S. 2180

To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2007

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

OCTOBER 18, 2007

Read the second time and placed on the calendar

A BILL

To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Natural Resource Projects and Programs Authorization Act of 2007”.

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

Sec. 1. Short title; table of contents.

TITLE I—BUREAU OF LAND MANAGEMENT

Subtitle A—Prehistoric Trackways National Monument

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Establishment.
Sec. 104. Administration.
Sec. 105. Authorization of appropriations.

Subtitle B—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 111. Definitions.
Sec. 112. Establishment of Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 113. Management of the Conservation Area.
Sec. 114. Authorization of appropriations.

Subtitle C—Paleontological Resources Preservation

Sec. 121. Definitions.
Sec. 122. Management.
Sec. 123. Public awareness and education program.
Sec. 124. Collection of paleontological resources.
Sec. 125. Curation of resources.
Sec. 126. Prohibited acts; criminal penalties.
Sec. 127. Civil penalties.
Sec. 128. Rewards and forfeiture.
Sec. 129. Confidentiality.
Sec. 130. Regulations.
Sec. 131. Savings provisions.
Sec. 132. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 141. Snake River Birds of Prey National Conservation Area.

Subtitle E—National Landscape Conservation System

Sec. 151. Definitions.
Sec. 152. Establishment of the National Landscape Conservation System.
Sec. 153. Authorization of appropriations.
TITLE II—NATIONAL PARK SERVICE

Subtitle A—New Areas, Boundary Modifications, and Studies

Sec. 201. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 203. Minidoka Internment National Monument.
Sec. 204. Walnut Canyon study.

Subtitle B—Commissions and Advisory Committees

Sec. 211. Dwight D. Eisenhower Memorial Commission.
Sec. 212. Na Hoa Pili O Kaloko-Honokohau advisory commission.

Subtitle C—National Trails

Sec. 221. Ice Age Floods National Geologic Trail.
Sec. 222. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 223. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 224. National Trails System willing seller authority.

Subtitle D—National Heritage Areas

Sec. 231. National heritage areas partnership.
Sec. 232. Reauthorization of certain national heritage areas.
Sec. 233. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
Sec. 234. Journey Through Hallowed Ground National Heritage Area.
Sec. 235. Sangre de Cristo National Heritage Area.
Sec. 236. South Park National Heritage Area.
Sec. 237. Niagara Falls National Heritage Area.
Sec. 238. Abraham Lincoln National Heritage Area.
Sec. 239. Chattahoochee Trace National Heritage Corridor.
Sec. 240. Study of sites relating to Abraham Lincoln in Kentucky.

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

Sec. 301. Extension of participation of Bureau of Reclamation in Deschutes River Conservancy.
Sec. 302. Wallowa Lake Dam Rehabilitation Program.
Sec. 303. Little Butte/Bear Creek Subbasins, Oregon, Water resource study.
Sec. 304. North Unit Irrigation District.
Sec. 305. Central Oklahoma Master Conservancy District feasibility study.
Sec. 306. Authority to conduct feasibility studies within the Snake, Boise, and Payette River systems in the State of Idaho.
Sec. 307. Tumalo Irrigation District Water Conservation Project.
Sec. 308. New Mexico water resources study.
Sec. 309. Water and energy resources.

TITLE IV—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Authorizations

Sec. 401. Coffman Cove administrative site conveyance.
Sec. 402. Pecos National Historical Park.
Subtitle B—Lewis and Clark Mount Hood Wilderness Area

Sec. 411. Definitions.
Sec. 412. Designation of wilderness areas.
Sec. 413. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 414. Mount Hood National Recreation Area.
Sec. 415. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 416. Land exchanges.
Sec. 417. Tribal provisions; planning and studies.

TITLE V—DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 501. Technical criteria for clean coal power initiative.
Sec. 502. Additional Assistant Secretary for Department of Energy.
Sec. 503. United States-Israel energy cooperation.
Sec. 504. Alaska natural gas pipeline.

TITLE VI—COMPACT OF FREE ASSOCIATION AMENDMENTS

Sec. 601. Approval of agreements.
Sec. 602. Conforming amendment.
Sec. 603. Clarifications regarding Palau.
Sec. 604. Availability of legal services.
Sec. 605. Technical amendments.
Sec. 606. Transmission of videotape programming.
Sec. 607. Palau road maintenance.
Sec. 608. Clarification of tax-free status of trust funds.

TITLE I—BUREAU OF LAND MANAGEMENT

Subtitle A—Prehistoric Trackways National Monument

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including pre-
viously unknown species), plants, and petrified wood
dating back approximately 280,000,000 years, which
collectively provide new opportunities to understand
animal behaviors and environments from a time pre-
dating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site
at which the trackways were discovered; and

(B) directed the Secretary of the Interior
to—

(i) prepare a study assessing the sig-
nificance of the site; and

(ii) based on the study, provide rec-
ommendations for protection of the paleon-
tological resources at the site;

(4) the Bureau of Land Management completed
the Paleozoic Trackways Scientific Study Report in
1994, which characterized the site as containing
“the most scientifically significant Early Permian
tracksites” in the world;

(5) despite the conclusion of the study and the
recommendations for protection, the site remains un-
protected and many irreplaceable trackways speci-
mens have been lost to vandalism or theft; and
(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term “Monument” means the Prehistoric Trackways National Monument established by section 103(a).

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

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

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in
Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated January 25, 2007.

(c) Map; Legal Description.—

(1) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) Corrections.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) Conflict Between Map and Legal Description.—In the case of a conflict between the map and the legal description, the map shall control.

(4) Availability of Map and Legal Description.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) Minor Boundary Adjustments.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of
this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 103(a); and

(B) in accordance with—

(i) this subtitle;

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

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for
the long-term protection and management of the
Monument.

(2) COMPONENTS.—The management plan
under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and
management of the Monument, consistent
with the provisions of this subtitle; and

(ii) allow for continued scientific re-
search at the Monument during the devel-
opment of the management plan; and

(B) may—

(i) incorporate any appropriate deci-
sions contained in any current manage-
ment or activity plan for the land described
in section 103(b); and

(ii) use information developed in stud-
ies of any land within or adjacent to the
Monument that were conducted before the
date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only
allow uses of the Monument that the Secretary determines
would further the purposes for which the Monument has
been established.
(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in
paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) **Motorized Vehicles.**—

(1) **In General.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **Permitted Events.**—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument, including the “Chile Challenge”—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) **Withdrawals.**—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and

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

(h) Grazing.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) Water Rights.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 111. DEFINITIONS.

In this subtitle:

(1) Conservation area.—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 112(a).
(2) MANAGEMENT PLAN.—The term “management plan” means the management plan developed for the Conservation Area under section 113(c).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 112. ESTABLISHMENT OF FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated January 25, 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.
(2) **EFFECT.**—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

**SEC. 113. MANAGEMENT OF THE CONSERVATION AREA.**

(a) **MANAGEMENT.**—

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

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 112(a); and

(B) in accordance with—

(i) this subtitle;

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

(iii) any other applicable laws.
(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, uni-
versities, schools, scientific institutions, re-
searchers, and scientists to conduct research
and provide educational and interpretive serv-
ices within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights,
all Federal surface and subsurface land within the Con-
servation Area and all land and interests in the land that
are acquired by the United States after the date of enact-
ment of this Act for inclusion in the Conservation Area,
are withdrawn from—

(1) all forms of entry, appropriation, or disposal
under the general land laws;

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

(3) operation under the mineral leasing and
geothermal leasing laws.

(c) MANAGEMENT PLAN.—

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

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and
management of the Conservation Area;
(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) Activities Outside Conservation Area.—

The establishment of the Conservation Area shall not—

(1) create a protective perimeter or buffer zone around the Conservation Area; or

(2) preclude uses or activities outside the Conservation Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Conservation Area.

(e) Research and Interpretive Facilities.—

(1) In general.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and
(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(f) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Paleontological Resources Preservation

SEC. 121. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant palaeontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturb-
ance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

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

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—
(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 122. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency co-
ordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 123. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 124. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.
(3) Previous permit exception.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) Criteria for issuance of a permit.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

c) Permit specifications.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;
(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 126 or is assessed a civil penalty under section 127.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.
SEC. 125. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 126. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, pur-
chased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(e) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 127. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or per-
mit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any violation shall not exceed an amount equal to double the cost
of response, restoration, and repair of resources and
paleontological site damage plus double the scientific
or fair market value of resources destroyed or not
recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION
OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against
whom an order is issued assessing a penalty under
subsection (a) may file a petition for judicial review
of the order in the United States District Court for
the District of Columbia or in the district in which
the violation is alleged to have occurred within the
30-day period beginning on the date the order mak-
ing the assessment was issued. Upon notice of such
filing, the Secretary shall promptly file such a cer-
tified copy of the record on which the order was
issued. The court shall hear the action on the record
made before the Secretary and shall sustain the ac-
tion if it is supported by substantial evidence on the
record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to
pay a penalty under this section within 30 days—

(A) after the order making assessment has
become final and the person has not filed a pe-
tition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(e) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.
(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 128.

SEC. 128. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 126 or 127—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of 1⁄2 of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty
was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 126 or 127 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.
SEC. 129. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this subtitle or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 130. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 131. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of
the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or
• create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity.

No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 132. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 141. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”;


(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United
States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”;

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”;

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtitle E—National Landscape Conservation System

SEC. 151. DEFINITIONS.

In this subtitle:

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

(2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 152(a).
SEC. 152. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) Establishment.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) Components.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;
(B) a national conservation area;
(C) a wilderness study area;
(D) a national scenic trail or national historic trail designated as a component of the National Trails System;
(E) a component of the National Wild and Scenic Rivers System; or
(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;
(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area; and

(D) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—NATIONAL PARK SERVICE

Subtitle A—New Areas, Boundary Modifications, and Studies

SEC. 201. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foun-
dation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) Applicability of Other Laws.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 202. MESA VERDE NATIONAL PARK BOUNDARY EXPANSION.

(a) Findings.—Congress finds that—

(1) on June 29, 1906, Mesa Verde National Park was established as the first national park in
the United States to preserve the works of human-
ity;

(2) on September 6, 1978, Mesa Verde Na-
tional Park became the first World Heritage Site
designated in the United States; and

(3) Mesa Verde National Park protects some of
the best preserved and notable archeological sites of
the ancient Puebloan culture that flourished in the
southwestern United States from approximately
600–1300, including the elaborate stone villages in
the sheltered alcoves of the canyon walls referred to
as “cliff dwellings”.

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

(1) to modify the boundary of Mesa Verde Na-
tional Park—

(A) to protect the archeological sites lo-
cated on property adjacent to the Park bound-
ary;

(B) to extend and expand the knowledge
and understanding of the ancient Puebloan cul-
ture, a major influence in the development of
the southwestern United States;

(C) to protect from potential development
the scenic and biological value of the pinyon-ju-
niper covered hills that—
(i) border the Park; and

(ii) are in full view of the Park entrance road; and

(D) to protect the largest recorded colony of the globally imperiled Gray’s Townsend Daisy, to ensure continuation of a major wildlife corridor, and to protect important habitat for wildlife; and

(2) to provide greater opportunities to visitors, researchers, and surrounding communities to understand and appreciate the natural environment of Mesa Verde and the contributions of the ancient Puebloan culture to the region by providing the land required to construct a contemporary museum collections storage facility and visitor orientation center.

(e) DEFINITIONS.—In this section:


(2) PARK.—The term “Park” means the Mesa Verde National Park in the State of Colorado.

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

(d) ACQUISITION OF LAND.—
(1) **IN GENERAL.**—The Secretary may acquire the land or an interest in the land described in subsection (e) 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.

(e) **DESCRIPTION OF LAND.**—The land referred to in subsection (d)(1) is the approximately 360 acres of land adjacent to the Park, as generally depicted on the map.

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

(g) **BOUNDARY MODIFICATION.**—The boundary of the Park shall be revised to reflect the acquisition of the land under subsection (d).

(h) **ADMINISTRATION.**—The Secretary shall administer any land or interest in land acquired under subsection (d)(1) as part of the Park in accordance with the laws (including regulations) applicable to the Park.

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

**SEC. 203. MINIDOKA INTERNMENT NATIONAL MONUMENT.**

(a) **DEFINITIONS.**—In this section:
(1) Secretary.—The term “Secretary” means the Secretary of the Interior.

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

(b) Bainbridge Island Japanese American Memorial.—

(1) Boundary Adjustment.—

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

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

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

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

(2) ADMINISTRATION OF MEMORIAL.—

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

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

(i) the City of Bainbridge Island, Washington;

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

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

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.
(C) IMPLEMENTATION.—To implement an agreement entered into under subparagraph (B), the Secretary may—

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

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

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

(1) **Definitions.**—In this subsection:

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

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

(2) **Establishment.**—

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

(B) **Minidoka Internment National Monument.**—

(i) **In General.**—The Minidoka Internment National Monument (referred to in this subsection as the “Monument”), as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.
(ii) Incorporation.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

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

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

(3) Boundary of Historic Site.—

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

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

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

(B) Availability of Map.—The Minidoka Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.
(4) LAND TRANSFERS AND ACQUISITION.—

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

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as “Public Domain Lands” is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

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

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.
(5) **Administration.**—

(A) **In General.**—The Historic Site shall be administered in accordance with—

(i) this section; and

(ii) laws (including regulations) generally applicable to units of the National Park System, including—

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

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

(B) **Interpretation and Education.**—

(i) **In General.**—The Secretary shall interpret—

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

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and
(IV) the contributions to the United States military made by Japanese Americans who had been interned.

