COMPILATION

OF

NATIONAL PARK SERVICE LAWS

109TH CONGRESS

January 2005 to December 2006

UNITED STATES DEPARTMENT OF THE INTERIOR
DIRK KEMPTHORNE, *Secretary*
NATIONAL PARK SERVICE
MARY BOMAR, *Director*

COMPILATION OF NATIONAL PARK SERVICE LAWS 109TH CONGRESS

January 2005 to December 2006

WASHINGTON: 2007

FOREWORD

This compilation includes all laws enacted by the 109th Congress (2005-2006) that affect the National Park Service. We have included both park bills passed individually, as well as any legislation concerning national parks that was included in appropriations bills. In each case, we have noted in the index the specific section of the act where the language can be found.

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

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

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

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Public Law 109–13
109th Congress

An Act

Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

May 11, 2005
[H.R. 1268]

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

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
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Sec. 3. References.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

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Title V—Other Emergency Appropriations
Title VI—General Provisions and Technical Corrections

DIVISION B—REAL ID ACT OF 2005

SEC. 3. REFERENCES.

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

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

* * * * * * *

For an additional amount for "Housing for Persons with Disabilities", $238,080,000, to remain available until September 30, 2006: *Provided,* That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of Federal Housing Enterprise Oversight" for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund but not any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516(c)): *Provided,* That notwithstanding section 1316(d) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 shall not be credited for fiscal year 2006 as surplus under section 1316(d) of such Act or as part of any assessment to be collected for fiscal year 2006 under section 1316(a) of such Act: *Provided further,* That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further,* That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

REFERENCES TO EMERGENCY REQUIREMENTS

SEC. 6002. Any reference in this Act to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress) shall be treated as a reference to the emergency legislation section of H. Con. Res. 95 (109th Congress), if H. Con. Res. 95 (109th Congress) is adopted prior to the enactment of this Act.

RURAL BUSINESS-COOPERATIVE SERVICE

SEC. 6003. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

* * * * * * *

Economy Act are explicitly identified in each Congressional appropriations justification in support of the President's budget provided for each agency and component of the Department.

OFFICE OF THE CHIEF INFORMATION OFFICER

SEC. 6026. Of the funds provided under the heading "Office of the Chief Information Officer" in Public Law 108–334, $5,000,000 shall not be obligated for salaries and expenses until an expenditure plan is submitted to the Committees on Appropriations of the Senate and the House of Representatives for any information technology project that: (1) is funded by the "Office of the Chief Information Officer"; or (2) is funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided,* That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by project: *Provided further,* That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003, the current operational status of each system, and the plans for continued operation or termination of each system.

RESCISSION OF FUNDS

SEC. 6027. Of the funds appropriated by Public Law 108–334 (118 Stat. 1298, 1300, 1302), the following are rescinded: $500,000 under the heading "Office of the Secretary and Executive Management"; $3,300,000 under the heading "Office of the Under Secretary for Management"; $76,000,000 under the heading "Customs and Border Protection, Salaries and Expenses"; and $85,200,000 under the heading "Immigration and Customs Enforcement, Salaries and Expenses".

SEC. 6028. Of the unobligated balances available in the "Department of Homeland Security Working Capital Fund", $20,000,000 are rescinded.

REPROGRAMMING AND TRANSFER OF FUNDS

SEC. 6029. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT, TECHNICAL CORRECTION

118 Stat. 3072.

SEC. 6030. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by striking "September 24, 2004" and inserting "November 12, 2004".

FOREST SERVICE TRANSFER

SEC. 6031. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the "Forest Service, Capital Improvement and Maintenance" account, are hereby transferred to the "Forest Service, State and Private Forestry" account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds

for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6033. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6034. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with extraction of the oil and gas minerals reserved by the State of Mississippi in the deed referenced in subsection (b): Mississippi. Minerals.

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore to identify the oil and gas minerals located within the boundaries of the Gulf Islands National Seashore under the surface estate conveyed by the State of Mississippi, all of which oil and gas minerals the State of Mississippi reserved the right to extract.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in the section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972. Contracts.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6035. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2005," and inserting "September 30, 2005,".

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6036. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005". Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005.

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate

* * * * * * *

"(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.".

Approved May 11, 2005.

LEGISLATIVE HISTORY—H.R. 1268:

HOUSE REPORTS: Nos. 109–16 (Comm. on Appropriations) and 109–72 (Comm. of Conference).
SENATE REPORTS: No. 109–52 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Mar. 15, 16, considered and passed House.
Apr. 11–15, 18–21, considered and passed Senate, amended.
May 5, House agreed to conference report.
May 10, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
May 11, Presidential statement.

O

Public Law 109–14
109th Congress

An Act

May 31, 2005
[H.R. 2566]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface Transportation Extension Act of 2005.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2005".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144) is amended by striking "as amended by this section" and inserting "as amended by this Act and the Surface Transportation Extension Act of 2005".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (118 Stat. 1145) is amended by striking "the amendment made under subsection (d)" and inserting "section 1101(l) of the Transportation Equity Act for the 21st Century".

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking "$1,866,666,667" and inserting "$2,100,000,000".

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "May 31" inserting "June 30".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145) is amended by striking "$22,685,936,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$25,521,678,000 for the period of October 1, 2004, through June 30, 2005".

23 USC 104 note.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146) is amended to read as follows:

"(e) LIMITATION ON OBLIGATIONS.—

"(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2004, through June 30, 2005, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'FEDERAL-AID HIGHWAYS' in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204), in accordance

with section 110 of such title (23 U.S.C. 104 note; 118 Stat. 3209); except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), and 110(a)(5) of such title shall equal the greater of—

"(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2005 (including any amendments made by this Act and such Act); or

"(B) 9/12 of the funding provided for or limitation set on such program, project, or activity in title I of division H of the Consolidated Appropriations Act, 2005.

"(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2004, through June 30, 2005, shall not exceed $26,025,000,000; except that this limitation shall not apply to $479,250,000 in obligations for minimum guarantee for such period.

"(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After June 30, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

"(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading 'FEDERAL-AID HIGHWAYS' in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204).". Applicability.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004 (118 Stat. 1147) is amended by striking "$234,682,667" and inserting "$264,018,000".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147) is amended—

(i) in the first sentence by striking "$183,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$206,250,000 for the period of October 1, 2004, through June 30, 2005"; and

(ii) in the second sentence by striking "$8,666,667" and inserting "$9,750,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking "$164,000,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$184,500,000 for the period of October 1, 2004, through June 30, 2005".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking "$110,000,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$123,750,000 for the period of October 1, 2004, through June 30, 2005".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking "$13,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$15,000,000 for the period of October 1, 2004, through June 30, 2005".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking "$93,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$105,000,000 for the period of October 1, 2004, through June 30, 2005".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking "$25,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$28,500,000 for the period of October 1, 2004, through June 30, 2005".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148) is amended—

(i) in clause (i) by striking "$6,666,667" and inserting "$7,500,000";

(ii) in clause (ii) by striking "$3,333,333" and inserting "$3,750,000"; and

(iii) in clause (iii) by striking "$3,333,333" and inserting "$3,750,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148) is amended by striking "2001," and all that follows through "May 31, 2005" and inserting "2001, $25,500,000 for fiscal year 2002, $26,500,000 for each of fiscal years 2003 and 2004, and $19,875,000 for the period of October 1, 2004, through June 30, 2005".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking "$7,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$8,250,000 for the period of October 1, 2004, through June 30, 2005".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking "$3,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$3,750,000 for the period of October 1, 2004, through June 30, 2005".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15)(A) of such Act (112 Stat. 113; 118 Stat. 1149) is amended by striking "$73,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$82,500,000 for the period of October 1, 2004, through June 30, 2005".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149) is amended by striking "$333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$375,000 for the period of October 1, 2004, through June 30, 2005".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149) is amended by striking "$16,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$18,750,000 for the period of October 1, 2004, through June 30, 2005".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(G) and inserting the following:

"(G) $97,500,000 for the period of October 1, 2004, through June 30, 2005.";

(B) in subsection (a)(2) by striking "$1,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$1,500,000 for the period of October 1, 2004, through June 30, 2005"; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking "$1,733,333,333" and inserting "$1,950,000,000".

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149) is amended—

(A) by striking "$1,000,000" and inserting "$1,125,000"; and

(B) by striking "May 31" and inserting "June 30".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149) is amended by striking "$68,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$77,250,000 for the period of October 1, 2004, through June 30, 2005".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149) is amended by striking "$33,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$37,500,000 for the period of October 1, 2004, through June 30, 2005".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking "$13,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$15,000,000 for the period of October 1, 2004, through June 30, 2005".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking "$20,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$23,250,000 for the period of October 1, 2004, through June 30, 2005".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking "$73,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$82,500,000 for the period of October 1, 2004, through June 30, 2005".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking "$81,333,333

for the period of October 1, 2004, through May 31, 2005" and inserting "$91,500,000 for the period of October 1, 2004, through June 30, 2005".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking "$17,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$19,875,000 for the period of October 1, 2004, through June 30, 2005".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150) is amended by striking "$145,000,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$163,125,000 for the period of October 1, 2004, through June 30, 2005".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150) is amended by striking "$24,266,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$27,300,000 for the period of October 1, 2004, through June 30, 2005".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150) is amended by striking "$12,533,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$14,100,000 for the period of October 1, 2004, through June 30, 2005".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151) is amended by striking "$333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$375,000 for the period of October 1, 2004, through June 30, 2005".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking "$66,666,667" and inserting "$75,000,000"; and

(2) by striking "May 31" and inserting "June 30".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking "$66,666,667" and inserting "$75,000,000"; and

(2) by striking "May 31" and inserting "June 30".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151) is amended by striking "$500,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$562,500 for the period of October 1, 2004, through June 30, 2005".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking "$3,500,000" and inserting "$3,937,500";

(2) by striking "$166,667" and inserting "$187,500"; and

(3) by striking "May 31" each place it appears and inserting "June 30".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151) is amended—

(1) in paragraph (1) by striking "$6,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$7,500,000 for the period of October 1, 2004, through June 30, 2005"; and

(2) in paragraph (2) by striking "$6,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting

"$7,500,000 for the period of October 1, 2004, through June 30, 2005".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151) is amended—

(1) by inserting "and section 4 of the Surface Transportation Extension Act of 2005" after "this section" the first place it appears; and

(2) by inserting "or the amendment made by section 4(a)(1) of such Act" before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151) is amended—

(1) by inserting "and section 4 of the Surface Transportation Extension Act of 2005" after "but for this section";

(2) by striking "both";

(3) by striking "and by this section" and inserting ", by this section, and by section 4 of such Act"; and

(4) by inserting "and by section 4 of such Act" before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151) is amended by inserting "and section 4 of the Surface Transportation Extension Act of 2005" after "this section".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$74,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$84,000,000 for the period of October 1, 2004, through June 30, 2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$73,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$82,500,000 for the period of October 1, 2004, through June 30, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152) is amended by striking "$110,000,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$123,750,000 for the period of October 1, 2004, through June 30, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking "1998 through" and all that follows through "May 31, 2005" and inserting "1998 through 2004 and $54,000,000 for the period of October 1, 2004, through June 30, 2005".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking "$13,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "$15,000,000 for the period of October 1, 2004, through June 30, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153) is amended by striking "$26,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "$30,000,000 for the period of October 1, 2004, through June 30, 2005".

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153) is amended by striking "$2,400,000 for the period of October 1, 2004, through May 31, 2005" and inserting "$2,700,000 for the period of October 1, 2004, through June 30, 2005".

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended by striking "$160,552,536 for the period of October 1, 2004, through May 31, 2005" and inserting "$192,631,044 for the period October 1, 2004 through June 30, 2005".

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) Not more than $126,402,740 for the period of October 1, 2004, through June 30, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

"(5) $14,958,904 for the period of October 1, 2004, through June 30, 2005.".

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended—

(A) by striking "May 31," and inserting "June 30,"; and

(B) by striking "$665,753" and inserting "$747,945".

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154) is amended—

(1) by striking "$665,753" and inserting "$747,945"; and

(2) by striking "May 31" and inserting "June 30".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "May 31, 2005" and inserting "June 30, 2005";

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(B) by striking "$6,933,333" and inserting "$7,800,000"; and

(C) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in paragraph (3)(B)—

(A) by striking "$2,000,000" and inserting "$2,250,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(4) in paragraph (3)(C)—

(A) by striking "$33,333,333" and inserting "$37,500,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005".

