with the USA Freedom Corps.

April 27, 2006

**Sec. 3. *Administrative Provisions.*** (a) The USA Freedom Corps shall provide such information with respect to volunteer community service programs and activities and such advice and assistance as may be required by agencies in performing their functions under this order.

(b) Executive Order 12820 of November 5, 1992, is revoked.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) As used in this order:

- (i) “agency” has the meaning of “executive agency” as defined in section 105 of title 5, United States Code; and
- (ii) “USA Freedom Corps” means the Director of the USA Freedom Corps Office established by section 4 of Executive Order 13254 of January 29, 2002.

**Sec. 4. *Reporting Provisions.*** (a) Not later than 180 days from the date of this order and annually thereafter, each agency Liaison shall prepare and submit a report to the USA Freedom Corps that includes a description of the agency’s activities in performing its functions under this order.

(b) A Liaison’s first report under subsection (a) shall include annual performance indicators and measurable objectives for agency action approved by the head of the agency. Each report filed thereafter under subsection (a) shall measure the agency’s performance against the indicators and objectives approved by the head of the agency.

**Sec. 5. *Judicial Review.*** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by any party at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

George W. Bush

THE WHITE HOUSE,  
April 27, 2006.

**No. 13406, 71 F.R. 36973**

June 23, 2006

**Protecting the Property Rights  
of the American People**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the rights of the American people against the taking of their private property, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to protect the rights of Americans to their private property, including by limiting the taking of private property by the Federal Government to situations in which the taking is for public use, with just compensation, and for the purpose of benefiting the general public and not merely for the purpose of advancing the economic interest of private parties to be given ownership or use of the property taken.

**Sec. 2. Implementation.** (a) The Attorney General shall:

- (i) issue instructions to the heads of departments and agencies to implement the policy set forth in section 1 of this order; and
- (ii) monitor takings by departments and agencies for compliance with the policy set forth in section 1 of this order.

(b) Heads of departments and agencies shall, to the extent permitted by law:

- (i) comply with instructions issued under subsection (a)(i); and
- (ii) provide to the Attorney General such information as the Attorney General determines necessary to carry out subsection (a)(ii).

**Sec. 3. Specific Exclusions.** Nothing in this order shall be construed to prohibit a taking of private property by the Federal Government, that otherwise complies with applicable law, for the purpose of:

(a) public ownership or exclusive use of the property by the public, such as for a public medical facility, roadway, park, forest, governmental office building, or military reservation;

(b) projects designated for public, common carrier, public transportation, or public utility use, including those for which a fee is assessed, that serve the general public and are subject to regulation by a governmental entity;

(c) conveying the property to a nongovernmental entity, such as a telecommunications or transportation common carrier, that makes the property available for use by the general public as of right;

(d) preventing or mitigating a harmful use of land that constitutes a threat to public health, safety, or the environment;

(e) acquiring abandoned property;

(f) quieting title to real property;

(g) acquiring ownership or use by a public utility;

(h) facilitating the disposal or exchange of Federal property; or

(i) meeting military, law enforcement, public safety, public transportation, or public health emergencies.

**Sec. 4. General Provisions.** (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

June 23, 2006

(b) 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 budget, administrative, or legislative proposals.

(c) This order shall be implemented in a manner consistent with Executive Order 12630 of March 15, 1988.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

George W. Bush

THE WHITE HOUSE,  
*June 23, 2003.*