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

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

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

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

(6) DISCLAIMER OF INTEREST IN LAND.—

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

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

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue
the document of disclaimer of interest in land
under subparagraph (A) in accordance with sec-
tion 315(b) of Federal Land Policy and Man-
agement Act of 1976 (43 U.S.C. 1745(b)).

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

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR

DISTRICT NUMBER 2.—
(1) DEFINITIONS.—In this subsection

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

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

(2) AUTHORITY TO CONVEY TITLE.—

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

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

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

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

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

(3) COMPLIANCE WITH OTHER LAWS.—

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

(B) APPLICABLE AUTHORITY.—Nothing in
this subsection modifies or otherwise affects the
applicability of Federal reclamation law (the
Act of June 17, 1902 (32 Stat. 388, chapter
1093), and Acts supplemental to and amend-
atory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

(4) Revocation of withdrawals.—

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

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

(5) Liability.—

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

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

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

(6) FUTURE BENEFITS.—

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

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

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

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

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

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

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

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

(8) PAYMENT.—

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

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

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 204. WALNUT CANYON STUDY.

(a) Definitions.—In this section:

(1) Map.—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.
(2) Secretaries.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) Study area.—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) Study.—

(1) In general.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) Consultation.—The Secretaries shall provide for public comment in the preparation of the
study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

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

Subtitle B—Commissions and Advisory Committees

SEC. 211. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

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

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

“(j) POWERS OF THE COMMISSION.—
“(1) IN GENERAL.—

“(A) POWERS.—The Commission may—

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

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

“(iii) hold hearings and enter into contracts;

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

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

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

“(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and
“(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

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

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

“(4) POWERS OF MEMBERS AND AGENTS.—

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

“(2) Staff.—

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

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

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

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

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

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

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.
“(B) **Non-applicability to certain services.**—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

“(7) **Volunteer services.**—

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

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

“(C) **Liability.**—

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

“(ii) **Exception.**—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).
“(p) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out this section.”.

SEC. 212. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2017”.

Subtitle C—National Trails

SEC. 221. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) Findings; Purpose.—

(1) Findings.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are
present on Federal, State, tribal, county, muni-
cipal, and private land in the region; and

(C) in 2001, a joint study team headed by
the National Park Service that included about
70 members from public and private entities
completed a study endorsing the establishment
of an Ice Age Floods National Geologic Trail—
(i) to recognize the national signifi-
cance of this phenomenon; and

(ii) to coordinate public and private
sector entities in the presentation of the
story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is
to designate the Ice Age Floods National Geologic
Trail in the States of Montana, Idaho, Washington,
and Oregon, enabling the public to view, experience,
and learn about the features and story of the Ice
Age floods through the collaborative efforts of public
and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice
Age floods” or “floods” means the cataclysmic floods
that occurred in what is now the northwestern
United States during the last Ice Age from massive,
rapid and recurring drainage of Glacial Lake in Missoula, Montana.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

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

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.
(3) Revision.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) Map Availability.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) Administration.—

(1) In general.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) Limitation.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) Trail Management Office.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) Interpretable Facilities.—The Secretary may plan, design, and construct interpretable facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, trib-
al, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments; and

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

(I) locating features more accurately;
(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) In general.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associ-
ated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(B) Authority.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) Cooperative Agreements.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) Effect on Private Property Rights.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) Liability.—Designation of the Trail by subsection (e) does not create any liability for, or affect any liability under any law of, any private prop-
erty owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

SEC. 222. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE 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:

“(26) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.
“(B) Map.—The map referred to in sub-
paragraph (A) shall be on file and available for
public inspection in the appropriate offices of
the National Park Service.

“(C) Administration.—The trail shall be
administered by the Secretary of the Interior,
in consultation with—

“(i) other Federal, State, tribal, re-
geonal, and local agencies; and

“(ii) the private sector.

“(D) Land Acquisition.—The United
States shall not acquire for the trail any land
or interest in land outside the exterior boundary
of any federally-managed area without the con-
sent of the owner of the land or interest in
land.”.

SEC. 223. REVISION OF FEASIBILITY AND SUITABILITY
STUDIES OF EXISTING NATIONAL HISTORIC
TRAILS.

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

“(g) Revision of Feasibility and Suitability
Studies of Existing National Historic Trails.—

“(1) Definitions.—In this subsection:
“(A) Route.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) Shared route.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) Requirements for revision.—

“(A) In general.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) Study requirements and objectives.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) Completion and submission of study.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) Oregon National Historic Trail.—

“(A) Study required.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map
entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(ii) Upper Columbia River.
“(iii) Cowlitz River route.
“(iv) Meek cutoff.
“(v) Free Emigrant Road.
“(vi) North Alternate Oregon Trail.
“(vii) Goodale’s cutoff.
“(viii) North Side alternate route.
“(ix) Cutoff to Barlow road.
“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other
routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.
“(III) Westport-Lawrence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth-Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville-Nebraska City Road.

“(XVIII) Upper Plattsmouth route.
“(XIX) Upper Bellevue route.

“(ii) **CENTRAL ROUTES.**—

“(I) Cherokee Trail, including splits.


“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) **WESTERN ROUTES.**—

“(I) Bidwell-Bartleson route.

“(II) **Georgetown/Dagget Pass Trail.**

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.
“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).
“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) Study required.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.
“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.
“(ii) Council Bluffs Road.
“(iii) Sublette cutoff.
“(iv) Applegate route.
“(v) Old Fort Kearny Road (Oxbow Trail).
“(vi) Childs cutoff.
“(vii) Raft River to Applegate.”.

SEC. 224. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) Authority To Acquire Land From Willing Sellers for Certain Trails.—

(1) Oregon National Historic Trail.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this
paragraph shall be limited to an average of not more than 1⁄4 mile on either side of the trail.”.

(2) **MORMON PIONEER NATIONAL HISTORIC TRAIL.**—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1⁄4 mile on either side of the trail.”.

(3) **CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.**—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an av-
verage of not more than ¼ mile on either side of the trail.”

(4) **LEWIS AND CLARK NATIONAL HISTORIC TRAIL.**—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(5) **IDITAROD NATIONAL HISTORIC TRAIL.—** Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”
(6) North Country National Scenic Trail.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) Ice Age National Scenic Trail.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) Potomac Heritage National Scenic Trail.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for
the trail except with the consent of the owner
of the land or interest in land.”.

(9) Nez Perce National Historic Trail.—
Section 5(a)(14) of the National Trails System Act
(16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following:
“No land or interest in land outside the exterior
boundaries of any federally administered area
may be acquired by the Federal Government for
the trail except with the consent of the owner
of the land or interest in land. The authority of
the Federal Government to acquire fee title
under this paragraph shall be limited to an av-
erage of not more than ¼ mile on either side
of the trail.”.

(b) Conforming Amendment.—Section 10 of the
National Trails System Act (16 U.S.C. 1249) is amended
by striking subsection (c) and inserting the following:

“(c) Authorization of Appropriations.—
“(1) In general.—Except as otherwise pro-
vided in this Act, there are authorized to be appro-
priated such sums as are necessary to implement the
provisions of this Act relating to the trails designated by section 5(a).

“(2) Natchez Trace National Scenic Trail.—

“(A) In general.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

“(B) Participation by volunteer trail groups.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

**Subtitle D—National Heritage Areas**

**SEC. 231. NATIONAL HERITAGE AREAS PARTNERSHIP.**

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

(1) to promote public understanding, appreciation, and enjoyment of many places, events and peo-
ple that have contributed to the story of the United States;

(2) to promote innovative and partnership-driven management strategies that recognize regional values, encourage locally tailored resource stewardship and interpretation, and provide for the effective leveraging of Federal funds with other local, State, and private funding sources;

(3) to unify national standards and processes for conducting feasibility studies, designating a system of National Heritage Areas, and approving management plans for National Heritage Areas;

(4) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within National Heritage Areas; and

(5) to provide financial and technical assistance to National Heritage Area local coordinating entities that act as a catalyst for diverse regions, communities, organizations, and citizens to undertake projects and programs for collaborative resource stewardship and interpretation.

(b) DEFINITIONS.—In this section:
(1) Local coordinating entity.—The term “local coordinating entity” means the entity designated by Congress—

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

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

(2) Management plan.—The term “management plan” means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with subsection (f).

(3) National heritage area.—The term “National Heritage Area” means an area designated by Congress that is nationally important to the heritage of the United States and meets the criteria established under subsection (d)(1).

(4) National importance.—The term “national importance” means possession of—
(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

(5) Proposed national heritage area.—The term “proposed National Heritage Area” means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

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

(7) Study.—The term “study” means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under subsection (d), to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

(8) System.—The term “system” means the system of National Heritage Areas established under subsection (c)(1).

(c) National Heritage Areas System.—
(1) IN GENERAL.—In order to recognize certain areas of the United States that tell nationally important stories and to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the areas that together illustrate significant aspects of the heritage of the United States, there is established a system of National Heritage Areas through which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.

(2) SYSTEM.—The system of National Heritage Areas shall be composed of—

(A) National Heritage Areas established by Congress before or on the date of enactment of this Act; and

(B) National Heritage Areas established by Congress after the date of enactment of this Act, as provided for in this section.

(3) RELATIONSHIP TO THE NATIONAL PARK SYSTEM.—

(A) RELATIONSHIP TO NATIONAL PARK UNITS.—The Secretary shall—

(i) ensure, to the maximum extent practicable, participation and assistance by
units of the National Park System located near or encompassed by National Heritage Areas in local initiatives for National Heritage Areas that conserve and interpret resources consistent with an approved management plan; and

(ii) work with National Heritage Areas to promote public enjoyment of units of the National Park System and park-related resources.

(B) APPLICABILITY OF LAWS.—National Heritage Areas shall not be—

(i) considered to be units of the National Park System; or

(ii) subject to the laws applicable to units of the National Park System.

(4) DUTIES.—Under the system, the Secretary shall—

(A)(i) conduct studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

(ii) review and comment on studies undertaken by other parties to make such assessment;
(B) provide technical and financial assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

(C) enter into cooperative agreements with interested parties to carry out this section;

(D) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

(E) provide national oversight, analysis, coordination, and technical and financial assistance and support to ensure consistency and accountability under the system;

(F) submit annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this section; and
(G) conduct an evaluation of, and prepare a report on, National Heritage Areas in accordance with subsection (g).

(d) STUDIES.—

(1) CRITERIA.—In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

(A) An area—

(i) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(ii) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(iii) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(iv) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;
(v) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(vi) provides outstanding recreational or educational opportunities; and

(vii) has resources and traditional uses that have national importance.

(B) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(C) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(D) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.
(E) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(F) The proposal is consistent with continued economic activity within the area.

(G) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(2) CONSULTATION.—In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(3) APPROVAL.—On completion or receipt of a study for a National Heritage Area, the Secretary shall—

(A) review, comment on, and determine if the study meets the criteria specified in paragraph (1) for designation as a National Heritage Area;
(B) consult with the Governor of each State in which the proposed National Heritage Area is located; and

(C) transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including—

(i) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

(ii) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(4) DISAPPROVAL.—If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under paragraph (3)(C) a description of the reasons for the determination.

(e) DESIGNATION OF NATIONAL HERITAGE AREAS.—

(1) IN GENERAL.—The designation of a National Heritage Area shall be—

(A) by Act of Congress; and
(B) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under subsection (d)(1).

(2) COMPONENT OF THE SYSTEM.—Any National Heritage Area designated under paragraph (1) shall be a component of the system.

(f) MANAGEMENT PLANS.—

(1) REQUIREMENTS.—The management plan for any National Heritage Area shall—

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

(B) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;
(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

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

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

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

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and
(iii) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

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

(H) include a business plan that—

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

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

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

(B) Termination of Funding.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(3) Approval of Management Plan.—

(A) Review.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under subparagraph (C).

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

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

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

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semi-annual public meetings to ensure adequate implementation of the management plan;
(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

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

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

(vii) the management plan demonstrates partnerships among the local co-
ordinating entity, Federal, State, and local
governments, regional planning organiza-
tions, nonprofit organizations, or private
sector parties for implementation of the
management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary
disapproves the management plan, the Sec-
retary—

(I) shall advise the local coordi-
nating entity in writing of the reasons
for the disapproval; and

(II) may make recommendations
to the local coordinating entity for re-
visions to the management plan.

(ii) DEADLINE.—Not later than 180
days after receiving a revised management
plan, the Secretary shall approve or dis-
approve the revised management plan.