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in paragraph (2)(A)(vii)—

(A) by striking "$2,201,760,000" and inserting "$2,545,785,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in paragraph (2)(B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(4) in paragraph (2)(C) by striking "May 31, 2005" and inserting "June 30, 2005".

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155) is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in the matter preceding paragraph (1) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in paragraph (1) by striking "$3,233,300" and inserting "$3,637,462";

(4) in paragraph (2) by striking "$33,333,333" and inserting "$37,500,000";

(5) in paragraph (3) by striking "$65,064,001" and inserting "$73,197,001";

(6) in paragraph (4) by striking "$172,690,702" and inserting "$194,277,040";

(7) in paragraph (5) by striking "$4,633,333" and inserting "$5,212,500"; and

(8) in paragraph (6) by striking "$2,473,245,331" and inserting "$2,782,400,997".

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$1,740,960,000" and inserting "$2,012,985,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005".

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$41,813,334" and inserting "$48,346,668"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005".

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$28,266,667" and inserting "$32,683,333"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in subparagraph (B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(4) in subparagraph (C) by striking "May 31, 2005" and inserting "June 30, 2005".

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156) is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in the matter preceding paragraph (1) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in paragraph (1) by striking "$3,500,000" and inserting "$3,937,500";

(4) in paragraph (2) by striking "$5,500,000" and inserting "$6,187,500"; and

(5) in paragraph (3)—

(A) by striking "$2,666,667" and inserting "$3,000,000"; and

(B) by striking "$666,667" and inserting "$750,000".

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in subparagraph (A)—

(A) by striking "$3,200,000" and inserting "$3,700,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005";

(3) in subparagraph (B) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking "May 31, 2005" and inserting "June 30, 2005".

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking "May 31, 2005" and inserting "June 30, 2005";

(B) in paragraph (1)(A) by striking "$1,333,333" and inserting "$1,500,000";

(C) in paragraph (1)(B) by striking "$1,333,333" and inserting "$1,500,000"; and

(D) in paragraph (2) by striking "May 31, 2005" and inserting "June 30, 2005".

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857; 118 Stat. 1157) is amended by striking "May 31, 2005" and inserting "June 30, 2005".

49 USC 5338 note.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$41,600,000" and inserting "$48,100,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005".

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking "$80,000,000" and inserting "$92,500,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005";

(2) in paragraph (1)(B)(vii) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(3) in paragraph (2) by striking "May 31, 2005, not more than $6,666,667" and inserting "June 30, 2005, not more than $7,500,000".

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

"(G) $3,937,500 for the period of October 1, 2004, through June 30, 2005."; and

(2) in paragraph (2)—

(A) by striking "$1,133,333" and inserting "$1,275,000"; and

(B) by striking "May 31, 2005" and inserting "June 30, 2005".

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "MAY 31, 2005" and inserting "JUNE 30, 2005"; and

(2) in subparagraph (A) by striking "May 31, 2005" and inserting "June 30, 2005".

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158) is amended—

(1) by striking "$5,172,000,000" and inserting "$5,818,500,000"; and

(2) by striking "May 31, 2005" and inserting "June 30, 2005".

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158) is amended—

(1) by striking "May 31, 2005" and inserting "June 30, 2005"; and

(2) by striking "$3,233,333" and inserting "$3,637,500".

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158) is amended—

23 USC 322 note.

(1) by striking "May 31, 2005," and inserting "June 30, 2005"; and

(2) by striking "$3,333,333" and inserting "$3,750,000".

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158) are amended by striking "May 31, 2005" and inserting "June 30, 2005".

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158) are amended by striking "May 31, 2005" and inserting "June 30, 2005".

23 USC 101 note.

(s) TREATMENT OF FUNDS.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

(t) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158) is amended by striking "May 31, 2005" and inserting "June 30, 2005".

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

"(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 9 MONTHS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through June 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $61,499,997, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $7,499,997 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $6,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$3,333,336" and inserting "$3,750,003"; and

(2) by striking "$1,333,336" and inserting "$1,500,003".

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(A) in the matter before subparagraph (A), by striking "June 1, 2005" and inserting "July 1, 2005",

(B) by striking "or" at the end of subparagraph (J),

(C) by striking the period at the end of subparagraph (K) and inserting ", or",

(D) by inserting after subparagraph (K) the following new subparagraph:

"(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005.", and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part V" and inserting "Surface Transportation Extension Act of 2005".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "June 1, 2005" and inserting "July 1, 2005",

(B) in subparagraph (H), by striking "or" at the end of such subparagraph,

(C) in subparagraph (I), by inserting "or" at the end of such subparagraph,

(D) by inserting after subparagraph (I) the following new subparagraph:

"(J) the Surface Transportation Extension Act of 2005,", and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part V" and inserting "Surface Transportation Extension Act of 2005".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking "June 1, 2005" and inserting "July 1, 2005".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2004, Part V" each place it appears and inserting "Surface Transportation Extension Act of 2005". 26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "June 1, 2005" and inserting "July 1, 2005", and

(B) by striking "Surface Transportation Extension Act of 2004, Part V" and inserting "Surface Transportation Extension Act of 2005".

26 USC 9504.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "June 1, 2005" and inserting "July 1, 2005".

(c) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking "2005" each place it appears and inserting "2006":

26 USC 4481.
26 USC 4482.
26 USC 4483.

(1) Section 4481(f).
(2) Section 4482(c)(4).
(3) Section 4482(d).
(4) Section 4483(h).

26 USC 4481 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Termination date.

(e) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved May 31, 2005.

LEGISLATIVE HISTORY—H.R. 2566:

CONGRESSIONAL RECORD, Vol. 151 (2005):
May 25, considered and passed House.
May 26, considered and passed Senate.

Public Law 109–20
109th Congress

An Act

July 1, 2005
[H.R. 3104]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface Transportation Extension Act of 2005, Part II.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2005, Part II".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324) is amended by striking "and the Surface Transportation Extension Act of 2005" and inserting ", the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324) is amended by striking "$2,100,000,000" and inserting "$2,240,000,000".

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "June 30" inserting "July 19".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324) is amended by striking "$25,521,678,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$27,223,123,200 for the period of October 1, 2004, through July 19, 2005".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324) is amended—
23 USC 104 note.

(1) in paragraph (1)—

(A) by striking "June 30" and inserting "July 19";

(B) by striking "and the Surface Transportation Extension Act of 2005" and inserting ", the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II"; and

(C) by striking "9/12" and inserting "80 percent"; and

(2) in paragraph (2)—

(A) by striking "June 30, 2005, shall not exceed $26,025,000,000" and inserting "July 19, 2005, shall not exceed $27,760,000,000"; and

(B) by striking "$479,250,000" and inserting "$511,200,000"; and

(3) in paragraph (3) by striking "June 30" and inserting "July 19".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325) is amended by striking "highway program" and all that follows through "2005" and inserting "highway program $281,619,200 for fiscal year 2005".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325) is amended—

(i) in the first sentence by striking "$206,250,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$220,000,000 for the period of October 1, 2004, through July 19, 2005"; and

(ii) in the second sentence by striking "$9,750,000" and inserting "$10,400,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking "$184,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$196,800,000 for the period of October 1, 2004, through July 19, 2005".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking "$123,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$132,000,000 for the period of October 1, 2004, through July 19, 2005".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$15,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$16,000,000 for the period of October 1, 2004, through July 19, 2005".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$105,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$112,000,000 for the period of October 1, 2004, through July 19, 2005".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$28,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$30,400,000 for the period of October 1, 2004, through July 19, 2005".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation

Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326) is amended—

(i) in clause (i) by striking "$7,500,000" and inserting "$8,000,000";

(ii) in clause (ii) by striking "$3,750,000" and inserting "$4,000,000"; and

(iii) in clause (iii) by striking "$3,750,000" and inserting "$4,000,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$19,875,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$21,200,000 for the period of October 1, 2004, through July 19, 2005".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$8,250,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$8,800,000 for the period of October 1, 2004, through July 19, 2005".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking "$3,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$4,000,000 for the period of October 1, 2004, through July 19, 2005".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

Effective date.

(A) TECHNICAL CORRECTION.—Effective May 31, 2005, section 4(a)(7) of the Surface Transportation Extension Act of 2005 (119 Stat. 326) is amended by striking "1101(a)(15)(A)" and inserting "1101(a)(15)".

(B) INCREASED FUNDING.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326) is amended by striking "$82,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$88,000,000 for the period of October 1, 2004, through July 19, 2005".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326) is amended by striking "$375,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$400,000 for the period of October 1, 2004, through July 19, 2005".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327) is amended by striking "$18,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$20,000,000 for the period of October 1, 2004, through July 19, 2005".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

"(G) $104,000,000 for the period of October 1, 2004, through July 19, 2005.";

(B) in subsection (a)(2) by striking "$1,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$1,600,000 for the period of October 1, 2004, through July 19, 2005"; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking "$1,950,000,000" and inserting "$2,080,000,000".

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327) is amended—

(A) by striking "$1,125,000" and inserting "$1,200,000"; and

(B) by striking "June 30" and inserting "July 19".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking "$77,250,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$82,400,000 for the period of October 1, 2004, through July 19, 2005".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking "$37,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$40,000,000 for the period of October 1, 2004, through July 19, 2005".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking "$15,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$16,000,000 for the period of October 1, 2004, through July 19, 2005".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking "$23,250,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$24,800,000 for the period of October 1, 2004, through July 19, 2005".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking "$82,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$88,000,000 for the period of October 1, 2004, through July 19, 2005".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking "$91,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$97,600,000 for the period of October 1, 2004, through July 19, 2005".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328) is amended by striking "$19,875,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$21,200,000 for the period of October 1, 2004, through July 19, 2005".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150;

119 Stat. 328) is amended by striking "$163,125,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$174,000,000 for the period of October 1, 2004, through July 19, 2005".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328) is amended by striking "$27,300,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$29,120,000 for the period of October 1, 2004, through July 19, 2005".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328) is amended by striking "$14,100,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$15,040,000 for the period of October 1, 2004, through July 19, 2005".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking "$375,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$400,000 for the period of October 1, 2004, through July 19, 2005".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking "$75,000,000" and inserting "$80,000,000"; and

(2) by striking "June 30" and inserting "July 19".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking "$75,000,000" and inserting "$80,000,000"; and

(2) by striking "June 30" and inserting "July 19".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking "$562,500 for the period of October 1, 2004, through June 30, 2005" and inserting "$600,000 for the period of October 1, 2004, through July 19, 2005".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking "$3,937,500" and inserting "$4,200,000";

(2) by striking "$187,500" and inserting "$200,000"; and

(3) by striking "June 30" each place it appears and inserting "July 19".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) in paragraph (1) by striking "$7,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$8,000,000 for the period of October 1, 2004, through July 19, 2005"; and

(2) in paragraph (2) by striking "$7,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$8,000,000 for the period of October 1, 2004, through July 19, 2005".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005" and inserting ", section 4 of the Surface

Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II"; and

(2) by striking "the amendment made by subsection (a)(1) of this section or the amendment made by section 4(a)(1) of such Act" and inserting "the amendments made by subsection (a) of this section, section 4(a) of the Surface Transportation Extension Act of 2005, and section 4(a) of the Surface Transportation Extension Act of 2005, Part II".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005" and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II";

(2) by striking "and by section 4 of such Act" the first place it appears and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II"; and

(3) by striking "and by section 4 of such Act" the second place it appears and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329) is amended by striking "and section 4 of the Surface Transportation Extension Act of 2005" and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$84,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$89,600,000 for the period of October 1, 2004, through July 19, 2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$82,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$88,000,000 for the period of October 1, 2004, through July 19, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$123,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$132,000,000 for the period of October 1, 2004, through July 19, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$54,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$57,600,000 for the period of October 1, 2004, through July 19, 2005".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$15,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$16,000,000 for the period of October 1, 2004, through July 19, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329) is amended by striking "$30,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$32,000,000 for the period of October 1, 2004, through July 19, 2005".

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330) is amended by striking "$2,700,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$2,880,000 for the period of October 1, 2004, through July 19, 2005".