(E) AMENDMENTS.—

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

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for a National Heritage Area under subsection (l)(2)(B), the Secretary shall—

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

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

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

(i) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and
(ii) achieving the goals and objectives of the approved management plan for the National Heritage Area;

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

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the National Heritage Area be reauthorized, the report shall include an analysis of—
(i) ways in which Federal funding for
the National Heritage Area may be re-
duced or eliminated; and

(ii) the appropriate time period nec-
cessary to achieve the recommended reduc-
tion or elimination.

(C) SUBMISSION TO CONGRESS.—On com-
pletion of the report, the Secretary shall submit
the report to—

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

(ii) the Committee on Natural Re-
sources of the House of Representatives.

(h) LOCAL COORDINATING ENTITIES.—

(1) DUTIES.—To further the purposes of the
National Heritage Area, the local coordinating entity
shall—

(A) prepare a management plan for the
National Heritage Area, and submit the man-
agement plan to the Secretary, in accordance
with subsection (f);

(B) submit an annual report to the Sec-
retary for each fiscal year for which the local
coordinating entity receives Federal funds
under this section, specifying—
(i) the specific performance goals and accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

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

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

(2) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this section to—
(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

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

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

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

(ii) economic and community development; and

(iii) heritage planning;

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

(E) contract for goods or services; and

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

(3) Prohibition on acquisition of real property.—The local coordinating entity may not
use Federal funds authorized under this section to acquire any interest in real property.

(i) **Relationship to Other Federal Agencies.**—

(1) **In General.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

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

(3) **Other Federal Agencies.**—Nothing in this section—

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

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(j) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;

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

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

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

(k) **PARTNERSHIP SUPPORT.**—

(1) **TECHNICAL ASSISTANCE.**—On termination of the 15-year period for which assistance is provided under subsection (l), the Secretary may, on request of a local coordinating entity, continue to provide technical assistance to a National Heritage Area under subsection (c).

(2) **GRANT ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary may establish a grant program under which the Secretary provides grants, on a competitive basis, to local coordinating entities for the conduct of individual projects at National Heritage Areas for which financial assistance has terminated under subsection (l).

(B) **CONDITIONS.**—The provision of a grant under subparagraph (A) shall be subject to the condition that—
(i) a project must be approved by the local coordinating entity as promoting the purposes of the management plan required under subsection (f);

(ii) a project may receive only 1 grant of no more than $250,000 in any 1 fiscal year;

(iii) a maximum of $250,000 may be received by a local coordinating entity for projects funded under this paragraph in any 1 fiscal year; and

(iv) a project shall not be eligible for funding under this section in any fiscal year that a local coordinating entity receives an appropriation through the National Park Service (excluding technical assistance) for the National Heritage Area at which the project is being conducted.

(3) REPORT.—For each fiscal year in which assistance is provided under this subsection, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a list of the projects provided assistance for the fiscal year.

(l) AUTHORIZATION OF APPROPRIATIONS.—
(1) STUDIES.—There is authorized to be appropriated to conduct and review studies under subsection (d) $750,000 for each fiscal year, of which not more than $250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.

(2) LOCAL COORDINATING ENTITIES.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out subsection (h) $25,000,000 for each fiscal year, of which not more than—

(i) $1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

(ii) a total of $10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

(B) TERMINATION DATE.—

(i) IN GENERAL.—The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this subsection (excluding technical assistance and administrative oversight) shall terminate on the date that is
15 years after the date of enactment of this Act.

(ii) DESIGNATION.—A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in clause (i).

(C) ADMINISTRATION.—Not more than 5 percent of the amount of funds made available under subparagraph (A) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

(3) HERITAGE PARTNERSHIP GRANT ASSISTANCE.—There is authorized to be appropriated to the Secretary to carry out subsection (k) $5,000,000 for each fiscal year.

(4) MATCHING FUNDS.—

(A) IN GENERAL.—As a condition of receiving a grant under this section, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

(B) ADMINISTRATION.—The recipient matching funds—

(i) shall be derived from non-Federal sources; and
(ii) may be made in the form of in-kind contributions of goods or services fairly valued.

SEC. 232. REAUTHORIZATION OF CERTAIN NATIONAL HERITAGE AREAS.

(a) Boundaries of the Rivers of Steel National Heritage Area.—Section 403(b) of the Steel Industry American Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended by inserting “Butler,” before “Fayette”.

(b) Ohio & Erie National Heritage Canalway Technical Corrections.—The Ohio & Erie Canal National Heritage Corridor Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended—

(1) by striking “Canal National Heritage Corridor” each place it appears and inserting “National Heritage Canalway”;

(2) by striking “the corridor” each place it appears and inserting “the Canalway”;

(3) in section 803—

(A) in paragraph (1), by striking “The term ‘corridor’” and inserting “The term ‘Canalway’”;

(B) by striking paragraph (2);
(C) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(D) in paragraph (2) (as redesignated by subparagraph (C)), by striking “808” and inserting “806”; and

(E) in paragraph (6) (as redesignated by subparagraph (C)), by striking “807(a)” and inserting “805(a)”;

(4) in section 804—

(A) in the second sentence of subsection (b)(1), by striking “808” and inserting “806”; and

(B) in subsection (c), by striking “The corridor” and inserting “The Canalway”;

(5) by striking sections 805 and 806;

(6) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(7) in section 805(c)(2) (as redesignated by paragraph (6)), by striking “808” and inserting “806”;

(8) in section 806 (as redesignated by paragraph (6))—

(A) in subsection (a)(1)—
(i) in the heading, by striking “COM-
mittee” and inserting “SECRETARY”; and
(ii) by striking “Committee” and in-
serting “Secretary”;
(B) in subsection (a)(3)—
(i) in subparagraph (A), by striking
“from the Committee.” and inserting a
comma; and
(ii) in the first sentence of subpara-
graph (B), by striking “Committee” and
inserting “management entity”;
(C) in subsection (e), by striking
“807(d)(1)” and inserting “805(d)(1)”; and
(D) in subsection (f), by striking
“807(d)(1)” and inserting “805(d)(1)”;
(9) in section 807(c) (as redesignated by para-
graph (6)), by striking “Cuyahoga Valley National
Recreation Area” and inserting “Cuyahoga Valley
National Park”;
(10) in section 808 (as redesignated by para-
graph (6))—
(A) in subsection (b), by striking “Com-
mittee or”; and
(B) in subsection (c), in the matter before paragraph (1), by striking “Committee” and inserting “management entity”; and

(11) in section 809 (as redesignated by paragraph (6)), by inserting “financial” before “assistance”.

(c) DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR LOCAL COORDINATING ENTITY.—The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

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

“(a) IN GENERAL.—The Commission”; and

(B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Natural Resource Projects and Programs Authorization Act of 2007, the Corporation shall be the local coordinating entity for the Corridor.

“(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—
“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”;

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

“(1) IN GENERAL.—The Secretary”; and

(iii) by adding at the end the following:
“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;
(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) Termination of Assistance.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(e)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;”.
(d) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATIONAL HERITAGE AREAS AND NATIONAL HERITAGE CORRIDORS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4243) is amended in sections 409(a), 508(a), 608(a), and 810(a) (as redesignated by section (3)(a)(5)), by striking “$10,000,000” each place it appears and inserting “$15,000,000”.

(2) EVALUATIONS.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for each of the Ohio & Erie Canal National Heritage Corridor, the Rivers Of Steel National Heritage Area, the Essex National Heritage Area, and the South Carolina National Heritage Corridor, the Secretary of the Interior shall conduct an evaluation of, and prepare a report on, the accomplishments of the applicable national heritage area.

(B) COMPONENTS.—An evaluation prepared under subparagraph (A) shall—

(i) assess the progress of the management entity with respect to—
(I) accomplishing the purposes of
the authorizing legislation for the na-
tional heritage area; and

(II) achieving the goals and ob-
jectives of the approved management
plan or heritage plan for the national
heritage area;

(ii) analyze the Federal, State, local,
and private investments in the national
heritage area to determine the leverage
and impact of the investments; and

(iii) review the management structure,
partnership relationships, and funding of
the national heritage area for purposes of
identifying the critical components for the
sustainability of the national heritage area.

(C) RECOMMENDATIONS.—

(i) IN GENERAL.—Based on the eval-
uation conducted under subparagraph (A),
the Secretary shall include in the report
recommendations for what role, if any, the
National Park Service should have with re-
spect to the national heritage area.

(ii) REQUIRED ANALYSIS.—If the Sec-
retary recommends in the report that Fed-
eral funding for national heritage area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the national heritage area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(D) SUBMISSION TO CONGRESS.—On completion of a report under this subsection, the Secretary of the Interior shall submit the report to—

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

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

(e) NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—The National Coal Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended—

(A) in section 103(b)—
(i) by striking “shall be shall be comprised” and inserting “shall be comprised”; and
(ii) by striking “counties; and” and inserting “counties”;

(B) in section 105—

(i) in the first sentence—

(I) by striking “The resources” and inserting the following:

“(a) IN GENERAL.—The resources”;

(II) by striking “paragraph (2) of”; and

(III) by striking “include those set forth in” and inserting “include—

“(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawha County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

“(2) resources described in”; and

(ii) in the second sentence, by striking “Priority consideration” and inserting the following:

“(b) PRIORITY.—Priority consideration”; and

(C) in section 106—
(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking “Governor” and all that follows through “Parks,” and inserting “National Coal Heritage Area Authority”; and

(II) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities, or” and inserting “National Coal Heritage Area Authority or”; and

(ii) in subsection (b), by inserting “not” before “meet”.

(2) CONTINUATION OF AGREEMENT.—The contractual agreement entered into under section 104 of the National Coal Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333), as in effect on the day before the date of enactment of this Act, shall continue to be in effect, except that the contractual agreement shall be between the Secretary of the Interior and the National Coal Heritage Area Authority rather than the Secretary of the Interior and the Governor of West Virginia.
SEC. 233. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) Termination of Authority.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) Evaluation; Report.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

“(c) Evaluation; Report.—

“(1) In general.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) Evaluation.—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and
“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) REPORT.—

“(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and
“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking “$10,000,000” and inserting “$15,000,000”.

SEC. 234. JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Journey Through Hallowed Ground National Heritage Area.

(2) MANAGEMENT ENTITY.—The term “management entity” means The Journey Through Hallowed Ground Partnership, a Virginia nonprofit cor-
poration referred to in subsection (b)(3), or its successor entity.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area.

(4) PARTNER.—The term “partner” means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the historical, cultural, and recreational resources of the Heritage Area.

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

(b) JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.—

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

(2) BOUNDARIES.—

(A) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas, as generally depicted on the map entitled “Journey Through Hallowed
Ground National Heritage Area”, numbered P90/80,000, and dated October 2006.

(B) Map.—The map referred to in subparagraph (A) shall be on file in the appropriate offices of the National Park Service.

(3) Management entity.—The management entity for the Heritage Area shall be The Journey Through Hallowed Ground Partnership, a Virginia nonprofit corporation.

(4) Board of Trustees.—The board of trustees of the management entity shall include representatives from a broad cross-section of the individuals, agencies, organizations, States, and governments that—

(A) are partners of the management entity; and

(B) will oversee the development and implementation of the management plan.

(c) Authorities and Duties of Management Entity.—

(1) Authorities of the management entity.—

(A) Authority to accept funds.—The management entity may accept funds from any Federal source and from States and their polit-
ical subdivisions, private organizations, non-
profit organizations, or any other person to
carry out its authorities and duties under this
section.

(B) USE OF FUNDS.—The management
entity may use funds made available under this
section for purposes of preparing, updating, and
implementing the management plan. Such pur-
poses may include the following:

(i) Making grants to, and entering
into cooperative agreements with, States
and their political subdivisions, private or-
ganizations, non-profit organizations or
any other person.

(ii) Hiring and compensating staff.

(iii) Entering into contracts for goods,
services, and leases for office space.

(iv) Undertaking any other initiatives
that advance the purposes of the Heritage
Area that are recommended in the man-
agement plan.

(2) MANAGEMENT PLAN.—The management
entity shall develop a management plan for the Her-
itage Area that—
(A) presents comprehensive strategies and
recommendations for conservation, funding,
management, and development of the Heritage
Area;

(B) takes into consideration existing State,
county, and local plans and involves residents,
public agencies, and private organizations work-
ing in the Heritage Area;

(C) includes a description of actions that
units of government and private organizations
and individuals have decided to undertake in
furtherance of the purposes of this section;

(D) specifies the existing and potential
sources of funding to protect, support, manage,
and develop the Heritage Area;

(E) includes an inventory of the natural,
historical, cultural, architectural, scenic, and
recreational resources in the Heritage Area that
wish to be preserved, restored, supported, man-
aged, developed, or maintained, because of the
national historic significance of the resources;

(F) includes an analysis of ways in which
local, State, and Federal programs may coordi-
nate to promote the purposes of this section; in-
cluding recommendations from the Common-
wealth of Virginia, the States of Maryland and
West Virginia, and the Commonwealth of Penn-
sylvania (and political subdivisions thereof) for
the management, protection, support, and inter-
pretation of the natural, cultural, and historical
resources of the Heritage Area;

(G) identifies appropriate partners and
partnerships among Federal, State, and local
governments, regional entities, and the private
sector in furtherance of the purposes of this
section;

(H) includes locations for visitor contact
and major interpretive facilities;

(I) includes provisions for appropriate liv-
ing history demonstrations and battlefield re-
enactments;

(J) includes provisions for implementing a
continuing program of interpretation for resi-
dent, student, and visitor education concerning
the resources and values of the Heritage Area;

(K) includes provisions for a uniform his-
torical marker and wayside exhibit program in
the Heritage Area, including a provision for
marking, with the consent of the owner, historic
structures and properties that are contained
within the historic core areas and contribute to
the understanding of the Heritage Area;

(L) includes provisions for the protection
and interpretation of the natural, cultural, and
historic resources of the Heritage Area con-
sistent with this section; and

(M) includes provisions for the develop-
ment of educational outreach programs for stu-
dents of all ages to further the understanding
of the vast resources within the Heritage Area.

(3) **Deadline for Submission; Prerequisities.**—

(A) **Deadline.**—The management entity
shall submit the management plan to the Sec-
retary not later than the end of the 3–year pe-
riod beginning on the date on which funds are
first made available for this section.

(B) **Prerequisites.**—Before submitting
the management plan to the Secretary, the
management entity shall ensure that—

(i) the Commonwealth of Virginia, the
States of Maryland and West Virginia, the
Commonwealth of Pennsylvania, and any
political subdivision thereof that would be
affected by the management plan, receives
a copy of the management plan;

(ii) adequate notice of availability of
the management plan is provided through
publication in appropriate local newspapers
in the area of the Heritage Area;

(iii) at least 1 public hearing is con-
ducted by the management entity at a lo-
cation within the Heritage Area in each
congressional district included in whole or
in part in the Heritage Area to review and
receive comments on the management
plan; and

(iv) a committee made up of elected
officials of local governments within the
boundaries of the Heritage Area, including
mayors, town and county council chairs,
and members of borough commissions and
boards of supervisors, has had an oppor-
tunity to review, comment on, and approve
(by majority vote) the management plan.

(4) TERMINATION OF FUNDING.—If a manage-
ment plan is not submitted to the Secretary in ac-
cordance with paragraph (3), the Secretary shall
not, after the end of the period specified in such
paragraph, provide any grant or other assistance
under this section with respect to the Heritage Area
until a management plan for the Heritage Area is
submitted to the Secretary.

(5) DUTIES OF MANAGEMENT ENTITY.—The
management entity shall—

(A) give priority to implementing actions
set forth in the management plan;

(B) assist units of government, regional
planning organizations, and nonprofit organiza-
tions in—

(i) establishing and maintaining inter-
pretive materials and exhibits in the Herit-
age Area;

(ii) developing historical and cultural
resources and educational programs in the
Heritage Area;

(iii) increasing public awareness of
and appreciation for the natural, historical,
cultural, architectural, scenic, and rec-
reational resources and sites in the Herit-
age Area;

(iv) the restoration of any historic
building relating to the themes of the Her-
itage Area;
(v) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(vi) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this section;

(C) encourage by appropriate means economic viability in the Heritage Area consistent with the purposes of this section;

(D) consider the interests of diverse governmental, business, nonprofit groups, and individuals within the Heritage Area; and

(E) for any year in which Federal funds have been provided to implement the management plan—

(i) conduct public meetings at least annually regarding the implementation of the management plan;

(ii) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the manage-
ment entity in the year for which the report is made; and

(iii) 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.

(6) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this section to acquire real property or any interest in real property. No State or local subdivision of a State shall use any Federal funds received pursuant to this section to acquire any interest in real property by condemnation or otherwise.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) TIME FOR CONSIDERATION; CRITERIA.—
The Secretary, in consultation with the Governors of the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under subsection (c) not later
than 180 days after receiving the plan. In considering the plan, the Secretary shall take into consideration the following criteria:

(A) The extent to which the management plan, when implemented, would adequately preserve, support and protect the significant historical, cultural and recreational resources of the Heritage Area.

(B) The level of public participation in the development of the management plan.

(C) The extent to which the board of trustees of the management entity is representative of the local governments affected and a wide range of interested organizations and citizens.

(2) 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 180 days after the date it is submitted.

(3) APPROVING CHANGES.—The Secretary shall review and approve or disapprove any amendment to the management plan that would make a substantial
change to the management plan, as determined by
the Secretary. The review and approval or dis-
approval of an amendment shall be conducted in the
manner provided under paragraphs (1) and (2).
Funds appropriated under this section may not be
expended to implement the changes made by such an
amendment unless and until the Secretary approves
the amendment.

(4) Availability of Annual Reports.—The
management entity shall post each annual report
prepared under subsection (c)(5)(E)(ii) on a website
maintained by the management entity.

(e) Provision of Financial and Technical As-
sistance.—

(1) Overall Assistance.—Upon the request
of the management entity and subject to the avail-
ability of appropriations, the Secretary may provide
technical and financial assistance to the manage-
ment entity to carry out its duties under this sec-
tion, including updating and implementing the man-
agement plan and, prior to approval of the manage-
ment plan, providing assistance for initiatives.

(2) Technical Assistance.—

(A) In General.—The Secretary, on re-
quest of the management entity, may provide
technical assistance to the management entity to carry out the duties of the management entity under this section, including updating and implementing the management plan and, prior to approval of the management plan, providing assistance for initiatives.

(B) LIMITATION.—Technical assistance provided under this paragraph shall be provided on a reimbursable basis, except that this paragraph does not preclude the Secretary from providing nonreimbursable assistance under paragraph (1).

(3) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) the implementation of the management plan;

(B) the provision of educational assistance and advice regarding management of the significant historic resources of the region;

(C) the development and application of techniques promoting the preservation of cultural, recreational and historic properties;
(D) the preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) the design and fabrication of a wide range of interpretive materials based on the management plan, including, among other things, guide brochures, visitor displays, audio-visual, books, interpretive dialogues, interactive exhibits, and educational curriculum materials for public education; and

(F) the implementation of initiatives prior to approval of the management plan.

(4) MATCHING FUNDS.—As a condition of providing financial assistance under this subsection to the management entity, the Secretary shall require the recipient to provide matching funds in an amount equal to the amount of the financial assistance provided by the Secretary. Recipient matching funds—

(A) shall be derived from non-Federal sources; and

(B) may be made in the form of in-kind contributions of goods and services fairly valued.
(f) Duties of Other Federal Entities.—Any Federal entity conducting or supporting activities directly and significantly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to the activities;

(2) cooperate with the Secretary and the management entity in carrying out the duties of the Secretary and the management entity under this section and, to the maximum extent practicable, coordinate the activities with the carrying out of the duties; and

(3) to the maximum extent practicable, conduct or support the activities in a manner that shall not have an adverse effect on the Heritage Area.

(g) Private Property and Regulatory Protections.—Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

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

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

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

(h) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

(B) prepare a report in accordance with paragraph (3).
(2) Evaluation.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

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

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) Report.—

(A) In General.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the Na-
tional Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(i) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section preclude the management entity from using Federal funds available under Acts other than this section for the purposes for which those funds were authorized.
(j) **Sunset for Grants and Other Assistance.**—The Secretary may not make any grant or provide any other financial assistance under this section after the expiration of the 15-year period beginning on the date of enactment of this Act.

(k) **Authorization of Appropriations.**—

(1) **Authorization of Appropriations.**—Subject to paragraph (2), there are authorized to be appropriated to carry out this section not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(2) **Limitation on Total Amounts Appropriated.**—Not more than $10,000,000 may be appropriated to carry out this section.

**SEC. 235. SANGRE DE CRISTO NATIONAL HERITAGE AREA.**

(a) **Definitions.**—In this section:

(1) **Heritage Area.**—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) **Management Entity.**—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4).

(3) **Management Plan.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d).
(4) **Map.**—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

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

(6) **State.**—The term “State” means the State of Colorado.

(b) **Sangre De Cristo National Heritage Area.**—

(1) **Establishment.**—There is established in the State the Sangre de Cristo National Heritage Area.

(2) **Boundaries.**—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) **Map.**—A map of the Heritage Area shall be—

(A) included in the management plan; and
(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the
State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance im-

important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;
(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

   (i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

   (ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

   (iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records
concerning the expenditure of the funds;

and

(F) encourage by appropriate means eco-

cnomic viability that is consistent with the Herit-

age Area.

(3) Prohibition on the Acquisition of

real property.—The management entity shall not

use Federal funds made available under this section

to acquire real property or any interest in real prop-

erty.

(4) Cost-sharing Requirement.—The Fed-

eral share of the cost of any activity carried out

using any assistance made available under this sec-

tion shall be 50 percent.

(d) Management Plan.—

(1) In General.—Not later than 3 years after

the date of enactment of this Act, the management

entity shall submit to the Secretary for approval a

proposed management plan for the Heritage Area.

(2) Requirements.—The management plan

shall—

(A) incorporate an integrated and coopera-

tive approach for the protection, enhancement,

and interpretation of the natural, cultural, his-
toric, scenic, and recreational resources of the
Heritage Area;

(B) take into consideration State and local
plans;

(C) include—

(i) an inventory of—

(I) the resources located in the
core area described in subsection
(b)(2); and

(II) any other property in the
core area that—

(aa) is related to the themes
of the Heritage Area; and

(bb) should be preserved, re-
stored, managed, or maintained
because of the significance of the
property;

(ii) comprehensive policies, strategies
and recommendations for conservation,
funding, management, and development of
the Heritage Area;

(iii) a description of actions that gov-
ernments, private organizations, and indi-
viduals have agreed to take to protect the
natural, historical and cultural resources of
the Heritage Area;

(iv) a program of implementation for
the management plan by the management
entity that includes a description of—

(I) actions to facilitate ongoing
collaboration among partners to pro-
mote plans for resource protection,
restoration, and construction; and

(II) specific commitments for im-
plementation that have been made by
the management entity or any govern-
ment, organization, or individual for
the first 5 years of operation;

(v) the identification of sources of
funding for carrying out the management
plan;

(vi) analysis and recommendations for
means by which local, State, and Federal
programs, including the role of the Na-
tional Park Service in the Heritage Area,
may best be coordinated to carry out this
section; and

(vii) an interpretive plan for the Her-
itage Area; and
(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the
management plan from the management
entity, approve or disapprove the proposed
revision.

(D) Amendments.—

(i) In general.—The Secretary shall
approve or disapprove each amendment to
the management plan that the Secretary
determines make a substantial change to
the management plan.

(ii) Use of Funds.—The manage-
ment entity shall not use Federal funds
authorized by this section to carry out any
amendments to the management plan until
the Secretary has approved the amend-
ments.

(e) Relationship to Other Federal Agen-
cies.—

(1) In general.—Nothing in this section af-
factors the authority of a Federal agency to provide
technical or financial assistance under any other law.

(2) Consultation and Coordination.—The
head of any Federal agency planning to conduct ac-
tivities that may have an impact on the Heritage
Area is encouraged to consult and coordinate the ac-
tivities with the Secretary and the management enti-

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or

regulation authorizing a Federal agency to

manage Federal land under the jurisdiction of

the Federal agency;

(B) limits the discretion of a Federal land

manager to implement an approved land use

plan within the boundaries of the Heritage

Area; or

(C) modifies, alters, or amends any author-

ized use of Federal land under the jurisdiction

of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTEC-

TIONS.—Nothing in this section—

(1) abridges the rights of any property owner

(whether public or private), including the right to re-

frain from participating in any plan, project, pro-

gram, or activity conducted within the Heritage

Area;

(2) requires any property owner to permit pub-

clic access (including access by Federal, State, or

local agencies) to the property of the property
owner, or to modify public access or use of property
of the property owner under any other Federal,
State, or local law;

(3) alters any duly adopted land use regulation,
approved land use plan, or other regulatory author-
ity of any Federal, State or local agency, or conveys
any land use or other regulatory authority to the
management entity;

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

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

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years be-
fore the date on which authority for Federal funding
terminates for the Heritage Area, the Secretary
shall—

(A) conduct an evaluation of the accom-
plishments of the Heritage Area; and
(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the Na-
tional Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.
(i) Termination of Authority.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 236. SOUTH PARK NATIONAL HERITAGE AREA.

(a) Definitions.—In this section:

(1) Board.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) Heritage Area.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) Management Entity.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) Management Plan.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).
(5) Map.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) Partner.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

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

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

(9) Technical Assistance.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) South Park National Heritage Area.—

(1) Establishment.—There is established in the State the South Park National Heritage Area.

(2) Boundaries.—The Heritage Area shall consist of the areas included in the map.