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended by striking "$192,631,044 for the period of October 1, 2004, through June 30, 2005" and inserting "$206,037,600 for the period of October 1, 2004, through July 19, 2005".

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) Not more than $135,200,000 for the period of October 1, 2004, through July 19, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by striking "(5) $14,958,904 for the period of October 1, 2004, through June 30, 2005." and inserting the following:

"(6) $16,000,000 for the period of October 1, 2004, through July 19, 2005.".

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

(A) by striking "June 30" and inserting "July 19"; and

(B) by striking "$747,945" and inserting "$800,000".

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330) is amended—

(1) by striking "$747,945" and inserting "$800,000"; and

(2) by striking "June 30" and inserting "July 19".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(B) by striking "$7,800,000" and inserting "$8,320,000"; and

(C) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (3)(B)—

(A) by striking "$2,250,000" and inserting "$2,400,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in paragraph (3)(C)—

(A) by striking "$37,500,000" and inserting "$40,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005".

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in paragraph (2)(A)(vii)—

(A) by striking "$2,545,785,000" and inserting "$2,675,300,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (2)(B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in paragraph (2)(C) by striking "June 30, 2005" and inserting "July 19, 2005".

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331) is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in the matter preceding paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (1) by striking "$3,637,462" and inserting "$3,879,960";

(4) in paragraph (2) by striking "$37,500,000" and inserting "$40,000,000";

(5) in paragraph (3) by striking "$73,197,001" and inserting "$76,231,201";

(6) in paragraph (4) by striking "$194,277,040" and inserting "$202,330,313";

(7) in paragraph (5) by striking "$5,212,500" and inserting "$5,560,000"; and

(8) in paragraph (6) by striking "$2,782,400,997" and inserting "$2,897,738,526".

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$2,012,985,000" and inserting "$2,235,820,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$48,346,668" and inserting "$47,946,667"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$32,683,333" and inserting "$36,933,334"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in subparagraph (C) by striking "June 30, 2005" and inserting "July 19, 2005".

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332) is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in the matter preceding paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (1) by striking "$3,937,500" and inserting "$4,200,000";

(4) in paragraph (2) by striking "$6,187,500" and inserting "$6,600,000"; and

(5) in paragraph (3)—

(A) by striking "$3,000,000" and inserting "$3,200,000"; and

(B) by striking "$750,000" and inserting "$800,000".

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)—

(A) by striking "$3,700,000" and inserting "$4,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in subparagraph (B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking "June 30, 2005" and inserting "July 19, 2005".

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(B) in paragraph (1)(A) by striking "$1,500,000" and inserting "$1,600,000";

(C) in paragraph (1)(B) by striking "$1,500,000" and inserting "$1,600,000"; and

(D) in paragraph (2) by striking "June 30, 2005" and inserting "July 19, 2005".

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332) is amended by striking "June 30, 2005" and inserting "July 19, 2005".

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$48,100,000" and inserting "$52,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking "$92,500,000" and inserting "$80,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(2) in paragraph (1)(B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in paragraph (2) by striking "June 30, 2005, not more than $7,500,000" and inserting "July 19, 2005, not more than $8,000,000".

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

"(G) $4,200,000 for the period of October 1, 2004, through July 19, 2005."; and

(2) in paragraph (2)—

(A) by striking "$1,275,000" and inserting "$1,360,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005".

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005"; and

(2) in subparagraph (A) by striking "June 30, 2005" and inserting "July 19, 2005".

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking "$5,818,500,000" and inserting "$6,166,400,000"; and

(2) by striking "June 30, 2005" and inserting "July 19, 2005".

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(2) by striking "$3,637,500" and inserting "$3,880,000".

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334) is amended—

23 USC 322 note.

(1) by striking "June 30, 2005," and inserting "July 19, 2005"; and

(2) by striking "$3,750,000" and inserting "$4,000,000".

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334) are amended by striking "June 30, 2005" and inserting "July 19, 2005".

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334) are amended by striking "June 30, 2005" and inserting "July 19, 2005".

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334) is amended by striking "June 30, 2005" and inserting "July 19, 2005".

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking "(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;" and inserting the following:

"(7) $8,000,000 for the period of October 1, 2004, through July 19, 2005;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 292 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 19, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $65,600,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $8,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $6,400,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$3,750,003" and inserting "$4,000,000"; and

(2) by striking "$1,500,003" and inserting "$1,600,000".

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(A) in the matter before subparagraph (A), by striking "July 1, 2005" and inserting "July 20, 2005",

(B) by striking "or" at the end of subparagraph (K),

(C) by striking the period at the end of subparagraph (L) and inserting ", or",

(D) by inserting after subparagraph (L) the following new subparagraph:

"(M) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part II.", and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 1, 2005" and inserting "July 20, 2005",

(B) in subparagraph (I), by striking "or" at the end of such subparagraph,

(C) in subparagraph (J), by inserting "or" at the end of such subparagraph,

(D) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Surface Transportation Extension Act of 2005, Part II,", and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking "July 1, 2005" and inserting "July 20, 2005".

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2005" each place it appears and inserting "Surface Transportation Extension Act of 2005, Part II".

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "July 1, 2005" and inserting "July 20, 2005", and

(B) by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "July 1, 2005" and inserting "July 20, 2005".

26 USC 9503 note.

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

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 19, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 1, 2005.

LEGISLATIVE HISTORY—H.R. 3104:

CONGRESSIONAL RECORD, Vol. 151 (2005):
June 30, considered and passed House and Senate.

O

Public Law 109-35
109th Congress

An Act

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 20, 2005
[H.R. 3332]

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

SECTION 1. SHORT TITLE.

Surface Transportation Extension Act of 2005, Part III.
23 USC 101 note.

This Act may be cited as the "Surface Transportation Extension Act of 2005, Part III".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346) is amended by striking "and the Surface Transportation Extension Act of 2005, Part II" and inserting ", the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346) is amended by striking "$2,240,000,000" and inserting "$2,268,000,000".

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "July 19" inserting "July 21".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346) is amended by striking "$27,223,123,200 for the period of October 1, 2004, through July 19, 2005" and inserting "$27,563,412,240 for the period of October 1, 2004, through July 21, 2005".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346) is amended— 23 USC 104 note.

(1) in paragraph (1)—

(A) by striking "July 19" and inserting "July 21";

(B) by striking "and the Surface Transportation Extension Act of 2005, Part II" and inserting ", the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III"; and

(C) by striking "80 percent" and inserting "80.8 percent"; and

(2) in paragraph (2)—

(A) by striking "July 19, 2005, shall not exceed $27,760,000,000" and inserting "July 21, 2005, shall not exceed $28,107,000,000"; and

(B) by striking "$511,200,000" and inserting "$517,590,000"; and

(3) in paragraph (3) by striking "July 19" and inserting "July 21".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended by striking "$281,619,200" and inserting "$285,139,440".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended—

(i) in the first sentence by striking "$220,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$222,750,000 for the period of October 1, 2004, through July 21, 2005"; and

(ii) in the second sentence by striking "$10,400,000" and inserting "$10,530,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking "$196,800,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$199,260,000 for the period of October 1, 2004, through July 21, 2005".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking "$132,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$133,650,000 for the period of October 1, 2004, through July 21, 2005".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$16,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$16,200,000 for the period of October 1, 2004, through July 21, 2005".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$112,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$113,400,000 for the period of October 1, 2004, through July 21, 2005".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$30,400,000 for the period of October 1, 2004, through July 19, 2005" and inserting

"$30,780,000 for the period of October 1, 2004, through July 21, 2005".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended—

(i) in clause (i) by striking "$8,000,000" and inserting "$8,100,000";

(ii) in clause (ii) by striking "$4,000,000" and inserting "$4,050,000"; and

(iii) in clause (iii) by striking "$4,000,000" and inserting "$4,050,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$21,200,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$21,465,000 for the period of October 1, 2004, through July 21, 2005".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$8,800,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$8,910,000 for the period of October 1, 2004, through July 21, 2005".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "$4,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$4,050,000 for the period of October 1, 2004, through July 21, 2005".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking "$88,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$89,100,000 for the period of October 1, 2004, through July 21, 2005".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking "$400,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$405,000 for the period of October 1, 2004, through July 21, 2005".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking "$20,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$20,250,000 for the period of October 1, 2004, through July 21, 2005".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

"(G) $105,300,000 for the period of October 1, 2004, through July 21, 2005.";

(B) in subsection (a)(2) by striking "$1,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$1,620,000 for the period of October 1, 2004, through July 21, 2005"; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking "$2,080,000,000" and inserting "$2,106,000,000".

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended—

(A) by striking "$1,200,000" and inserting "$1,215,000"; and

(B) by striking "July 19" and inserting "July 21".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking "$82,400,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$83,430,000 for the period of October 1, 2004, through July 21, 2005".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking "$40,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$40,500,000 for the period of October 1, 2004, through July 21, 2005".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking "$16,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$16,200,000 for the period of October 1, 2004, through July 21, 2005".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking "$24,800,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$25,110,000 for the period of October 1, 2004, through July 21, 2005".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking "$88,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$89,100,000 for the period of October 1, 2004, through July 21, 2005".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking "$97,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$98,820,000 for the period of October 1, 2004, through July 21, 2005".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking "$21,200,000 for the period of October 1, 2004, through July 19, 2005"

and inserting "$21,465,000 for the period of October 1, 2004, through July 21, 2005".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking "$174,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$176,175,000 for the period of October 1, 2004, through July 21, 2005".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking "$29,120,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$29,484,000 for the period of October 1, 2004, through July 21, 2005".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking "$15,040,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$15,228,000 for the period of October 1, 2004, through July 21, 2005".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking "$400,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$405,000 for the period of October 1, 2004, through July 21, 2005".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking "$80,000,000" and inserting "$81,000,000"; and

(2) by striking "July 19" and inserting "July 21".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking "$80,000,000" and inserting "$81,000,000"; and

(2) by striking "July 19" and inserting "July 21".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking "$600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$607,500 for the period of October 1, 2004, through July 21, 2005".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking "$4,200,000" and inserting "$4,252,000";

(2) by striking "$200,000" and inserting "$202,500"; and

(3) by striking "July 19" each place it appears and inserting "July 21".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) in paragraph (1) by striking "$8,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$8,100,000 for the period of October 1, 2004, through July 21, 2005"; and

(2) in paragraph (2) by striking "$8,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$8,100,000 for the period of October 1, 2004, through July 21, 2005".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005, Part II" and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III"; and

(2) by striking "and section 4(a) of the Surface Transportation Extension Act of 2005, Part II" and inserting "section 4(a) of the Surface Transportation Extension Act of 2005, Part II, and section 4(a) of the Surface Transportation Extension Act of 2005, Part III".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005, Part II" and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III";

(2) by striking "and section 4 of the Surface Transportation Extension Act, Part II" the first place it appears and inserting "section 4 of the Surface Transportation Extension Act, Part II, and section 4 of the Surface Transportation Extension Act, Part III"; and

(3) by striking "and section 4 of the Surface Transportation Extension Act, Part II" the second place it appears and inserting ", section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended by striking "and section 4 of the Surface Transportation Extension Act, Part II" and inserting ", section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$89,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$90,720,000 for the period of October 1, 2004, through July 21, 2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$88,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$89,100,000 for the period of October 1, 2004, through July 21, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking "$132,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$133,650,000 for the period of October 1, 2004, through July 21, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat.

329; 119 Stat. 346) is amended by striking "$57,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$58,320,000 for the period of October 1, 2004, through July 21, 2005".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking "$16,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$16,200,000 for the period of October 1, 2004, through July 21, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346) is amended by striking "$32,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$32,400,000 for the period of October 1, 2004, through July 21, 2005".

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking "$2,880,000 for the period of October 1, 2004, through July 19, 2005" and inserting "$2,916,000 for the period of October 1, 2004, through July 21, 2005".

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking "$206,037,600 for the period of October 1, 2004, through July 19, 2005" and inserting "$208,154,425 for the period of October 1, 2004, through July 21, 2005".

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) Not more than $136,589,041 for the period of October 1, 2004, through July 21, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

"(6) $16,164,384 for the period of October 1, 2004, through July 21, 2005.".