(3) Map.—A map of the Heritage Area shall be—

(A) included in the management plan; and
(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting
through the management entity, may use amounts
made available under this section to—

(A) make grants to the State or a political
subdivision of the State, nonprofit organiza-
tions, and other persons;

(B) enter into cooperative agreements
with, or provide technical assistance to, the
State or a political subdivision of the State,
nonprofit organizations, and other interested
parties;

(C) hire and compensate staff, which shall
include individuals with expertise in natural,
cultural, and historical resources protection,
fundraising, heritage facility planning and de-
development, and heritage tourism programming;

(D) obtain funds or services from any
source, including funds or services that are pro-
vided under any other Federal law or program;

(E) enter into contracts for goods or serv-
ices; and

(F) facilitate the conduct of other projects
and activities that further the Heritage Area
and are consistent with the approved manage-
ment plan.

(3) DUTIES.—The management entity shall—
(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;
(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);
(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.
(2) Requirements.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation,
funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction;

and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;
(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—
(A) In General.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) Criteria for Approval.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the nat-
ural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until
the Secretary has approved the amend-
ments.

(c) **RELATIONSHIP TO OTHER FEDERAL AGEN-
cies.**—

(1) **IN GENERAL.**—Nothing in this section af-
ficts the authority of a Federal agency to provide
technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—The
head of any Federal agency planning to conduct ac-
tivities that may have an impact on the Heritage
Area is encouraged to consult and coordinate the ac-
tivities with the Secretary and the management enti-
ty to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in
this section—

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

(B) limits the discretion of a Federal land
manager to implement an approved land use
plan within the boundaries of the Heritage
Area; or
(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;
(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;
(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 237. NIAGARA FALLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Niagara Falls National Heritage Area Commission established by subsection (e)(1).

(2) GOVERNOR.—The term “Governor” means the Governor of the State.
(3) Heritage Area.—The term “Heritage Area” means the Niagara Falls National Heritage Area established by subsection (b)(1).

(4) Local Coordinating Entity.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(5) Management Plan.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(6) Map.—The term “map” means the map entitled “Niagara Falls National Heritage Area”, numbered P76/80,000, and dated July 2006.

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

(8) State.—The term “State” means the State of New York.

(b) Niagara Falls National Heritage Area.—

(1) Establishment.—There is established in the State the Niagara Falls National Heritage Area.

(2) Boundaries.—The National Heritage Area shall consist of—

(A) the area from the western boundary of the town of Wheatfield, New York, extending to
the mouth of the Niagara River on Lake Ontario, as depicted on the map, including—

(i) the city of Niagara Falls, New York;

(ii) the villages of Youngstown and Lewiston, New York; and

(iii) land and water within the boundaries of the Heritage Area in Niagara County, New York; and

(B) any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan under subsection (d)(2)(F).

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

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(i) for the 5–year period beginning on the date of enactment of this Act, the Commission; and

(ii) on expiration of the 5–year period described in clause (i), a private nonprofit
or governmental organization designated
by the Commission.

(B) AUTHORITY.—For purposes of im-
plementing the management plan, the local co-
ordinating entity designated under subpara-
graph (A)(ii) may use funds made available
under this section to—

(i) make grants to, and enter into co-
operative agreements with, the State (in-
cluding a political subdivision of the
State), nonprofit organizations, or any per-
son;

(ii) hire and compensate staff; and

(iii) enter into contracts for goods and
services.

(C) DUTIES.—Beginning on the date de-
dscribed in subparagraph (A)(ii), the local co-
ordinating entity designated by the Commission
under subparagraph (A)(ii) shall assume the
duties of the Commission described in sub-
section (e)(8), other than the duties described
in subparagraphs (A) and (H) of subsection
(e)(8).

(c) NIAGARA FALLS NATIONAL HERITAGE AREA
COMMISSION.—
(1) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(2) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

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

(B) 5 members shall be appointed by the Secretary, after considering the recommendation of the Governor, from among individuals with knowledge and experience of—

(i) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(ii) any successors of the agencies described in clause (i);

(C) 1 member shall be appointed by the Secretary, after considering the recommendation of the mayor of Niagara Falls, New York;

(D) 1 member shall be appointed by the Secretary, after considering the recommenda-
tion of the mayor of the village of Youngstown, New York;

(E) 1 member shall be appointed by the Secretary, after considering the recommendation of the mayor of the village of Lewiston, New York;

(F) 1 member shall be appointed by the Secretary, after considering the recommendation of the Tuscarora Nation;

(G) 1 member shall be appointed by the Secretary, after considering the recommendation of the Seneca Nation of Indians; and

(H) 6 members shall be individuals that have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(i) 4 members shall be appointed by the Secretary, after considering the recommendation of the 2 members of the Senate from the State; and

(ii) 2 members shall be appointed by the Secretary, after considering the rec-
ommendation of the member of the House
of Representatives whose district encom-
passes the Heritage Area.

(3) TERMS; VACANCIES.—

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

(B) VACANCIES.—

(i) PARTIAL TERM.—A member ap-
pointed to fill a vacancy on the Commiss-
on shall serve for the remainder of the
term for which the predecessor of the
member was appointed.

(ii) IN GENERAL.—A vacancy on the
Commission shall be filled in the same
manner as the original appointment was
made.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) SELECTION.—The Commission shall
select a Chairperson and Vice Chairperson from
among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chair-
person shall serve as the Chairperson in the ab-
sence of the Chairperson.

(5) QUORUM.—
(A) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(B) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(6) MEETINGS.—

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

(i) the Chairperson; or

(ii) a majority of the members of the Commission.

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

(C) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(7) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission may—
(A) enter into contracts and execute any instruments necessary or appropriate to carry out the purposes for which the Commission is established, including the authority to procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the duties of the Commission;

(B) appoint and fix the compensation of any staff that may be necessary to carry out the duties of the Commission;

(C) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(D) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(E) make grants to assist in the development and implementation of the management plan;
(F) negotiate and enter into any cooperative agreement, lease, contract, or other arrangement with any person, firm, association, organization, corporation, or governmental entity, including Federal, State, tribal, and local government entities, that is necessary to carry out the activities of the Commission;

(G) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services;

(H) assist in—

   (i) developing educational, informational, and interpretive programs and facilities; and

   (ii) any other activities that may promote the implementation of the management plan;

(I) use the United States mails in the same manner as other agencies of the Federal Government;

(J) establish any advisory groups that the Commission determines to be necessary; and

(K) adopt, amend, and enforce bylaws and rules governing the manner in which—
(i) the business of the Commission may be conducted; and

(ii) the powers vested in the Commission may be exercised.

(8) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Area, the Commission shall—

(A) in accordance with subsection (d), develop and submit to the Secretary for approval a management plan;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;
(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the development and implementation of the management plan;

(D) conduct meetings open to the public regarding the development and implementation of the management plan;
(E) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor;

(F) for any fiscal year for which Federal funds have been received by the Commission under this section—

(i) submit an annual report to the Secretary that describes—

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

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

(III) the amounts and sources of matching funds;

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

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

(ii) make available to the Secretary for audit any records containing information relating to the expenditure of Federal funds and any matching funds; and
(iii) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the organization receiving the funds make available to the Secretary for audit all records and other information concerning the expenditure of the funds;

(G) encourage, by appropriate means and consistent with the purposes of the Heritage Area, the economic viability of the Heritage Area; and

(H) assist in the transition of the management of the Heritage Area from the Commission to the local coordinating entity designated under subsection (b)(4)(A)(ii).

(9) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—A member of the Commission shall serve without compensation.

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

(10) GIFTS.—For purposes of section 170(c) of
the Internal Revenue Code of 1986, any gift or char-
itable contribution to the Commission shall be con-
sidered to be a charitable contribution or gift to the
United States.

(11) USE OF FEDERAL FUNDS.—Except as pro-
vided for the leasing of administrative facilities
under paragraph (7)(A), the Commission may not
use Federal funds made available to the Commission
under this section to acquire any real property or in-
terest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after
the date on which funds are first made available to
carry out this section, the Commission shall submit
to the Secretary for approval a management plan for
the Heritage Area.

(2) REQUIREMENTS.—The management plan
shall—

(A) include comprehensive policies, strate-
gies, and recommendations for conserving,
funding, managing, and developing the Herit-
age Area;
(B) take into consideration existing State, county, and local plans;

(C) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historic, and cultural resources of the Heritage Area;

(D) identify any existing and potential sources of funding or economic development strategies to protect, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, scenic, cultural, educational, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(F) establish criteria and identify thematically related sites in Niagara and Erie Counties, New York, that—

(i) may participate in the Heritage Area; and

(ii) shall be included in the boundary of the Heritage Area;
(G) include recommended policies and strategies for resource management that consider the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historic, scenic, cultural, educational, and recreational resources of the Heritage Area;

(H) describe a program of implementation for the management plan, including a description of—

(i) performance goals;

(ii) plans for resource protection, restoration, interpretation, enhancement, management, and development; and

(iii) any specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(I) include an analysis of, and recommendations for ways in which, Federal, State, tribal, and local programs would best be coordinated to further the purposes of this section, including an analysis of the role of the National Park Service in the Heritage Area;
(J) include an interpretive plan for the Heritage Area;

(K) include a business plan that—

(i) describes the role, operation, financing, and functions of—

(I) the local coordinating entity;

and

(II) each of the major activities addressed in the management plan;

and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan; and

(L) includes provisions for—

(i) the designation under subsection (b)(4)(A)(ii) of a nonprofit or governmental organization as the local coordinating entity to administer the Heritage Area consistent with the management plan; and

(ii) the transition of the management of the Heritage Area from the Commission to the organization designated as the local
coordinating entity at the end of the 5-year period specified in subsection (b)(4)(A)(i).

(3) **Termination of Funding.**—If the Commission does not submit the management plan to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this section, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the management plan is submitted to and approved by the Secretary.

(4) **Approval and Disapproval of Management Plan.**—

(A) **In General.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) **Considerations.**—In determining whether to approve or disapprove the management plan under subparagraph (A), the Secretary shall consider whether—

(i) the organization proposed to succeed the Commission as the local coordinating entity would be representative of the diverse interests of the Heritage Area,
including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement, including public meetings, in the preparation of the management plan;

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

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

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan.
(C) Action Following Disapproval.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

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

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan, approve or disapprove the proposed revision.

(5) Amendments.—

(A) In General.—The Secretary shall review and approve any substantial amendments to the management plan in accordance with paragraph (4).

(B) Use of Funds.—Funds made available under this section shall not be expended by the local coordinating entity to implement any changes made by an amendment described in subparagraph (A) until the Secretary approves the amendment.

(c) Duties and Authorities of the Secretary.—
(1) Technical and financial assistance.—

(A) In general.—On request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, to the Heritage Area for the development and implementation of the management plan.

(B) Cooperative agreements.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide assistance under subparagraph (A).

(C) Priority for assistance.—In providing assistance under subparagraph (A), the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, scenic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities, consistent with the purposes of the Heritage Area.

(2) Detail of Department of the Interior employees.—
(A) IN GENERAL.—On request of the Commission, the Secretary may detail to the Commission for each fiscal year in which the Commission is in existence, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the duties of the Commission.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

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

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;
(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory author-
ity of any Federal, State, or local agency, or conveys any land use or other regulatory authority to the local coordinating entity;

(4) authorizes or implies the reservation or app-
propriation of water or water rights;

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

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

(h) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years be-
fore the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accom-
plishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—
(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends
that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be appropriated for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be not more than 50 percent.
(j) **Termination of Authority.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 238. ABRAHAM LINCOLN NATIONAL HERITAGE AREA.**

(a) **Definitions.**—In this section:

(1) **Heritage Area.**—The term “Heritage Area” means the Abraham Lincoln National Heritage Area established by subsection (b)(1).

(2) **Management Entity.**—The term “management entity” means the management entity for the Heritage Area designated by subsection (c)(1).

(3) **Management Plan.**—The term “management plan” means the plan developed by the management entity under subsection (d)(1).

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

(5) **State.**—The term “State” means the State of Illinois.

(b) **Establishment of Abraham Lincoln National Heritage Area.**—

(1) **In General.**—There is established in the State the Abraham Lincoln National Heritage Area.

(2) **Boundaries.**—The Heritage Area shall include—
(A) a core area located in central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazwell, Vermillion, Warren, and Woodford counties;

(B) any sites, buildings, and districts within the core area that are recommended in the management plan; and

(C) each of the following sites:

(i) Lincoln Home National Historic Site.

(ii) Lincoln Tomb State Historic Site.

(iii) Lincoln’s New Salem State Historic Site.

(iv) Abraham Lincoln Presidential Library & Museum.

(v) Thomas and Sara Bush Lincoln Log Cabin and Living History Farm State Historic Site.
(vi) Mt. Pulaski, Postville State Historic Sites and Metamora Courthouse.

(vii) Lincoln-Herndon Law Offices State Historic Site.

(viii) David Davis Mansion State Historic Site.

(ix) Vandalia Statehouse State Historic Site.

(x) Lincoln Douglas Debate Museum.

(xi) Macon County Log Court House.

(xii) Richard J. Oglesby Mansion.

(xiii) Lincoln Trail Homestead State Memorial.

(xiv) Governor John Wood Mansion.

(xv) Beardstown Courthouse.

(xvi) Old Main at Knox College.

(xvii) Carl Sandburg Home State Historic Site.

(xviii) Bryant Cottage State Historic Site.

(xix) Dr. William Fithian Home.

(xx) Vermillion County Museum.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and
(B) on file in the appropriate offices of the National Park Service.

(c) **Designation of Coalition as Management Entity.**—

(1) **Management Entity.**—The Looking for Lincoln Heritage Coalition shall be the management entity for the Heritage Area.

(2) **Authorities of Management Entity.**—

The management entity may, for purposes of preparing and implementing the management plan, use Federal funds made available under this section—

(A) to prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(B) to pay for operational expenses of the management entity;

(C) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(D) to enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(E) to hire and compensate staff;
(F) to obtain funds or services from any source, including funds and services provided under any other Federal program or law; and

(G) to contract for goods and services.

(3) DUTIES OF MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(A) prepare a management plan for the Heritage Area in accordance with subsection (d);

(B) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—

(i) carrying out programs and projects that recognize and protect important resource values 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 heritage-based recreational and educational opportunities for residents and visitors in the Heritage Area;
(v) increasing public awareness of and
appreciation for the natural, historic, and
cultural resources of the Heritage Area;
(vi) restoring historic buildings that
are—
(I) located in the Heritage Area;
and
(II) related to the themes of the
Heritage Area; and
(vii) installing throughout the Herit-
age Area clear, consistent, and appropriate
signs identifying public access points and
sites of interest;
(C) consider the interests of diverse units
of government, businesses, tourism officials,
private property owners, and nonprofit groups
within the Heritage Area in developing and im-
plementing the management plan;
(D) conduct public meetings at least semi-
annually regarding the development and imple-
mentation of the management plan; and
(E) for any fiscal year for which Federal
funds are received under this section—
(i) submit to the Secretary an annual
report that describes—
(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) the entities to which the management entity made any grants;

(ii) make available for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records relating to the expenditure of the Federal funds.

(4) Prohibition on Acquisition of Real Property.—

(A) In General.—The management entity shall not use Federal funds received under this section to acquire real property or any interest in real property.

(B) Other Sources.—Nothing in this section precludes the management entity from using Federal funds from other sources for au-
authorized purposes, including the acquisition of
real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after
the date on which funds are first made available to
carry out this section, the management entity shall
prepare and submit for review to the Secretary a
management plan for the Heritage Area.

(2) CONTENTS.—The management plan for the
Heritage Area shall—

(A) include comprehensive policies, strate-
gies, and recommendations for the conservation,
funding, management, and development of the
Heritage Area;

(B) take into consideration existing State, county, and local plans;

(C) specify the existing and potential
sources of funding to protect, manage, and de-
velop the Heritage Area during the first 5 years
of implementation of the management plan;

(D) include—

(i) a description of actions that gov-
ernments, private organizations, and indi-
viduals have agreed to take to protect the
natural, historic, and cultural resources of the Heritage Area;

(ii) an inventory of the natural, historic, cultural, education, scenic, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed or maintained; and

(iii) an interpretive plan for the Heritage Area; and

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

(i) plans for resource protection, restoration, and construction; and

(ii) specific commitments for implementation during the first 5 years of implementation.

(3) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this section, the management entity may not receive additional funding under this section until the date on which the Secretary receives and approves the proposed management plan.
215
(4) Approval and disapproval of management plan.—

(A) In general.—Not later than 180 days after the date on which the management entity submits the management plan to the Secretary, the Secretary shall approve or disapprove the proposed management plan.

(B) Considerations.—In determining whether to approve or disapprove the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has provided adequate opportunities (including public hearings) for public and governmental involvement in the preparation of the management plan;

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would ade-
quately protect the natural, historic, and cultural resources of the Heritage Area; and

(iv) the management plan is supported by the appropriate State and local officials, the cooperation of which is needed to ensure the effective implementation of the State and local aspects of the management plan.

(C) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves a proposed management plan, the Secretary shall—

(I) advise the management entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the proposed management plan.

(ii) APPROVAL OR DISAPPROVAL.—

The Secretary shall approve or disapprove a revised management plan not later than 180 days after the date on which the revised management plan is submitted.

(5) APPROVAL OF AMENDMENTS.—
(A) IN GENERAL.—The Secretary shall re-
view and approve or disapprove substantial
amendments to the management plan in accord-
ance with paragraph (4).

(B) FUNDING.—Funds appropriated under
this section may not be expended to implement
any changes made by an amendment to the
management plan until the Secretary approves
the amendment.

(c) RELATIONSHIP TO OTHER FEDERAL AGEN-
CIES.—

(1) IN GENERAL.—Nothing in this section af-
fected the authority of a Federal agency to provide
technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The
head of any Federal agency planning to conduct ac-
tivities that may have an impact on the Heritage
Area is encouraged to consult and coordinate the ac-
tivities with the Secretary and the management enti-
ty to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in
this section—

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

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

(C) modifies, alters, or amends any author-
ized use of Federal land under the jurisdictio
of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTEC-
TIONS.—Nothing in this section—

(1) abridges the rights of any property owner
(whether public or private), including the right to re-
frain from participating in any plan, project, pro-
gram, or activity conducted within the Heritage
Area;

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

(3) alters any duly adopted land use regulation,
approved land use plan, or other regulatory author-
ity of any Federal, State, or local agency, or conveys
any land use or other regulatory authority to the management entity;

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

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

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—
(i) accomplishing the purposes of this section for the Heritage Area; and

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be
reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using funds made available under this section shall be not more than 50 percent.
(i) **Termination of Authority.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 239. CHATTAOOCHEE TRACE NATIONAL HERITAGE CORRIDOR.**

(a) **Definitions.**—In this section:

(1) **Corridor.**—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

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

(3) **Study Area.**—The term “study area” means the study area described in subsection (b)(2).

(b) **Study.**—

(1) **In general.**—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) **Study Area.**—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding
areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and
(II) by linking diverse and sometimes noncontiguous resources and active communities;
(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;
(C) provides—
   (i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and
   (ii) outstanding recreational and educational opportunities;
(D) contains resources that—
   (i) are important to any identified themes of the study area; and
   (ii) retain a degree of integrity capable of supporting interpretation;
(E) includes residents, business interests, nonprofit organizations, and State and local governments that—
   (i) are involved in the planning of the Corridor;
   (ii) have developed a conceptual financial plan that outlines the roles of all par-
participants in the Corridor, including the
Federal Government; and

(iii) have demonstrated support for
the designation of the Corridor;

(F) has a potential management entity to
work in partnership with the individuals and
entities described in subparagraph (E) to de-
velop the Corridor while encouraging State and
local economic activity; and

(G) has a conceptual boundary map that is
supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after
the date on which funds are first made available to carry
out this section, the Secretary shall submit to the Com-
mittee on Natural Resources of the House of Representa-
tives and the Committee on Energy and Natural Re-
sources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the
Secretary.

SEC. 240. STUDY OF SITES RELATING TO ABRAHAM LIN-
COLN IN KENTUCKY.

(a) DEFINITIONS.—In this section:
(1) **Heritage Area.**—The term “Heritage Area” means a National Heritage Area in the State to honor Abraham Lincoln.

(2) **State.**—The term “State” means the Commonwealth of Kentucky.

(3) **Study Area.**—The term “study area” means the study area described in subsection (b)(2).

(b) **Study.**—

(1) **In General.**—The Secretary, in consultation with the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) **Description of Study Area.**—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.
(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.
(xvii) Lincoln Marriage Temple at Fort Harrod.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) interpret—

(II) the life of Abraham Lincoln;

and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;
(B) reflects traditions, customs, beliefs, and historical events that are a valuable part of the story of the United State;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;
(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the third fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.
TITLE III—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 301. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “Deschutes River Basin Working Group” and inserting “Deschutes River Conservancy Working Group”; and

(B) by striking paragraph (5) and inserting the following:

“(5) QUORUM.—The term ‘quorum’ means 8 of those qualified Working Group members appointed and eligible to serve.”;

(2) in subsection (b)(3), by inserting before the period at the end the following: “, and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016”; and
(3) in subsection (h), by inserting before the period at the end the following: “, and $2,000,000 for each of fiscal years 2007 through 2016”.

SEC. 302. WALLOWA LAKE DAM REHABILITATION PROGRAM.

(a) Definitions.—In this section:

(1) Associated Ditch Companies, Incorporated.—The term “Associated Ditch Companies, Incorporated” means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) Secretary.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) Wallowa Lake Dam Rehabilitation Program.—The term “Wallowa Lake Dam Rehabilitation Program” means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document entitled, “Phase I Dam Assessment and Preliminary Engineering Design”, dated December 2002, and on file with the Bureau of Reclamation.

(b) Authorization To Participate in Program.—
(1) Grants and cooperative agreements.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) Conditions.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and any activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to Associated Ditch Companies, Incorporated, under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, regardless of
whether the damages arose during or after the
rehabilitation or construction.

(3) Cost sharing.—

    (A) In general.—The Federal share of
the costs of activities authorized under this sec-
tion shall not exceed 50 percent.

    (B) Exclusions from federal
share.—There shall not be credited against
the Federal share of the costs of activities au-
thorized under this section—

        (i) any expenditure by the Bonneville
        Power Administration in the Wallowa
        River watershed; and

        (ii) expenditures made by individual
        agricultural producers in any Federal com-
        modity or conservation program.

(4) Compliance with state law.—In car-
rying out this section, the Secretary shall comply
with applicable Oregon State water law.

(5) Prohibition on holding title.—The
Federal Government shall not hold title to any facil-
ity rehabilitated or constructed under this section.

(6) Prohibition on operation and mainte-
nance.—The Federal Government shall not be re-
sponsible for the operation and maintenance of any
facility constructed or rehabilitated under this section.

(c) Relationship to Other Law.—Activities funded under this section shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this section $6,000,000.

(e) Termination of Authority.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 303. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) Authorization.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the Memorandum of Agreement Between City of Medford

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out subsection (a).

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

SEC. 304. NORTH UNIT IRRIGATION DISTRICT.

The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting “(referred to in this Act as the ‘District’)” after “irrigation district”; and
(B) by inserting “(referred to in this Act as the ‘Contract’)” after “1953”; and
(2) by adding at the end the following:

“SEC. 3. ADDITIONAL TERMS.

“On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

“(1) In Article 8(a) of the Contract, by deleting ‘a maximum of 50,000’ and inserting ‘approximately 59,000’ after ‘irrigation service to’.

“(2) In Article 11(a) of the Contract, by deleting ‘The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled “Land Classification, North Unit, Deschutes Project, 1953” which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District’ and inserting ‘The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pur-
suant to water rights issued by the State of Oregon
and have in the past received water pursuant to
such State water rights.’.

“(3) In Article 11(e) of the Contract, by delet-
ing ‘, with the approval of the Secretary,’ after ‘Dis-

triet may’, by deleting ‘the 49,817.75 acre maximum
limit on the irrigable area is not exceeded’ and in-
serting ‘irrigation service is provided to no more
than approximately 59,000 acres and no amendment
to the District boundary is required’ after ‘time so
long as’.

“(4) In Article 11(d) of the Contract, by insert-
ing ‘, and may further be used for instream pur-
poses, including fish or wildlife purposes, to the ex-
tent that such use is required by Oregon State law
in order for the District to engage in, or take advan-
tage of, conserved water projects as authorized by
Oregon State law’ after ‘herein provided’.

“(5) By adding at the end of Article 12(d) the
following: ‘(e) Notwithstanding the above subsections
of this Article or Article 13 below, beginning with
the irrigation season immediately following the date
of enactment of the Federal Land and Reclamation
Resources Act of 2007, the annual installment for
each year, for the District, under the Contract, on
account of the District’s construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District’s total construction charge obligation shall be completely paid by June 30, 2044.’.

“(6) In Article 14(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,’ after ‘and incidental stock and domestic uses’, by inserting ‘and for instream purposes as described above,’ after ‘irrigation, stock and domestic uses’, and by inserting ‘, including natural flow rights out of the Crooked River held by the District’ after ‘irrigation system’.

“(7) In Article 29(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘provided in article 11’.
“(8) In Article 34 of the Contract, by deleting ‘The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.’ after ‘for that purpose.’.

“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

“The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.”.

SEC. 305. CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the “Sec-
(A) the Central Oklahoma Master Conservatory District (referred to in this section as the “District”); and

(B) cities served by the District.

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.
SEC. 306. AUTHORITY TO CONDUCT FEASIBILITY STUDIES
WITHIN THE SNAKE, BOISE, AND PAYETTE
RIVER SYSTEMS IN THE STATE OF IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 307. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tumalo Irrigation District, Oregon.
(2) PROJECT.—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

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

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the
non-Federal share of the Project any amounts
that the District provides toward the design,
planning, and construction before the date of
enactment of this Act.

(3) Title.—The District shall hold title to any
facilities constructed under this section.