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended—

(A) by striking "July 19" and inserting "July 21"; and

(B) by striking "$800,000" and inserting "$808,219".

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346) is amended—

(1) by striking "$800,000" and inserting "$808,219"; and

(2) by striking "July 19" and inserting "July 21".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "July 19, 2005" and inserting "July 21, 2005";

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(B) by striking "$8,320,000" and inserting "$8,424,000"; and

(C) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in paragraph (3)(B)—

(A) by striking "$2,400,000" and inserting "$2,430,000"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(4) in paragraph (3)(C)—

(A) by striking "$40,000,000" and inserting "$40,500,000"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005".

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in paragraph (2)(A)(vii)—

(A) by striking "$2,675,300,000" and inserting "$2,793,483,000"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in paragraph (2)(B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(4) in paragraph (2)(C) by striking "July 19, 2005" and inserting "July 21, 2005".

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346) is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in the matter preceding paragraph (1) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in paragraph (1) by striking "$3,879,960" and inserting "$3,928,459";

(4) in paragraph (2) by striking "$40,000,000" and inserting "$40,500,000";

(5) in paragraph (3) by striking "$76,231,201" and inserting "$79,052,761";

(6) in paragraph (4) by striking "$202,330,313" and inserting "$209,819,203";

(7) in paragraph (5) by striking "$5,560,000" and inserting "$5,629,500"; and

(8) in paragraph (6) by striking "$2,897,738,526" and inserting "$3,004,993,077".

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$2,235,820,000" and inserting "$2,263,265,142"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005".

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$47,946,667" and inserting "$48,546,727"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005".

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$36,933,334" and inserting "$37,385,434"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in subparagraph (B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(4) in subparagraph (C) by striking "July 19, 2005" and inserting "July 21, 2005".

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346) is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in the matter preceding paragraph (1) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in paragraph (1) by striking "$4,200,000" and inserting "$4,252,500";

(4) in paragraph (2) by striking "$6,600,000" and inserting "$6,682,500"; and

(5) in paragraph (3)—

(A) by striking "$3,200,000" and inserting "$3,240,000"; and

(B) by striking "$800,000" and inserting "$810,000".

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in subparagraph (A)—

(A) by striking "$4,000,000" and inserting "$4,060,000"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005";

(3) in subparagraph (B) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking "July 19, 2005" and inserting "July 21, 2005".

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking "July 19, 2005" and inserting "July 21, 2005";

(B) in paragraph (1)(A) by striking "$1,600,000" and inserting "$1,620,000";

(C) in paragraph (1)(B) by striking "$1,600,000" and inserting "$1,620,000"; and

(D) in paragraph (2) by striking "July 19, 2005" and inserting "July 21, 2005".

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended by striking "July 19, 2005" and inserting "July 21, 2005".

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$52,000,000" and inserting "$52,780,000"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005".

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking "$80,000,000" and inserting "$81,027,500"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005";

(2) in paragraph (1)(B)(vii) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(3) in paragraph (2) by striking "July 19, 2005, not more than $8,000,000" and inserting "July 21, 2005, not more than $8,100,000".

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

"(G) $4,222,125 for the period of October 1, 2004, through July 21, 2005."; and

(2) in paragraph (2)—

(A) by striking "$1,360,000" and inserting "$1,407,375"; and

(B) by striking "July 19, 2005" and inserting "July 21, 2005".

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 19, 2005" and inserting "JULY 21, 2005"; and

(2) in subparagraph (A) by striking "July 19, 2005" and inserting "July 21, 2005".

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking "$6,166,400,000" and inserting "$6,229,759,760"; and

(2) by striking "July 19, 2005" and inserting "July 21, 2005".

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking "July 19, 2005" and inserting "July 21, 2005"; and

(2) by striking "$3,880,000" and inserting "$3,928,500".

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended— 23 USC 322 note.

(1) by striking "July 19, 2005," and inserting "July 21, 2005"; and

(2) by striking "$4,000,000" and inserting "$4,050,000".

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking "July 19, 2005" and inserting "July 21, 2005".

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking "July 19, 2005" and inserting "July 21, 2005".

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended by striking "July 19, 2005" and inserting "July 21, 2005".

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

"(7) $8,099,997 for the period of October 1, 2004, through July 21, 2005;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 42 WEEKS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 21, 2005, of the balance

of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $66,420,000, reduced by 82.9 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $8,100,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$4,000,000" and inserting "$4,050,000"; and

(2) by striking "$1,600,000" and inserting "$1,620,003".

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(A) in the matter before subparagraph (A), by striking "July 20, 2005" and inserting "July 22, 2005";

(B) by striking "or" at the end of subparagraph (L);

(C) by striking the period at the end of subparagraph (M) and inserting ", or";

(D) by inserting after subparagraph (M) the following new subparagraph:

"(N) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part III."; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part II" and inserting "Surface Transportation Extension Act of 2005, Part III".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 20, 2005" and inserting "July 22, 2005";

(B) in subparagraph (J), by striking "or" at the end of such subparagraph;

(C) in subparagraph (K), by inserting "or" at the end of such subparagraph;

(D) by inserting after subparagraph (K) the following new subparagraph:

"(L) the Surface Transportation Extension Act of 2005, Part III,"; and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part II" and inserting "Surface Transportation Extension Act of 2005, Part III".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking "July 20, 2005" and inserting "July 22, 2005".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2005, Part II" each place it appears and inserting "Surface Transportation Extension Act of 2005, Part III". 26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "July 20, 2005" and inserting "July 22, 2005"; and

(B) by striking "Surface Transportation Extension Act of 2005, Part II" and inserting "Surface Transportation Extension Act of 2005, Part III".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "July 20, 2005" and inserting "July 22, 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 9503 note.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 21, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such

tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 20, 2005.

LEGISLATIVE HISTORY—H.R. 3332:

CONGRESSIONAL RECORD, Vol. 151 (2005):
July 19, considered and passed House and Senate.

Public Law 109–40
109th Congress

An Act

July 28, 2005
[H.R. 3453]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Surface Transportation Extension Act of 2005, Part V.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2005, Part V".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "and the Surface Transportation Extension Act of 2005, Part IV" and inserting "the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$2,301,370,400" and inserting "$2,324,000,000".

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "July 27" and inserting "July 30".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$27,968,968,718 for the period of October 1, 2004, through July 27, 2005" and inserting "$28,243,990,320 for the period of October 1, 2004, through July 30, 2005".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—
23 USC 104 note.

(1) in paragraph (1)—

(A) by striking "July 27" and inserting "July 30";

(B) by striking "and the Surface Transportation Extension Act of 2005, Part IV" and inserting "the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V"; and

(C) by striking "82.2 percent" and inserting "83 percent"; and

(2) in paragraph (2)—

(A) by striking "July 27, 2005, shall not exceed $28,520,554,600" and inserting "July 30, 2005, shall not exceed $28,801,000,000"; and

(B) by striking "$525,205,602" and inserting "$530,370,000"; and

(3) in paragraph (3) by striking "July 27" and inserting "July 30".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$289,334,862" and inserting "$292,179,920".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in the first sentence by striking "$226,027,450 for the period of October 1, 2004, through July 27, 2005" and inserting "$228,250,000 for the period of October 1, 2004, through July 30, 2005"; and

(ii) in the second sentence by striking "$10,684,934" and inserting "$10,790,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$202,191,828 for the period of October 1, 2004, through July 27, 2005" and inserting "$204,180,000 for the period of October 1, 2004, through July 30, 2005".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$135,616,470 for the period of October 1, 2004, through July 27, 2005" and inserting "$136,950,000 for the period of October 1, 2004, through July 30, 2005".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$16,438,360 for the period of October 1, 2004, through July 27, 2005" and inserting "$16,600,000 for the period of October 1, 2004, through July 30, 2005".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$115,068,520 for the period of October 1, 2004, through July 27, 2005" and inserting "$116,200,000 for the period of October 1, 2004, through July 30, 2005".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$31,232,884 for the period of October 1, 2004, through July 27, 2005" and inserting "$31,540,000 for the period of October 1, 2004, through July 30, 2005".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in clause (i) by striking "$8,219,180" and inserting "$8,300,000";

(ii) in clause (ii) by striking "$4,109,590" and inserting "$4,150,000"; and

(iii) in clause (iii) by striking "$4,109,590" and inserting "$4,150,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$21,780,827 for the period of October 1, 2004, through July 27, 2005" and inserting "$21,995,000 for the period of October 1, 2004, through July 30, 2005".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$9,041,098 for the period of October 1, 2004, through July 27, 2005" and inserting "$9,130,000 for the period of October 1, 2004, through July 30, 2005".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$4,109,590 for the period of October 1, 2004, through July 27, 2005" and inserting "$4,150,000 for the period of October 1, 2004, through July 30, 2005".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$90,410,980 for the period of October 1, 2004, through July 27, 2005" and inserting "$91,300,000 for the period of October 1, 2004, through July 30, 2005".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$410,959 for the period of October 1, 2004, through July 27, 2005" and inserting "$415,000 for the period of October 1, 2004, through July 30, 2005".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$20,547,950 for the period of October 1, 2004, through July 27, 2005" and inserting "$20,750,000 for the period of October 1, 2004, through July 30, 2005".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

"(G) $107,900,000 for the period of October 1, 2004, through July 30, 2005.";

(B) in subsection (a)(2) by striking "$1,643,836 for the period of October 1, 2004, through July 27, 2005" and inserting "$1,660,000 for the period of October 1, 2004, through July 30, 2005"; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking "$2,136,986,800" and inserting "$2,158,000,000".

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking "$1,232,877" and inserting "$1,245,000"; and

(B) by striking "July 27" and inserting "July 30".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$84,657,554 for the period of October 1, 2004, through July 27, 2005" and inserting "$85,490,000 for the period of October 1, 2004, through July 30, 2005".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$41,095,900 for the period of October 1, 2004, through July 27, 2005" and inserting "$41,500,000 for the period of October 1, 2004, through July 30, 2005".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$16,438,360 for the period of October 1, 2004, through July 27, 2005" and inserting "$16,600,000 for the period of October 1, 2004, through July 30, 2005".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$25,479,458 for the period of October 1, 2004, through July 27, 2005" and inserting "$25,730,000 for the period of October 1, 2004, through July 30, 2005".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$90,410,980 for the period of October 1, 2004, through July 27, 2005" and inserting "$91,300,000 for the period of October 1, 2004, through July 30, 2005".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119

Stat. 379; 119 Stat. 394) is amended by striking "$100,273,996 for the period of October 1, 2004, through July 27, 2005" and inserting "$101,260,000 for the period of October 1, 2004, through July 30, 2005".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$21,780,827 for the period of October 1, 2004, through July 27, 2005" and inserting "$21,995,000 for the period of October 1, 2004, through July 30, 2005".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$178,767,165 for the period of October 1, 2004, through July 27, 2005" and inserting "$180,525,000 for the period of October 1, 2004, through July 30, 2005".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$29,917,815 for the period of October 1, 2004, through July 27, 2005" and inserting "$30,212,000 for the period of October 1, 2004, through July 30, 2005".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$15,452,058 for the period of October 1, 2004, through July 27, 2005" and inserting "$15,604,000 for the period of October 1, 2004, through July 30, 2005".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$410,959 for the period of October 1, 2004, through July 27, 2005" and inserting "$415,000 for the period of October 1, 2004, through July 30, 2005".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "$82,191,800" and inserting "$83,000,000"; and

(2) by striking "July 27" and inserting "July 30".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "$82,191,800" and inserting "$83,000,000"; and

(2) by striking "July 27" and inserting "July 30".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$616,439 for the period of October 1, 2004, through July 27, 2005" and inserting "$622,500 for the period of October 1, 2004, through July 30, 2005".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "$4,315,069" and inserting "$4,357,500";

(2) by striking "$205,480" and inserting "$207,500"; and

(3) by striking "July 27" each place it appears and inserting "July 30".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1) by striking "$8,219,180 for the period of October 1, 2004, through July 27, 2005" and inserting "$8,300,000 for the period of October 1, 2004, through July 30, 2005"; and

(2) in paragraph (2) by striking "$8,219,180 for the period of October 1, 2004, through July 27, 2005" and inserting "$8,300,000 for the period of October 1, 2004, through July 30, 2005".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005, Part IV" and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V"; and

(2) by striking "and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV" and inserting "section 4(a) of the Surface Transportation Extension Act of 2005, Part IV, and section 4(a) of the Surface Transportation Extension Act of 2005, Part V".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "and section 4 of Surface Transportation Extension Act of 2005, Part IV" and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V";

(2) by striking "and section 4 of the Surface Transportation Extension Act, Part IV" the first place it appears and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V"; and

(3) by striking "and section 4 of the Surface Transportation Extension Act, Part IV" the second place it appears and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "and section 4 of the Surface Transportation Extension Act, Part IV" and inserting "section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking

"$92,054,794 for the period of October 1, 2004, through July 27, 2005" and inserting "$92,975,342 for the period of October 1, 2004, through July 30, 2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$90,410,958 for the period of October 1, 2004, through July 27, 2005" and inserting "$91,315,068 for the period of October 1, 2004, through July 30, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$135,616,438 for the period of October 1, 2004, through July 27, 2005" and inserting "$136,972,603 for the period of October 1, 2004, through July 30, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$59,178,082 for the period of October 1, 2004, through July 27, 2005" and inserting "$59,769,863 for the period of October 1, 2004, through July 30, 2005".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$16,438,356 for the period of October 1, 2004, through July 27, 2005" and inserting "$16,602,704 for the period of October 1, 2004, through July 30, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$32,876,712 for the period of October 1, 2004, through July 27, 2005" and inserting "$33,205,479 for the period of October 1, 2004, through July 30, 2005".