(4) Operation and Maintenance Costs.—
The District shall pay the operation and mainte-
nance costs of the Project.

(5) Effect.—Any assistance provided under
this section shall not be considered to be a supple-
mental or additional benefit under Federal reclama-
tion law (the Act of June 17, 1902 (32 Stat. 388,
chapter 1093), and Acts supplemental to and
amendatory of that Act (43 U.S.C. 371 et seq.).

(e) Authorization of Appropriations.—There is
authorized to be appropriated to the Secretary for the
Federal share of the cost of the Project $4,000,000.

(d) Termination of Authority.—The authority of
the Secretary to carry out this section shall expire on the
date that is 10 years after the date of enactment of this
Act.

SEC. 308. NEW MEXICO WATER RESOURCES STUDY.

(a) In General.—The Secretary of the Interior, act-
ing through the Director of the United States Geological
Survey (referred to in this section as the “Secretary”),
in coordination with the State of New Mexico (referred
to in this section as the “State”) and any other entities
that the Secretary determines to be appropriate (including
other Federal agencies and institutions of higher edu-
cation), shall, in accordance with this section and any
other applicable law, conduct a study of water resources
in the State, including—

(1) a survey of groundwater resources, includ-
ing an analysis of—

(A) aquifers in the State, including the
quantity of water in the aquifers;

(B) the availability of groundwater re-
sources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater re-
sources to recharge;

(E) the interaction between groundwater
and surface water;

(F) the susceptibility of the aquifers to
contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock
geology, including the effect of the geology on
groundwater yield and quality.
(b) **Study Areas.**—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) **Report.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

(d) **Authorization of Appropriations.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 309. WATER AND ENERGY RESOURCES.**

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

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity
of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

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

(A) to optimize the production of energy resources—

(i) by minimizing the quantity of produced water; and

(ii) by facilitating the use of produced water for irrigation and other purposes
without adversely affecting water quality
or the environment; and
(B) to demonstrate means of accomplish-
ing those results.

(b) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term “Lower Basin State” means any of the States of—

(A) Arizona;
(B) California; and
(C) Nevada.

(2) PRODUCED WATER.—The term “produced water” means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;
(B) natural gas;
(C) coalbed methane; or
(D) any other substance to be used as an energy source.

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

(4) UPPER BASIN STATE.—The term “Upper Basin State” means any of the States of—

(A) Colorado;
(B) New Mexico;
(c) Identification of Problems and Solutions.—

(1) Study.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of
the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

(d) **IMPLEMENTATION.**—

(1) **GRANTS.**—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) **LIMITATIONS.**—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;
(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(e) Consultation, Advice, and Comments.—In carrying out this section, including in preparing the report under subsection (c)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (d), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and
(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (c)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(f) Relation to Other Laws.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(g) Authorization of Appropriations.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (c); and

(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;”;

and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “homeland and” after “planning for”;

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

(2) $7,500,000 to carry out subsection (d).
“(J) recreation and public awareness;

and’’; and

(3) in paragraph (9), by striking ‘‘important’’

and inserting ‘‘available’’.

(b) PURPOSE.—Section 2(b) of the National Geologic

Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by

inserting ‘‘and management’’ before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED

STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the


31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ‘‘not later

than’’ and all that follows through the semicolon and

inserting ‘‘not later than 1 year after the date of en-

actment of the Natural Resource Projects and Pro-

grams Authorization Act of 2007;’’;

(2) in subparagraph (B), by striking ‘‘not later

than’’ and all that follows through ‘‘in accordance’’

and inserting ‘‘not later than 1 year after the date

of enactment of the Natural Resource Projects and

Programs Authorization Act of 2007 in accordance’’;

and

(3) in the matter preceding clause (i) of sub-

paragraph (C), by striking ‘‘not later than’’ and all
that follows through “submit” and inserting “submit biennially”.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—
Section 4(e)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(e)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—

(1) in subclause (I), by striking “and” after the semicolon at the end;

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

(3) by adding at the end the following:

“(III) the needs of land management agencies of the Department of the Interior.”.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—
(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—
(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”; and

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—
(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”.

VerDate Aug 31 2005 02:55 Oct 19, 2007 Jkt 059200 PO 00000 Frm 00257 Fmt 6652 Sfmt 6201 E:\BILLS\S2180.PCS S2180bajohnson on PROD1PC77 with BILLS
(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Natural Resource Projects and Programs Authorization Act of 2007 and biennially”.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

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

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2007 through 2016.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”; 

(B) in paragraph (1), by striking “48” and inserting “50”; and

(C) in paragraph (2), by striking 2 and inserting “4”.
TITLE IV—FOREST SERVICE
AUTHORIZATIONS
Subtitle A—Authorizations

SEC. 401. COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the city of Coffman Cove, Alaska.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003–1 on Janu-
ary 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale,
which shall be available, without further appro-
priation, for the Tongass National Forest.

SEC. 402. PECOS NATIONAL HISTORICAL PARK.

(a) Definitions.—In this section:

(1) Federal land.—The term “Federal land”
means the approximately 160 acres of Federal land
within the Santa Fe National Forest in the State,
as depicted on the map.

(2) Landowner.—The term “landowner”
means the 1 or more owners of the non-Federal
land.

(3) Map.—The term “map” means the map en-
titled “Proposed Land Exchange for Pecos National
Historical Park”, numbered 430/80,054, dated No-

(4) Non-Federal land.—The term “non-Fed-
eral land” means the approximately 154 acres of
non-Federal land in the Park, as depicted on the
map.

(5) Park.—The term “Park” means the Pecos
National Historical Park in the State.

(6) Secretaries.—The term “Secretaries”
means the Secretary of the Interior and the Sec-
retary of Agriculture, acting jointly.
(7) STATE.—The term “State” means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(A) the Secretary of Agriculture shall, subject to the conditions of this section, convey to the landowner the Federal land; and

(B) the Secretary of the Interior shall, subject to the conditions of this section, grant to the landowner the easement described in paragraph (2).

(2) EASEMENT.—

(A) IN GENERAL.—The easement referred to in paragraph (1)(B) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.
(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.
(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisition; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(I) the Secretary of the Interior making a cash equalization payment to the landowner;

(II) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(III) reducing the acreage of the non-Federal land or the Federal land, as appropriate.
(ii) Cash Equalization Payments.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) Costs.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) Applicable Law.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—
(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) ADDITIONAL TERMS AND CONDITIONS.—
The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;
(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this section.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(2) MAPS.—
(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 403. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and
(3) by inserting after subsection (e) the following:

“(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).”.

SEC. 404. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or
(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities
for wildland fire suppression, prescribed
burning, and wildland fire use;

(iv) progress made in implementing
recommendations from the Inspector Gen-
eral, the Government Accountability Office,
the Occupational Safety and Health Ad-
ministration, or an agency report relating
to a wildland firefighting fatality issued
during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to
wildland firefighter safety practices in
any Federal contract or other agree-
ment governing the provision of
wildland firefighters by a non-Federal
entity;

(II) a summary of any actions
taken by the Secretaries to ensure
that the provisions relating to safety
practices, including training, are com-
plied with by the non-Federal entity;
and

(III) the results of those actions.
Subtitle B—Lewis and Clark Mount

Hood Wilderness Area

SEC. 411. DEFINITIONS.

In this subtitle:

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

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

SEC. 412. DESIGNATION OF WILDERNESS AREAS.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) **Clackamas Wilderness.**—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) **Mark O. Hatfield Wilderness Additions.**—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face” and “Mark O.
Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).


(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, com-
prising approximately 36,550 acres, as generally de-
picted on the map entitled “Roaring River Wilder-
ness—Roaring River Wilderness”, dated July 16,  
2007, which shall be known as the “Roaring River  
Wilderness”.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDI-
tIONS.—Certain Federal land managed by the For-
est Service, comprising approximately 16,620 acres,  
as generally depicted on the maps entitled “Salmon-
Huckleberry Wilderness—Alder Creek Additions”,  
“Salmon-Huckleberry Wilderness—Eagle Creek Ad-
dition”, “Salmon-Huckleberry Wilderness—Hunch-
back Mountain”, “Salmon-Huckleberry Wilder-
ness—Inch Creek”, “Salmon-Huckleberry Wilder-
ness—Mirror Lake”, and “Salmon-Huckleberry Wil-
derness—Salmon River Meadows”, dated July 16,  
2007, which is incorporated in, and considered to be  
a part of, the Salmon-Huckleberry Wilderness, as  
designated by section 3(2) of the Oregon Wilderness  

(8) LOWER WHITE RIVER WILDERNESS.—Cer-
tain Federal land managed by the Forest Service  
and Bureau of Land Management, comprising ap-
proximately 2,870 acres, as generally depicted on the  
map entitled “Lower White River Wilderness—
Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) **Richard L. Kohnstamm Memorial Area.**—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Mount Hood Wilderness—Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) **Potential Wilderness Area; Additions to Wilderness Areas.**—

(1) **Roaring River Potential Wilderness Area.**—

(A) **In General.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) **Management.**—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).
(C) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 416(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16
(a)(5).

(3) Addition to the Salmon-Huckleberry Wilderness.—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) Maps and Legal Descriptions.—

(1) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

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

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

(2) Force of Law.—The maps and legal descriptions filed under paragraph (1) shall have the
same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

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

(4) **DESCRIPTION OF LAND.**—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and
(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) Incorporation of Acquired Land and Interests.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

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

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

(f) Buffer Zones.—

(1) In General.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) Activities or Uses Up to Boundaries.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.
(g) Fish and Wildlife.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) Fire, Insects, and Diseases.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

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

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

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
SEC. 413. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

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

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

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

(C) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(D) by adding at the end the following:

“(170) SOUTH FORK CLACKAMAS RIVER.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(171) EAGLE CREEK.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount
Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(172) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(173) SOUTH FORK ROARING RIVER.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(174) ZIG ZAG RIVER.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(175) FIFTEENMILE CREEK.—

“(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:
“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) Inclusions.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured.
from the ordinary high water mark on both
sides of the river.

“(176) EAST FORK HOOD RIVER.—The 13.5-
 mile segment of the East Fork Hood River from Or-
egon State Highway 35 to the Mount Hood National
Forest boundary, to be administered by the Sec-
retary of Agriculture as a recreational river.

“(177) COLLAWASH RIVER.—The 17.8-mile
segment of the Collawash River from the headwaters
of the East Fork Collawash to the confluence of the
mainstream of the Collawash River with the
Clackamas River, to be administered by the Sec-
retary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the
headwaters of the East Fork Collawash River
to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye
Creek to the Clackamas River, as a recreational
river.

“(178) FISH CREEK.—The 13.5-mile segment
of Fish Creek from its headwaters to the confluence
with the Clackamas River, to be administered by the
Secretary of Agriculture as a recreational river.”.

(2) EFFECT.—The amendments made by para-
graph (1) do not affect valid existing water rights.
(b) Protection for Hood River, Oregon.—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act,”.

SEC. 414. MOUNT HOOD NATIONAL RECREATION AREA.

(a) Designation.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) Boundary.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) Map and Legal Description.—

(1) Submission of legal description.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—
(A) the Committee on Energy and Natural Resources of the Senate; and

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

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

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

(d) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).
(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 412 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by
this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—
(1) all forms of entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management within or adjacent to the Mount Hood National Recreation Area that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

SEC. 415. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—
(A) **IN GENERAL.**—On completion of the land exchange under section 416(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) **EXCLUSION OF CERTAIN LAND.**—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 412.

(C) **WITHDRAWAL.**—

(i) **IN GENERAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;
(II) location, entry, and patent under the mining laws; and

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

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

(B) Force of Law.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) Public Availability.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) Administration.—

(A) In General.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and
(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) Fuel reduction in proximity to improvements and primary public roads.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land;

or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and
(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other
than fire retardants), including pesticides, rodenticides, or herbicides.

(6) Forest road closures.—

(A) In general.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) Exception.—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) Private land.—

(A) Effect.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property;

and

(ii) guests to the private property.

(B) Cooperation.—The Secretary is encouraged to work with private landowners who
have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and
(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

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

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

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

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.
(4) USE OF LAND.—

   (A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

   (B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

       (i) Permanent roads.

       (ii) Commercial enterprises.

       (iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

               (I) the use of motor vehicles; or

               (II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) 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.

SEC. 416. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term “County” means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) FEDERAL LAND.—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.

(D) MT. HOOD MEADOWS.—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND.—The term “non-Federal land” means—
(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—
(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—
(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.
(B) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) **PORT.**—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) **LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection,
the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—
(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) Surveys.—

(A) In general.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) Costs.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) Deadline for completion of land exchange.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) Hunchback Mountain Land Exchange and Boundary Adjustment.—

(1) Definitions.—In this subsection:

(A) County.—The term “County” means Clackamas County, Oregon.
(B) Exchange map.—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) Federal land.—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be Conveyed” on the exchange map.

(D) Non-Federal land.—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) Hunchback Mountain Land Exchange.—

(A) Conveyance of land.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.
(B) Compliance with existing law.—

Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) Conditions on acceptance.—

(i) Title.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) Terms and Conditions.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) Appraisals.—

(i) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) Requirements.—An appraisal under clause (i) shall be conducted in ac-
cordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions;

and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) In general.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) Costs.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—
(A) IN GENERAL.—The boundary of the
Mount Hood National Forest shall be adjusted
to incorporate—

(i) any land conveyed to the United
States under paragraph (2); and

(ii) the land transferred to the Forest
Service by section 414(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST
SYSTEM.—The Secretary shall administer the
land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911
(commonly known as the “Weeks
Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regula-
tions) applicable to the National For-
est System; and

(ii) subject to sections 412(c)(3) and
414(d), as applicable.

(C) LAND AND WATER CONSERVATION
FUND.—For the purposes of section 7 of the
Land and Water Conservation Fund Act of
1965 (16 U.S.C. 460l–9), the boundaries of the
Mount Hood National Forest modified by this
paragraph shall be considered to be the bound-
aries of the Mount Hood National Forest in ex-
istence as of January 1, 1965.

(d) Conditions on Development of Federal
Land.—

(1) Requirements applicable to the con-
veyance of federal land.—

(A) In general.—As a condition of each
of the conveyances of Federal land under this
section, the Secretary shall include in the deed
of conveyance a requirement that applicable
construction activities and alterations shall be
conducted in accordance with—

(i) nationally recognized building and
property maintenance codes; and

(ii) nationally recognized codes for de-
velopment in the wildland-urban interface
and wildfire hazard mitigation.

(B) Applicable law.—To the maximum
extent practicable, the codes required under
subparagraph (A) shall be consistent with the
nationally recognized codes adopted or ref-
erenced by the State or political subdivisions of
the State.

(C) Enforcement.—The requirements
under subparagraph (A) may be enforced by the
same entities otherwise enforcing codes, ordinances, and standards.

(2) **Compliance with codes on federal land.**—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) **Effect on enforcement by states and political subdivisions.**—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

**SEC. 417. TRIBAL PROVISIONS; PLANNING AND STUDIES.**

(a) **Transportation Plan.**—

(1) **In general.**—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Or-
Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) Issues to be addressed.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;
(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;
(ii) public-private partnerships; 
(iii) incremental tax financing; and 
(iv) other financing tools that link 
transportation infrastructure improvements 
with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare 
a report on, and implementation schedule for, the 
vegetation management strategy (including rec-
ommendations for biomass utilization) for the Mount 
Hood National Forest being developed by the Forest 
Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after 
the date of enactment of this Act, the Secretary 
shall submit the report to—

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

(ii) the Committee on Natural Re-
sources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not 
later than 1 year after the date on which the 
vegetation management strategy referred to in
paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

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

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

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes of Middle Oregon of June 25, 1855 (12 Stat. 963).
(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or extinguishes the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty with the Tribes of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may
establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) **Consideration of Conversion of Forest Roads to Recreational Uses.**—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) **Improved Trail Access for Persons with Disabilities.**—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.
TITLE V—DEPARTMENT OF ENERGY AUTHORIZATIONS

SEC. 501. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

“(I)(aa) to remove at least 99 percent of sulfur dioxide; or

“(bb) to emit not more than 0.04 pound SO$_2$ per million Btu, based on a 30-day average;”.

SEC. 502. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking “7 Assistant Secretaries” and inserting “8 Assistant Secretaries”.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Energy (7)” and inserting “Assistant Secretaries of Energy (8)”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that leadership for missions of the Department of
Energy relating to electricity delivery and reliability should be at the Assistant Secretary level.

**SEC. 503. UNITED STATES-ISRAEL ENERGY COOPERATION.**

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

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy and the Israeli Minister of Energy and Infra-
structure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) Grant Program.—

(1) Establishment.—In implementing the agreement entitled the “Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation”, dated February 1, 1996, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.
(2) TYPES OF ENERGY.—In carrying out para-

graph (1), the Secretary may make grants to pro-

move—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; or

(B) is a joint venture between—

(i)(I) a for-profit business entity, aca-
demic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or non-

profit entity in the United States; and

(II) a for-profit business entity, aca-
demic institution, or nonprofit entity in Israel; or
(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;
(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are con-
sidered to be unclassified by both the United States
and Israel.

(c) TERMINATION.—The grant program and the advis-
sory committee established under this section terminate
on the date that is 7 years after the date of enactment
of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Sec-
retary shall use amounts authorized to be appropriated
under section 931 of the Energy Policy Act of 2005 (42
U.S.C. 16231) to carry out this section.

SEC. 504. ALASKA NATURAL GAS PIPELINE.

(a) ADMINISTRATION.—Section 106 of the Alaska
Natural Gas Pipeline Act (15 U.S.C. 720d) is amended
by adding at the end the following:

“(h) ADMINISTRATION.—

“(1) PERSONNEL APPOINTMENTS.—

“(A) IN GENERAL.—The Federal Coordi-
nator may appoint and terminate such per-
sonnel as the Federal Coordinator determines
to be appropriate.

“(B) AUTHORITY OF FEDERAL COORDI-
nATOR.—Personnel appointed by the Federal
Coordinator under subparagraph (A) shall be
appointed without regard to the provisions of
title 5, United States Code, governing appointments in the competitive service.

“(2) COMPENSATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

“(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

“(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

“(3) TEMPORARY SERVICES.—

“(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.
“(B) Maximum level of compensation.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

“(4) Fees, charges, and commissions.—

“(A) In general.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as described in this Act.

“(B) Authority of Secretary of the Interior.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy

“(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.”.

(b) CLARIFICATION OF AUTHORITY.—Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

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

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

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and
“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”.

**TITLE VI—COMPACT OF FREE ASSOCIATION AMENDMENTS**

**SEC. 601. APPROVAL OF AGREEMENTS.**

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: “,

including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof”; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: “,

including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which
shall serve as the authority to implement the provisions thereof.”

SEC. 602. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association
Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is
amended by striking subparagraph (A) and inserting the
following:

“(A) EMERGENCY AND DISASTER ASSIST-
ANCE.—

“(i) IN GENERAL.—Subject to clause
(ii), section 221(a)(6) of the U.S.–FSM
Compact and section 221(a)(5) of the
U.S.–RMI Compact shall each be con-
strued and applied in accordance with the
two Agreements to Amend Article X of the
Federal Programs and Service Agreements
signed on June 30, 2004, and on June 18,
2004, respectively.

“(ii) DEFINITION OF WILL PROVIDE
FUNDING.—In the second sentence of
paragraph 12 of each of the Agreements
described in clause (i), the term ‘will pro-
vide funding’ means will provide funding
through a transfer of funds using Stand-
ard Form 1151 or a similar document or
through an interagency, reimbursable agreement.”.

SEC. 603. CLARIFICATIONS REGARDING PALAU.


(1) in clause (ii)(II), by striking “and its territories” and inserting “, its territories, and the Republic of Palau”;

(2) in clause (iii)(II), by striking “, or the Republic of the Marshall Islands” and inserting “, the Republic of the Marshall Islands, or the Republic of Palau”; and

(3) in clause (ix)—

(A) by striking “Republic” both places it appears and inserting “government, institutions, and people”;

(B) by striking “2007” and inserting “2009”; and

(C) by striking “was” and inserting “were”.

SEC. 604. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the
following: “, which shall also continue to be available to
the citizens of the Federated States of Micronesia, the Re-
public of Palau, and the Republic of the Marshall Islands
who legally reside in the United States (including terri-
tories and possessions)”.

SEC. 605. TECHNICAL AMENDMENTS.

(a) Title I.—

(1) Section 177 Agreement.—Section
103(c)(1) of the Compact of Free Association
Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is
amended by striking “section 177” and inserting
“Section 177”.

(2) Interpretation and United States
Policy.—Section 104 of the Compact of Free Asso-
ciation Amendments Act of 2003 (48 U.S.C. 1921c)
is amended—

(A) in subsection (b)(1), by inserting “the”
before “U.S.–RMI Compact,”;

(B) in subsection (e)—

(i) in the matter preceding subpara-
graph (A) of paragraph (8), by striking
“to include” and inserting “and include”;

(ii) in paragraph (9)(A), by inserting
a comma after “may”; and
(iii) in paragraph (10), by striking “related to service” and inserting “related to such services”; and

(C) in the first sentence of subsection (j), by inserting “the” before “Interior”.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking “Trust Fund” and inserting “Trust Funds”.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking “courts” and inserting “court”; and

(ii) in subsection (b)(2), by striking “the” before “November”;

(B) in section 177(a), by striking “, or Palau” and inserting “(or Palau)”;

VerDate Aug 31 2005 02:55 Oct 19, 2007 Jkt 059200 PO 00000 Frm 00334 Fmt 6652 Sfmt 6201 E:\BILLS\S2180.PCS S2180bajohnson on PROD1PC77 with BILLS
(C) in section 179(b), by striking “amended Compact” and inserting “Compact, as amended,”;

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking “Compact, as Amended, of Free Association” and inserting “Compact of Free Association, as amended”;

(ii) in the fifth sentence of subsection (a), by striking “Trust Fund Agreement,” and inserting “Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),”;

(iii) in subsection (b)—

(I) in the first sentence, by striking “Government of the” before “Federated”; and

(II) in the second sentence, by striking “Sections 321 and 323 of the Compact of Free Association, as
Amended” and inserting “Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,”; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”; (E) in the first sentence of section 215(b), by striking “subsection(a)” and inserting “subsection (a)”;

(F) in section 221—

(i) in subsection (a)(6), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”; and

(ii) in the first sentence of subsection (c), by striking “agreements” and inserting “agreement”;

(G) in the second sentence of section 222, by inserting “in” after “referred to”; (H) in the second sentence of section 232, by striking “sections 102 (c)” and all that follows through “January 14, 1986)” and insert-
ing "section 102(b) of Public Law 108–188,
117 Stat. 2726, December 17, 2003’’;

(I) in the second sentence of section 252,
by inserting ‘‘, as amended,’’ after ‘‘Compact’’;

(J) in the first sentence of the first undes-
ignated paragraph of section 341, by striking
‘‘Section 141’’ and inserting ‘‘section 141’’;

(K) in section 342—

(i) in subsection (a), by striking ‘‘14
U.S.C. 195’’ and inserting ‘‘section 195 of
title 14, United States Code’’; and

(ii) in subsection (b)—

(I) by striking ‘‘46 U.S.C.
1295(b)(6)’’ and inserting ‘‘section
1303(b)(6) of the Merchant Marine
Act, 1936 (46 U.S.C. 1295b(b)(6))’’;
and

(II) by striking ‘‘46 U.S.C.
1295b(b)(6)(C)’’ and inserting ‘‘sec-
tion 1303(b)(6)(C) of that Act’’;

(L) in the third sentence of section 354(a),
by striking ‘‘section 442 and 452’’ and insert-
ing ‘‘sections 442 and 452’’;
(M) in section 461(h), by striking “Telecommunications” and inserting “Telecommunication”;

(N) in section 462(b)(4), by striking “of Free Association” the second place it appears; and

(O) in section 463(b), by striking “Articles IV” and inserting “Article IV”.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking “court” and inserting “courts”; 

(B) in section 177(a), by striking the comma before “(or Palau)”;

(C) in section 179(b), by striking “amended Compact,” and inserting “Compact, as amended,”;

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking “Compact, as
Amended, of Free Association” and inserting “Compact of Free Association, as amended”; 


(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”; 

(E) in section 221(a)—
(i) in the matter preceding paragraph (1), by striking “Section 231” and inserting “section 231”; and

(ii) in paragraph (5), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”; and

(F) in the second sentence of section 232, by striking “sections 103(m)” and all that follows through “(January 14, 1986)” and inserting “section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003”; and

(G) in the first sentence of section 341, by striking “Section 141” and inserting “section 141”; and

(H) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and
(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”; (I) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”; (J) in the first sentence of section 443, by inserting “, as amended.” after “the Compact”; (K) in the matter preceding paragraph (1) of section 461(h)— (i) by striking “1978” and inserting “1998”; and (ii) by striking “Telecommunications” and inserting “Telecommunication Union”; and (L) in section 463(b), by striking “Article” and inserting “Articles”.

SEC. 606. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking “or the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands”.

S 2180 PCS
SEC. 607. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may de-
posit the payment otherwise payable to the Government
of the United States under section 111 of Public Law
101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended
solely for maintenance of the road system con-
structed pursuant to section 212 of the Compact of
Free Association between the Government of the
United States of America and the Government of
Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated
pursuant to an agreement entered into between the
Government of the United States and the Govern-
ment of the Republic of Palau.

SEC. 608. CLARIFICATION OF TAX-FREE STATUS OF TRUST
FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact,
and their respective trust fund subsidiary agreements, for
the purposes of taxation by the United States or its sub-
sidiary jurisdictions, the term “State” means “State, ter-
ritory, or the District of Columbia”.

S 2180 PCS
A BILL

To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

OCTOBER 18, 2007

Read the second time and placed on the calendar.