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$2,958,904 for the period of October 1, 2004, through July 27, 2005" and inserting "$2,988,493 for the period of October 1, 2004, through July 30, 2005".

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$211,682,467 for the period of October 1, 2004, through July 27, 2005" and inserting "$213,799,290 for the period of October 1, 2004, through July 30, 2005".

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) Not more than $140,293,151 for the period of October 1, 2004, through July 30, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

"(6) $16,602,740 for the period of October 1, 2004, through July 30, 2005.".

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking "July 27" and inserting "July 30"; and

(B) by striking "$821,918" and inserting "$830,137".

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "$821,918" and inserting "$830,137"; and

(2) by striking "July 27" and inserting "July 30".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "July 27, 2005" and inserting "July 30, 2005";

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(B) by striking "$8,547,000" and inserting "$8,550,000"; and

(C) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in paragraph (3)(B)—

(A) by striking "$2,465,754" and inserting "$2,470,000"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(4) in paragraph (3)(C)—

(A) by striking "$41,095,900" and inserting "$41,506,850"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005".

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in paragraph (2)(A)(vii)—

(A) by striking "$2,795,000,000" and inserting "$2,796,817,658"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in paragraph (2)(B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(4) in paragraph (2)(C) by striking "July 27, 2005" and inserting "July 30, 2005".

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in the matter preceding paragraph (1) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in paragraph (1) by striking "$3,986,261" and inserting "$4,026,123";

(4) in paragraph (2) by striking "$41,095,900" and inserting "$41,506,850";

(5) in paragraph (3) by striking "$79,100,000" and inserting "$79,102,926";

(6) in paragraph (4) by striking "$210,000,000" and inserting "$212,000,000"; and

(7) in paragraph (5) by striking "$5,712,330" and inserting "$5,769,452".

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$2,309,000,366" and inserting "$2,336,442,169"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005".

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$49,546,681" and inserting "$50,146,668"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005".

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$39,554,804" and inserting "$39,950,343"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in subparagraph (B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(4) in subparagraph (C) by striking "July 27, 2005" and inserting "July 30, 2005".

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156;

119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in the matter preceding paragraph (1) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in paragraph (1) by striking "$4,315,070" and inserting "$4,358,219";

(4) in paragraph (2) by striking "$6,780,824" and inserting "$6,848,630"; and

(5) in paragraph (3)—

(A) by striking "$3,287,672" and inserting "$3,320,548"; and

(B) by striking "$821,918" and inserting "$830,137".

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in subparagraph (A)—

(A) by striking "$4,131,508" and inserting "$4,180,822"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005";

(3) in subparagraph (B) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking "July 27, 2005" and inserting "July 30, 2005".

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking "July 27, 2005" and inserting "July 30, 2005";

(B) in paragraph (1)(A) by striking "$1,643,836" and inserting "$1,660,274";

(C) in paragraph (1)(B) by striking "$1,643,836" and inserting "$1,660,274"; and

(D) in paragraph (2) by striking "July 27, 2005" and inserting "July 30, 2005".

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "July 27, 2005" and inserting "July 30, 2005".

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$53,709,604" and inserting "$54,350,686"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(3) in subparagraph (B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005".

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking "$82,739,750" and inserting "$83,767,125"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005";

(2) in paragraph (1)(B)(vii) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(3) in paragraph (2) by striking "July 27, 2005, not more than $8,219,180" and inserting "July 30, 2005, not more than $8,301,370".

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

Ante, p. 403.

(1) by striking paragraph (1)(G) and inserting the following:

"(G) $5,769,452 for the period of October 1, 2004, through July 30, 2005."; and

(2) in paragraph (2)—

(A) by striking "$1,428,082" and inserting "$1,428,124"; and

(B) by striking "July 27, 2005" and inserting "July 30, 2005".

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 27, 2005" and inserting "JULY 30, 2005"; and

(2) in subparagraph (A) by striking "July 27, 2005" and inserting "July 30, 2005".

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "$6,335,343,944" and inserting "$6,398,695,996"; and

(2) by striking "July 27, 2005" and inserting "July 30, 2005".

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "July 27, 2005" and inserting "July 30, 2005"; and

(2) by striking "$3,986,000" and inserting "$4,026,164".

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking "July 27, 2005" and inserting "July 30, 2005,"; and

(2) by striking "$4,100,000" and inserting "$4,150,685".

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of

section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking "July 27, 2005" and inserting "July 30, 2005".

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking "July 27, 2005" and inserting "July 30, 2005".

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "July 27, 2005" and inserting "July 30, 2005".

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

"(7) $8,301,370 for the period of October 1, 2004, through July 30, 2005;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 303 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $68,071,233, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $8,301,370 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $6,641,096 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$4,100,000" and inserting "$4,150,685"; and

(2) by striking "$1,643,836" and inserting "$1,660,274".

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(A) in the matter before subparagraph (A), by striking "July 28, 2005" and inserting "July 31, 2005";

(B) by striking "or" at the end of subparagraph (N);

(C) by striking the period at the end of subparagraph (O) and inserting ", or";

(D) by inserting after subparagraph (O) the following new subparagraph:

"(P) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part V."; and

(E) in the matter after subparagraph (P), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part IV" and inserting "Surface Transportation Extension Act of 2005, Part V".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 28, 2005" and inserting "July 31, 2005";

(B) in subparagraph (L), by striking "or" at the end of such subparagraph;

(C) in subparagraph (M), by inserting "or" at the end of such subparagraph;

(D) by inserting after subparagraph (M) the following new subparagraph:

"(N) the Surface Transportation Extension Act of 2005, Part V,"; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part IV" and inserting "Surface Transportation Extension Act of 2005, Part V".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking "July 28, 2005" and inserting "July 31, 2005".

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2005, Part IV" each place it appears and inserting "Surface Transportation Extension Act of 2005, Part V".

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "July 28, 2005" and inserting "July 31, 2005"; and

(B) by striking "Surface Transportation Extension Act of 2005, Part IV" and inserting "Surface Transportation Extension Act of 2005, Part V".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "July 28, 2005" and inserting "July 31, 2005".

26 USC 9503 note.

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

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 28, 2005.

LEGISLATIVE HISTORY—H.R. 3453:

CONGRESSIONAL RECORD, Vol. 151 (2005):
July 27, considered and passed House and Senate.

O

Public Law 109–42
109th Congress

An Act

To provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 30, 2005
[H.R. 3512]

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

Surface Transportation Extension Act of 2005, Part VI.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2005, Part VI".

SEC. 2. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147, 119 Stat. 325) is amended by striking "$292,179,920" and inserting "$309,260,880".

Ante, p. 411.

(b) LIMITATION ON OBLIGATIONS.—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108–447 (118 Stat. 3204) not more than $17,080,960 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Federal Highway Administration for the period of July 30, 2005, through August 14, 2005.

(b) CONFORMING AMENDMENT.—Section 2(e)(3) of such Act (118 Stat. 1146, 119 Stat. 325) is amended by striking "July 30" and inserting "August 14".

Ante, p. 412.

SEC. 3. ADMINISTRATIVE EXPENSES FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay the administrative expenses of the National Highway Traffic Administration in carrying out the highway safety programs authorized by sections 157 and 163 of chapter 1 of title 23, United States Code, and sections 402, 403, 405, and 410 of chapter 4 of such title, the National Driver Register under chapter 303 of title 49, United States Code, the motor vehicle safety program under chapter 301 of such title 49, and the motor vehicle information and cost savings program under part C of subtitle VI of such title 49 $4,125,000 for the period of July 30, 2005, through August 14, 2005.

(b) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

SEC. 4. ADMINISTRATIVE EXPENSES FOR MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

Ante, p. 416.

(1) by striking "$213,799,290" and inserting "$224,383,414"; and

(2) by striking "July 30" and inserting "August 14".

SEC. 5. ADMINISTRATIVE EXPENSES FOR FEDERAL TRANSIT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JULY 30" and inserting "AUGUST 14";

(2) in subparagraph (A)(vii)—

(A) by striking "$54,350,686" and inserting "$57,650,686"; and

(B) by striking "July 30" and inserting "August 14"; and

(3) in subparagraph (B)(vii) by striking "July 30" and inserting "August 14".

(b) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 885; 118 Stat. 1158; 119 Stat. 333) is amended—

Ante, p. 420.

(1) by striking "$6,398,695,996" and inserting "$6,401,995,996"; and

(2) by striking "July 30" and inserting "August 14".

SEC. 6. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 5001(a)(4) of the Transportation Equity Act for the 21st Century (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "$25,730,000 for the period of October 1, 2004, through July 30, 2005" and inserting "$27,000,000 for the period of October 1, 2004, through August 14, 2005".

Ante, p. 413.

(b) LIMITATION ON OBLIGATIONS.—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108–447 (118 Stat. 3204) not more than $1,270,000 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Bureau of Transportation Statistics for the period of July 30, 2005, through August 14, 2005.

SEC. 7. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking "July 31, 2005" and inserting "August 15, 2005",

(B) by striking "or" at the end of subparagraph (O),

(C) by striking the period at the end of subparagraph (P) and inserting ", or",

(D) by inserting after subparagraph (P) the following new subparagraph:

"(Q) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part VI.", and

(E) in the matter after subparagraph (Q), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part V" and inserting "Surface Transportation Extension Act of 2005, Part VI".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 31, 2005" and inserting "August 15, 2005",

(B) in subparagraph (M), by striking "or" at the end of such subparagraph,

(C) in subparagraph (N), by inserting "or" at the end of such subparagraph,

(D) by inserting after subparagraph (N) the following new subparagraph:

"(O) the Surface Transportation Extension Act of 2005, Part VI,", and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part V" and inserting "Surface Transportation Extension Act of 2005, Part VI".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by adding at the end the following: "The preceding sentence shall be applied by substituting 'August 15, 2005' for the date therein.".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following: "Subparagraphs (A), (B), and (C) shall each be applied by substituting 'Surface Transportation Extension Act of 2005, Part VI' for 'Surface Transportation Extension Act of 2005, Part V'.". 26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "July 31, 2005" and inserting "August 15, 2005", and

(B) by striking "Surface Transportation Extension Act of 2005, Part V" and inserting "Surface Transportation Extension Act of 2005, Part VI".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by adding at the end the following new sentence: "The preceding sentence shall be applied by substituting 'August 15, 2005' for the date therein.". Applicability.

(c) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on August 14, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

(d) SUBSEQUENT REPEAL OF CERTAIN TEMPORARY PROVISIONS.—Each of the following provisions of the Internal Revenue Code of 1986 are amended by striking the last sentence thereof:

26 USC 9503.
26 USC 9504.

(1) Section 9503(b)(6)(B).

(2) Section 9504(b)(2).

(3) Section 9504(d)(2).

26 USC 9503 note.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUBSEQUENT REPEAL.—The amendments made by subsection (d) shall take effect on the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and shall be executed immediately before the amendments made by such Act.

Approved July 30, 2005.

LEGISLATIVE HISTORY—H.R. 3512:

CONGRESSIONAL RECORD, Vol. 151 (2005):
July 29, considered and passed House and Senate.

Public Law 109–45
109th Congress

An Act

To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

Aug. 2, 2005
[H.R. 481]

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

Sand Creek Massacre National Historic Trust Act of 2005.
16 USC 461 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Trust Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FACILITY.—The term "facility" means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(2) IMPROVEMENT.—The term "improvement" means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

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

(4) TRIBE.—The term "Tribe" means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) TRUST PROPERTY.—The term "trust property" means the real property, including rights to all minerals, and excluding the improvements, formerly known as the "Dawson Ranch", consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) TRUST.—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) IMPROVEMENTS.—The Secretary may acquire by donation the improvements in fee.

(b) FACILITIES.—

(1) IN GENERAL.—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) OWNERSHIP.—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) FEDERAL FUNDS.—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

Deadline.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) PUBLICATION OF LAND DESCRIPTION.—

Federal Register, publication.

(1) IN GENERAL.—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) EFFECT.—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(b) ACCESS FOR ADMINISTRATION.—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465) is amended by inserting "or exchange" after "only by donation".

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 481 (S. 57):

HOUSE REPORTS: No. 109–107 (Comm. on Resources).
SENATE REPORTS: No. 109–20 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
June 27, considered and passed House.
July 26, considered and passed Senate.

O

Public Law 109–54
109th Congress

An Act

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

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

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $860,791,000, to remain available until expended, of which $1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $860,791,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

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NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,744,074,000, of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $97,600,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,411,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $54,965,000: *Provided*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $73,250,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That not to exceed $5,000,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided further*, That any individual Save America's Treasures or

Preserve America grant shall be matched by non-Federal funds: *Provided further,* That individual projects shall only be eligible for one grant: *Provided further,* That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: *Provided further,* That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $301,291,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions, and of which $400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided,* That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further,* That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further,* That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further,* That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further,* That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further,* That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further,* That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further,* That none

of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2006 by 16 U.S.C. 460l–10a is rescinded.

16 USC 460l–10a note.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $74,824,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program including $1,587,000 for program administration: *Provided,* That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further,* That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

Ellis Island. Deadline. Reports.

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

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

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

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

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $976,035,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $8,000,000 shall remain available until expended for satellite operations; of which $21,720,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $177,485,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: *Provided,* That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

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under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further,* That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further,* That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further,* That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

Reports. Deadlines.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition

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SEC. 111. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 112. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary. Procedures.

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail, and funds provided in division E of Public Law 108–447 (118 Stat. 3050) for land acquisition at the Niobrara National Scenic River, may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 114. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards. New Jersey. Ellis Island.

SEC. 116. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 117. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 118. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but

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continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

New York. New Jersey.

SEC. 124. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

Mojave National Preserve.

SEC. 125. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

Applicability. Effective date.

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

SEC. 127. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

"(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.".

SEC. 128. Section 108(e) of the Act entitled "An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes" (16 U.S.C. 410jj–7) is amended by striking "twenty-five years from" and inserting "on the date that is 45 years after".

SEC. 129. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 2005," and inserting "June 30, 2006;".

SEC. 130. None of the funds in this or any other Act may be used to set up Centers of Excellence and Partnership Skills Bank training without prior approval of the House and Senate Committees on Appropriations.

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3 note; 117 Stat. 239; division F of Public Law 108–7), is amended—

(1) in the second sentence, by inserting ", including utility expenses of the National Park Service or lessees of the National Park Service" after "Fort Baker properties"; and

(2) by inserting between the first and second sentences the following: "In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services.".

16 USC 460*l*–6a, 6812.

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

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

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

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

Applicability. 16 USC 460*l*–6a note.

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

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

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

SEC. 133. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

Captain John Smith.

"(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

"(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105–312); and

"(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

"(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.".

SEC. 134. (a) Notwithstanding section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333) there is hereby appropriated to the Secretary of the Interior $10,000,000, to remain available until expended, for necessary expenses for the Memorial to Martin Luther King, Jr., authorized in that Act.

(b) The funds appropriated in subsection (a) shall only be made available after the entire amount is matched by non-Federal contributions (not including in-kind contributions) that are pledged and received after July 26, 2005, but prior to the date specified in subsection (c).

(c) Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 is amended by striking "November 12, 2006" and inserting "November 12, 2008". 40 USC 8903 note.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $741,722,000, to remain available until September 30, 2007.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,381,752,000, to remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $37,455,000, to remain available until September 30, 2007.

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UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $42,780,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE IV—GENERAL PROVISIONS

Contracts. Public information.

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

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

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

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

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

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under applicable procurement laws, except as provided in this section.

SEC. 421. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided,* That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

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

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

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

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

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

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

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

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

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

SEC. 423. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 424. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

SEC. 425. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking "2005" and inserting "2006"; and

(2) in subsection (b) by striking "2005" and inserting "2006".

SEC. 426. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking "September 30, 2005" and inserting "September 30, 2007".

SEC. 427. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$8,000,000,000" and inserting "$10,000,000,000"; and

(2) in subsection (c), by striking "$600,000,000" and inserting "$1,200,000,000".

SEC. 428. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

(1) in the first sentence, by striking "2005" and inserting "2008";

(2) in the first sentence by striking "may pilot test agency-wide joint permitting and leasing programs" and inserting after "Congress," the following: "may establish pilot programs involving the land management agencies referred to in this section to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department;";

(3) in the third sentence, by inserting ", National Park Service, Fish and Wildlife Service," after "Bureau of Land Management"; and

(4) by adding at the end the following new sentence: "To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.".

SEC. 429. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

SEC. 430. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2006.

SEC. 431. (a) IN GENERAL.—

(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding 31 U.S.C. 6301–6308, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

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

SEC. 432. (a) Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

* * * * * * *

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

Certification.

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

SEC. 436. WISCONSIN NATIONAL FOREST ACQUISITION. (a) PROSPECTIVE MANAGEMENT REQUIREMENTS.—The Secretary of Agriculture is authorized to acquire property located within Sections 1 and 2, Township 44 North, Range 4 West; Section 31, Township 45 North, Range 3 West; and Section 36, Township 45 North, Range 4 West; Fourth Principal Meridian, Ashland County, State of Wisconsin, and upon such acquisition, such lands shall be subject to the special management requirements of subsection (b).

(b) SPECIAL MANAGEMENT.—Subject to valid existing rights of record, upon acquisition by the Secretary of Agriculture of any land referenced in subsection (a), that area of the land encompassed within 300 feet of the ordinary high water mark of the Brunsweiler River or Beaverdam Lake, whether or not the waterways are impounded, shall be subject to the laws and regulations pertaining to the National Forest System with the following management emphasis:

(1) Enhancing the physical, biological, and cultural features and values for public use, interpretation, research, and monitoring;

(2) Maintenance of the natural character of Brunsweiler River, whether or not impounded; and

(3) Prohibition of structures, motorized use of trails, developed recreation facilities, and surface occupancy for mineral exploration or extraction.

(c) NATIONAL FOREST BOUNDARIES.—Without further action by the Secretary of Agriculture, the boundaries of the Chequamegon National Forest are hereby expanded to encompass the lands referenced in subsection (a).

(d) SAVINGS PROVISION.—Nothing in this section shall be construed to prohibit the maintenance or reconstruction of the existing dam on the Brunsweiler River, located within the area referenced in subsection (a).

SEC. 437. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended as follows:

118 Stat. 3105.

(1) by striking "seven", "14910001,", and ", 14913007, and 14913008";

(2) by inserting "and" after "14913005,"; and

(3) by striking all after "(2)" and inserting "immediately transfer to the Alaska SeaLife Center for various acquisitions, waterfront improvements and facilities that complement the new Federal facility, any remaining balance of previously appropriated funds.".

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$1,500,000,000, to be available for obligation upon enactment of this Act and to remain available until September 30, 2006.

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

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).
SENATE REPORTS: No. 109–80 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 151 (2005):
May 19, considered and passed House.
June 24, 27–29, considered and passed Senate, amended.
July 28, House agreed to conference report.
July 29, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Aug. 2, Presidential statement.

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Public Law 109–58
109th Congress

An Act

Aug. 8, 2005
[H.R. 6]

To ensure jobs for our future with secure, affordable, and reliable energy.

Energy Policy Act of 2005.
42 USC 15801 note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 2005".

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

Sec. 1. Short title; table of contents.

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

Sec. 101. Energy and water saving measures in congressional buildings.
Sec. 102. Energy management requirements.
Sec. 103. Energy use measurement and accountability.
Sec. 104. Procurement of energy efficient products.
Sec. 105. Energy savings performance contracts.
Sec. 106. Voluntary commitments to reduce industrial energy intensity.
Sec. 107. Advanced Building Efficiency Testbed.
Sec. 108. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.
Sec. 109. Federal building performance standards.
Sec. 110. Daylight savings.
Sec. 111. Enhancing energy efficiency in management of Federal lands.

Subtitle B—Energy Assistance and State Programs

Sec. 121. Low-income home energy assistance program.
Sec. 122. Weatherization assistance.
Sec. 123. State energy programs.
Sec. 124. Energy efficient appliance rebate programs.
Sec. 125. Energy efficient public buildings.
Sec. 126. Low income community energy efficiency pilot program.
Sec. 127. State Technologies Advancement Collaborative.
Sec. 128. State building energy efficiency codes incentives.

Subtitle C—Energy Efficient Products

Sec. 131. Energy Star program.
Sec. 132. HVAC maintenance consumer education program.
Sec. 133. Public energy education program.
Sec. 134. Energy efficiency public information initiative.
Sec. 135. Energy conservation standards for additional products.
Sec. 136. Energy conservation standards for commercial equipment.
Sec. 137. Energy labeling.
Sec. 138. Intermittent escalator study.
Sec. 139. Energy efficient electric and natural gas utilities study.
Sec. 140. Energy efficiency pilot program.
Sec. 141. Report on failure to comply with deadlines for new or revised energy conservation standards.

Subtitle D—Public Housing

Sec. 151. Public housing capital fund.

Sec. 152. Energy-efficient appliances.
Sec. 153. Energy efficiency standards.
Sec. 154. Energy strategy for HUD.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

Sec. 201. Assessment of renewable energy resources.
Sec. 202. Renewable energy production incentive.
Sec. 203. Federal purchase requirement.
Sec. 204. Use of photovoltaic energy in public buildings.
Sec. 205. Biobased products.
Sec. 206. Renewable energy security.
Sec. 207. Installation of photovoltaic system.
Sec. 208. Sugar cane ethanol program.
Sec. 209. Rural and remote community electrification grants.
Sec. 210. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and other commercial purposes.
Sec. 211. Sense of Congress regarding generation capacity of electricity from renewable energy resources on public lands.

Subtitle B—Geothermal Energy

Sec. 221. Short title.
Sec. 222. Competitive lease sale requirements.
Sec. 223. Direct use.
Sec. 224. Royalties and near-term production incentives.
Sec. 225. Coordination of geothermal leasing and permitting on Federal lands.
Sec. 226. Assessment of geothermal energy potential.
Sec. 227. Cooperative or unit plans.
Sec. 228. Royalty on byproducts.
Sec. 229. Authorities of Secretary to readjust terms, conditions, rentals, and royalties.
Sec. 230. Crediting of rental toward royalty.
Sec. 231. Lease duration and work commitment requirements.
Sec. 232. Advanced royalties required for cessation of production.
Sec. 233. Annual rental.
Sec. 234. Deposit and use of geothermal lease revenues for 5 fiscal years.
Sec. 235. Acreage limitations.
Sec. 236. Technical amendments.
Sec. 237. Intermountain West Geothermal Consortium.

Subtitle C—Hydroelectric

Sec. 241. Alternative conditions and fishways.
Sec. 242. Hydroelectric production incentives.
Sec. 243. Hydroelectric efficiency improvement.
Sec. 244. Alaska State jurisdiction over small hydroelectric projects.
Sec. 245. Flint Creek hydroelectric project.
Sec. 246. Small hydroelectric power projects.

Subtitle D—Insular Energy

Sec. 251. Insular areas energy security.
Sec. 252. Projects enhancing insular energy independence.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

Sec. 301. Permanent authority to operate the Strategic Petroleum Reserve and other energy programs.
Sec. 302. National Oilheat Research Alliance.
Sec. 303. Site selection.

Subtitle B—Natural Gas

Sec. 311. Exportation or importation of natural gas.
Sec. 312. New natural gas storage facilities.
Sec. 313. Process coordination; hearings; rules of procedure.
Sec. 314. Penalties.
Sec. 315. Market manipulation.
Sec. 316. Natural gas market transparency rules.
Sec. 317. Federal-State liquefied natural gas forums.
Sec. 318. Prohibition of trading and serving by certain individuals.

Subtitle C—Production

Sec. 321. Outer Continental Shelf provisions.

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Subtitle C—Next Generation Nuclear Plant Project

Sec. 641. Project establishment.
Sec. 642. Project management.
Sec. 643. Project organization.
Sec. 644. Nuclear Regulatory Commission.
Sec. 645. Project timelines and authorization of appropriations.

Subtitle D—Nuclear Security

Sec. 651. Nuclear facility and materials security.
Sec. 652. Fingerprinting and criminal history record checks.
Sec. 653. Use of firearms by security personnel.
Sec. 654. Unauthorized introduction of dangerous weapons.
Sec. 655. Sabotage of nuclear facilities, fuel, or designated material.
Sec. 656. Secure transfer of nuclear materials.
Sec. 657. Department of Homeland Security consultation.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

Sec. 701. Use of alternative fuels by dual fueled vehicles.
Sec. 702. Incremental cost allocation.
Sec. 703. Alternative compliance and flexibility.
Sec. 704. Review of Energy Policy Act of 1992 programs.
Sec. 705. Report concerning compliance with alternative fueled vehicle purchasing requirements.
Sec. 706. Joint flexible fuel/hybrid vehicle commercialization initiative.
Sec. 707. Emergency exemption.

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART 1—HYBRID VEHICLES

Sec. 711. Hybrid vehicles.
Sec. 712. Efficient hybrid and advanced diesel vehicles.

PART 2—ADVANCED VEHICLES

Sec. 721. Pilot program.
Sec. 722. Reports to Congress.
Sec. 723. Authorization of appropriations.

PART 3—FUEL CELL BUSES

Sec. 731. Fuel cell transit bus demonstration.

Subtitle C—Clean School Buses

Sec. 741. Clean school bus program.
Sec. 742. Diesel truck retrofit and fleet modernization program.
Sec. 743. Fuel cell school buses.

Subtitle D—Miscellaneous

Sec. 751. Railroad efficiency.
Sec. 752. Mobile emission reductions trading and crediting.
Sec. 753. Aviation fuel conservation and emissions.
Sec. 754. Diesel fueled vehicles.
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TITLE XVII—INCENTIVES FOR INNOVATIVE TECHNOLOGIES

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Sec. 1821. Study of best management practices for energy research and development programs.
Sec. 1822. Effect of electrical contaminants on reliability of energy production systems.
Sec. 1823. Alternative fuels reports.
Sec. 1824. Final action on refunds for excessive charges.
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Sec. 1828. Science study on cumulative impacts of multiple offshore liquefied natural gas facilities.
Sec. 1829. Energy and water saving measures in congressional buildings.
Sec. 1830. Study of availability of skilled workers.
Sec. 1831. Review of Energy Policy Act of 1992 programs.
Sec. 1832. Study on the benefits of economic dispatch.
Sec. 1833. Renewable energy on Federal land.
Sec. 1834. Increased hydroelectric generation at existing Federal facilities.
Sec. 1835. Split-estate Federal oil and gas leasing and development practices.
Sec. 1836. Resolution of Federal resource development conflicts in the Powder River Basin.
Sec. 1837. National security review of international energy requirements.
Sec. 1838. Used oil re-refining study.
Sec. 1839. Transmission system monitoring.
Sec. 1840. Report identifying and describing the status of potential hydropower facilities.

42 USC 15801.

SEC. 2. DEFINITIONS.

Except as otherwise provided, in this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1065 (20 U.S.C. 1001(a)).

(B) INCLUSION.—The term "institution of higher education" includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of one or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with one or more of those organizations.

(3) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames Laboratory.
(B) Argonne National Laboratory.
(C) Brookhaven National Laboratory.
(D) Fermi National Accelerator Laboratory.
(E) Idaho National Laboratory.
(F) Lawrence Berkeley National Laboratory.
(G) Lawrence Livermore National Laboratory.
(H) Los Alamos National Laboratory.
(I) National Energy Technology Laboratory.
(J) National Renewable Energy Laboratory.
(K) Oak Ridge National Laboratory.
(L) Pacific Northwest National Laboratory.
(M) Princeton Plasma Physics Laboratory.
(N) Sandia National Laboratories.
(O) Savannah River National Laboratory.
(P) Stanford Linear Accelerator Center.
(Q) Thomas Jefferson National Accelerator Facility.

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(5) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

SEC. 101. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is amended by adding at the end the following:

"SEC. 552. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS. 42 USC 8259a.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the 'plan') for all facilities administered by Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1); and

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section. Deadline.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every 5 years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost-effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) ANNUAL REPORT.—The Architect of the Capitol shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the National Energy Conservation Policy Act is amended by adding at the end of the items relating to part 3 of title V the following new item:

"Sec. 552. Energy and water savings measures in congressional buildings.".

(c) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 1815), is repealed.

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—

(1) AMENDMENT.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking "its Federal buildings so that" and all that follows through the end and inserting "the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2015 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	6
2009	8
2010	10
2011	12
2012	14
2013	16
2014	18
2015	20.".

42 USC 8253 note.

(2) REPORTING BASELINE.—The energy reduction goals and baseline established in paragraph (1) of section 543(a) of the

National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)), as amended by this subsection, supersede all previous goals and baselines under such paragraph, and related reporting requirements.

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2014, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2016 through 2025.". Deadline.

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking "An agency may exclude" and all that follows through the end and inserting "(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion";

(2) by striking "a finding of impracticability" and inserting "the exclusion"; and

(3) by striking "energy consumption requirements" and inserting "requirements of subsections (a) and (b)(1)".

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).". Deadline. Guidelines.

(f) RETENTION OF ENERGY AND WATER SAVINGS.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) RETENTION OF ENERGY AND WATER SAVINGS.—An agency may retain any funds appropriated to that agency for energy

expenditures, water expenditures, or wastewater treatment expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings or water savings. Except as otherwise provided by law, such funds may be used only for energy efficiency, water conservation, or unconventional and renewable energy resources projects. Such projects shall be subject to the requirements of section 3307 of title 40, United States Code.".

(g) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(h) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2012, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility managers.

"(2) GUIDELINES.—

Deadline.

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, energy efficiency advocacy organizations, national laboratories, universities, and Federal facility managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and the reduced cost of operation and maintenance expected to result from metering;

"(II) the extent to which metering is expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and

energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered based on cost-effectiveness and a schedule of one or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

"(3) PLAN.—Not later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (A) how the agency will designate personnel primarily responsible for achieving the requirements and (B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.". Deadline.

SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), as amended by section 101, is amended by adding at the end the following:

"SEC. 553. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS. 42 USC 8259b.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' has the meaning given that term in section 7902(a) of title 5, United States Code.

"(2) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(3) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(5) PRODUCT.—The term 'product' does not include any energy consuming product or system designed or procured for combat or combat-related missions.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an agency for an energy consuming product, the head of the agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

* * * * * * *

42 USC 15812.

SEC. 107. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of General Services, shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate efficiency concepts for government and industry buildings, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health (including by improving indoor air quality) as well as flexibility and technological change to improve environmental sustainability. Such program shall complement and not duplicate existing national programs.

(b) PARTICIPANTS.—The program established under subsection (a) shall be led by a university with the ability to combine the expertise from numerous academic fields including, at a minimum, intelligent workplaces and advanced building systems and engineering, electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of the fiscal years 2006 through 2008, to remain available until expended. For any fiscal year in which funds are expended under this section, the Secretary shall provide one-third of the total amount to the lead university described in subsection (b), and provide the remaining two-thirds to the other participants referred to in subsection (b) on an equal basis.

SEC. 108. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) AMENDMENT.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

42 USC 6966.

"INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE

"SEC. 6005. (a) DEFINITIONS.—In this section:

"(1) AGENCY HEAD.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of any other Federal agency that, on a regular basis, procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) CEMENT OR CONCRETE PROJECT.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out, in whole or in part, using Federal funds.

"(3) RECOVERED MINERAL COMPONENT.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag, excluding lead slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) IMPLEMENTATION OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects. Deadline.

"(2) PRIORITY.—In carrying out paragraph (1), an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) FEDERAL PROCUREMENT REQUIREMENTS.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) FULL IMPLEMENTATION STUDY.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—The study shall—

"(A) quantify—

"(i) the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of procurement requirements; and

"(ii) the energy savings and environmental benefits associated with the substitution;

"(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from the law; and

"(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

Deadline.

"(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the date on which the report under subsection (c)(3) is submitted, take additional actions under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects—

"(1) to realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) to eliminate barriers identified under subsection (c)(2)(B).

"(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

SEC. 109. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992 (in the case of residential buildings) or ASHRAE Standard 90.1–1989" and inserting "the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1–2004"; and

(2) by adding at the end the following:

Deadline.
Regulations.

"(3)(A) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

"(i) if life-cycle cost-effective for new Federal buildings—

"(I) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is in effect as of the date of enactment of this paragraph; and

"(II) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings; and

"(ii) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.

"(B) Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary shall determine, based on the cost-effectiveness of the requirements under the amendment, whether the revised standards established under this paragraph should be updated to reflect the amendment. Deadline.

"(C) In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

"(ii) a statement specifying whether the Federal buildings meet or exceed the revised standards established under this paragraph.".

SEC. 110. DAYLIGHT SAVINGS.

(a) AMENDMENT.—Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended—

(1) by striking "first Sunday of April" and inserting "second Sunday of March"; and

(2) by striking "last Sunday of October" and inserting "first Sunday of November".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of enactment of this Act or March 1, 2007, whichever is later. 15 USC 260a note.

(c) REPORT TO CONGRESS.—Not later than 9 months after the effective date stated in subsection (b), the Secretary shall report to Congress on the impact of this section on energy consumption in the United States. 15 USC 260a note.

(d) RIGHT TO REVERT.—Congress retains the right to revert the Daylight Saving Time back to the 2005 time schedules once the Department study is complete.

SEC. 111. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS. 42 USC 15813.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

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trade associations, industry members, and energy efficiency organizations.

"(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—(1) The Administrator of the Small Business Administration, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business Program, to assist small businesses in—

"(A) becoming more energy efficient;

"(B) understanding the cost savings from improved energy efficiency;

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

"(D) identifying financing options for energy efficiency upgrades.

"(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall—

"(A) make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture; and

"(B) coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.

"(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

"(4) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration, as part of the outreach to small business concerns under the Energy Star Program for Small Business Program, may enter into cooperative agreements with qualified resources partners (including the National Center for Appropriate Technology) to establish, maintain, and promote a Small Business Energy Clearinghouse (in this subsection referred to as the 'Clearinghouse').

"(5) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

Appropriation authorization.

"(6) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.".

42 USC 15831.

SEC. 133. PUBLIC ENERGY EDUCATION PROGRAM.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene an organizational conference for the purpose of establishing an ongoing, self-sustaining national public energy education program.

(b) PARTICIPANTS.—The Secretary shall invite to participate in the conference individuals and entities representing all aspects of energy production and distribution, including—

(1) industrial firms;
(2) professional societies;
(3) educational organizations;
(4) trade associations; and
(5) governmental agencies.

(c) PURPOSE, SCOPE, AND STRUCTURE.—

(1) PURPOSE.—The purpose of the conference shall be to establish an ongoing, self-sustaining national public energy education program to examine and recognize interrelationships between energy sources in all forms, including—

(A) conservation and energy efficiency;
(B) the role of energy use in the economy; and
(C) the impact of energy use on the environment.

(2) SCOPE AND STRUCTURE.—Taking into consideration the purpose described in paragraph (1), the participants in the conference invited under subsection (b) shall design the scope and structure of the program described in subsection (a).

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and other guidance necessary to carry out the program described in subsection (a).

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

SEC. 134. ENERGY EFFICIENCY PUBLIC INFORMATION INITIATIVE. 42 USC 15832.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive national program, including advertising and media awareness, to inform consumers about—

(1) the need to reduce energy consumption during the 4-year period beginning on the date of enactment of this Act;
(2) the benefits to consumers of reducing consumption of electricity, natural gas, and petroleum, particularly during peak use periods;
(3) the importance of low energy costs to economic growth and preserving manufacturing jobs in the United States; and
(4) practical, cost-effective measures that consumers can take to reduce consumption of electricity, natural gas, and gasoline, including—

(A) maintaining and repairing heating and cooling ducts and equipment;
(B) weatherizing homes and buildings;
(C) purchasing energy efficient products; and
(D) proper tire maintenance.

(b) COOPERATION.—The program carried out under subsection (a) shall—

(1) include collaborative efforts with State and local government officials and the private sector; and
(2) incorporate, to the maximum extent practicable, successful State and local public education programs.

(c) REPORT.—Not later than July 1, 2009, the Secretary shall submit to Congress a report describing the effectiveness of the program under this section.

(d) TERMINATION OF AUTHORITY.—The program carried out under this section shall terminate on December 31, 2010.

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(3) in subsection (c)—

(A) in the heading, by inserting "AND THE INTERNATIONAL ENERGY CONSERVATION CODE" after "MODEL ENERGY CODE"; and

(B) by inserting ", or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code" after "1989".

42 USC 15842.

SEC. 154. ENERGY STRATEGY FOR HUD.

The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing. The energy strategy shall include the development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit a report to Congress, not later than 1 year after the date of the enactment of this Act, on the energy strategy and the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies and shall submit an update every 2 years thereafter on progress in implementing the strategy.

Reports.
Deadlines.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

42 USC 15851.

SEC. 201. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

Deadlines.

(a) RESOURCE ASSESSMENT.—Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Secretary shall review the available assessments of renewable energy resources within the United States, including solar, wind, biomass, ocean (including tidal, wave, current, and thermal), geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) CONTENTS OF REPORTS.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources; and

(2) such other information as the Secretary believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.

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(f) TERMINATION OF AUTHORITY.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2026".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2026, to remain available until expended.".

42 USC 15852.

SEC. 203. FEDERAL PURCHASE REQUIREMENT.

President.

(a) REQUIREMENT.—The President, acting through the Secretary, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

(1) Not less than 3 percent in fiscal years 2007 through 2009.

(2) Not less than 5 percent in fiscal years 2010 through 2012.

(3) Not less than 7.5 percent in fiscal year 2013 and each fiscal year thereafter.

(b) DEFINITIONS.—In this section:

(1) BIOMASS.—The term "biomass" means any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency and any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, or nonmerchantable material;

(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled;

(C) agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and livestock waste nutrients; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(c) CALCULATION.—For purposes of determining compliance with the requirement of this section, the amount of renewable energy shall be doubled if—

(1) the renewable energy is produced and used on-site at a Federal facility;

* * * * * * *

(e) REPORT.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Resources, the Committee on Energy and Commerce, and the Committee on Agriculture of the House of Representatives, a report describing the results of the grant programs authorized by this section. The report shall include the following:

(1) An identification of the size, type, and use of biomass by persons that receive grants under this section.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

SEC. 211. SENSE OF CONGRESS REGARDING GENERATION CAPACITY OF ELECTRICITY FROM RENEWABLE ENERGY RESOURCES ON PUBLIC LANDS.

It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity.

Subtitle B—Geothermal Energy

John Rishel Geothermal Steam Act Amendments of 2005. 30 USC 1001 note.

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "John Rishel Geothermal Steam Act Amendments of 2005".

SEC. 222. COMPETITIVE LEASE SALE REQUIREMENTS.

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

"SEC. 4. LEASING PROCEDURES.

"(a) NOMINATIONS.—The Secretary shall accept nominations of land to be leased at any time from qualified companies and individuals under this Act.

"(b) COMPETITIVE LEASE SALE REQUIRED.—

"(1) IN GENERAL.—Except as otherwise specifically provided by this Act, all land to be leased that is not subject to leasing under subsection (c) shall be leased as provided in this subsection to the highest responsible qualified bidder, as determined by the Secretary.

"(2) COMPETITIVE LEASE SALES.—The Secretary shall hold a competitive lease sale at least once every 2 years for land in a State that has nominations pending under subsection (a) if the land is otherwise available for leasing.

"(3) LANDS SUBJECT TO MINING CLAIMS.—Lands that are subject to a mining claim for which a plan of operations has been approved by the relevant Federal land management agency may be available for noncompetitive leasing under this section to the mining claim holder.

"(c) NONCOMPETITIVE LEASING.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any

tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

"(d) PENDING LEASE APPLICATIONS.—

"(1) IN GENERAL.—It shall be a priority for the Secretary, and for the Secretary of Agriculture with respect to National Forest Systems land, to ensure timely completion of administrative actions, including amendments to applicable forest plans and resource management plans, necessary to process applications for geothermal leasing pending on the date of enactment of this subsection. All future forest plans and resource management plans for areas with high geothermal resource potential shall consider geothermal leasing and development.

"(2) ADMINISTRATION.—An application described in paragraph (1) and any lease issued pursuant to the application—

"(A) except as provided in subparagraph (B), shall be subject to this section as in effect on the day before the date of enactment of this paragraph; or

"(B) at the election of the applicant, shall be subject to this section as in effect on the effective date of this paragraph.

"(e) LEASES SOLD AS A BLOCK.—If information is available to the Secretary indicating a geothermal resource that could be produced as 1 unit can reasonably be expected to underlie more than 1 parcel to be offered in a competitive lease sale, the parcels for such a resource may be offered for bidding as a block in the competitive lease sale.".

SEC. 223. DIRECT USE.

(a) FEES FOR DIRECT USE.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by redesignating subsections (a) through (d) as paragraphs (1) through (4), respectively;

(3) by inserting "(a) IN GENERAL.—" after "SEC. 5."; and

(4) by adding at the end the following:

"(b) DIRECT USE.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(1), the Secretary shall establish a schedule of fees, in lieu of royalties for geothermal resources, that a lessee or its affiliate— Fees.

"(A) uses for a purpose other than the commercial generation of electricity; and

"(B) does not sell.

"(2) SCHEDULE OF FEES.—The schedule of fees—

"(A) may be based on the quantity or thermal content, or both, of geothermal resources used;

"(B) shall ensure a fair return to the United States for use of the resource; and

"(C) shall encourage development of the resource.

"(3) STATE, TRIBAL, OR LOCAL GOVERNMENTS.—If a State, tribal, or local government is the lessee and uses geothermal resources without sale and for public purposes other than commercial generation of electricity, the Secretary shall charge only a nominal fee for use of the resource.

* * * * * * *

(i) in the case of a lease for direct use, the schedule of fees established by the Secretary under section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004); or

(ii) in the case of any other lease, the royalty for the lease established under paragraph (1)(B); and

(B) the modification shall apply to any use of geothermal resources to which subsection (a) applies that occurs after the date of the modification.

(4) CONSULTATION.—The Secretary of the Interior shall consult with the State and local governments affected by any proposed changes in lease royalty terms under this subsection.

SEC. 225. COORDINATION OF GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LANDS. 42 USC 15871.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to Congress a memorandum of understanding in accordance with this section, the Geothermal Steam Act of 1970 (as amended by this Act), and other applicable laws, regarding coordination of leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions. Deadline. Memorandum.

(b) LEASE AND PERMIT APPLICATIONS.—The memorandum of understanding shall—

(1) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application procession;

(2) establish a 5-year program for geothermal leasing of lands in the National Forest System, and a process for updating that program every 5 years; and

(3) establish a program for reducing the backlog of geothermal lease application pending on January 1, 2005, by 90 percent within the 5-year period beginning on the date of enactment of this Act, including, as necessary, by issuing leases, rejecting lease applications for failure to comply with the provisions of the regulations under which they were filed, or determining that an original applicant (or the applicant's assigns, heirs, or estate) is no longer interested in pursuing the lease application. Effective date.

(c) DATA RETRIEVAL SYSTEM.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 226. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL. Deadline. 42 USC 15872.

Not later than 3 years after the date of enactment of this Act and thereafter as the availability of data and developments in technology warrants, the Secretary of the Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall—

(1) update the Assessment of Geothermal Resources made during 1978; and

(2) submit to Congress the updated assessment.

* * * * * * *

"SEC. 17. ADMINISTRATION.

"Administration".

(18) Section 19 (30 U.S.C. 1018) is amended by striking "SEC. 19. Upon" and inserting the following:

"SEC. 19. DATA FROM FEDERAL AGENCIES.

"Upon".

(19) Section 21 (30 U.S.C. 1020) is further amended by striking "SEC. 21.", and by inserting immediately before and above the remainder of that section the following:

"SEC. 21. PUBLICATION IN FEDERAL REGISTER; RESERVATION OF MINERAL RIGHTS.".

(20) Section 22 (30 U.S.C. 1021) is amended by striking "SEC. 22. Nothing" and inserting the following:

"SEC. 22. FEDERAL EXEMPTION FROM STATE WATER LAWS.

"Nothing".

(21) Section 23 (30 U.S.C. 1022) is amended by striking "SEC. 23. (a) All" and inserting the following:

"SEC. 23. PREVENTION OF WASTE; EXCLUSIVITY.

"(a) All".

(22) Section 24 (30 U.S.C. 1023) is amended by striking "SEC. 24. The" and inserting the following:

"SEC. 24. RULES AND REGULATIONS.

"The".

(23) Section 25 (30 U.S.C. 1024) is amended by striking "SEC. 25. As" and inserting the following:

"SEC. 25. INCLUSION OF GEOTHERMAL LEASING UNDER CERTAIN OTHER LAWS.

"As".

(24) Section 26 is amended by striking "SEC. 26. The" and inserting the following: 30 USC 530.

"SEC. 26. AMENDMENT.

"The".

(25) Section 27 (30 U.S.C. 1025) is amended by striking "SEC. 27. The" and inserting the following:

"SEC. 27. FEDERAL RESERVATION OF CERTAIN MINERAL RIGHTS.

"The".

(26) Section 28 (30 U.S.C. 1026) is amended by striking "SEC. 28. (a)(1) The" and inserting the following:

"SEC. 28. SIGNIFICANT THERMAL FEATURES.

"(a)(1) The".

(27) Section 29 (30 U.S.C. 1027) is amended by striking "SEC. 29. The" and inserting the following:

"SEC. 29. LAND SUBJECT TO PROHIBITION ON LEASING.

"The".

SEC. 237. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

(a) PARTICIPATION AUTHORIZED.—The Secretary, acting through the Idaho National Laboratory, may participate in a consortium described in subsection (b) to address science and science policy

issues surrounding the expanded discovery and use of geothermal energy, including from geothermal resources on public lands.

Establishment.

(b) MEMBERS.—The consortium referred to in subsection (a) shall—

(1) be known as the "Intermountain West Geothermal Consortium";

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among the universities in the State of Idaho, other regional universities, State agencies, and the Idaho National Laboratory;

(3) include Boise State University, the University of Idaho (including the Idaho Water Resources Research Institute), the Oregon Institute of Technology, the Desert Research Institute with the University and Community College System of Nevada, and the Energy and Geoscience Institute at the University of Utah;

(4) be hosted and managed by Boise State University; and

(5) have a director appointed by Boise State University, and associate directors appointed by each participating institution.

(c) FINANCIAL ASSISTANCE.—The Secretary, acting through the Idaho National Laboratory and subject to the availability of appropriations, will provide financial assistance to Boise State University for expenditure under contracts with members of the consortium to carry out the activities of the consortium.

Subtitle C—Hydroelectric

SEC. 241. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) FEDERAL RESERVATIONS.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation." at the end of the first proviso the following: "The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.".

Deadline.
Regulations.
Procedures.

(b) FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such fishways. All disputed issues of material fact raised by any party shall be determined in a

Deadline.

single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.".

Deadline. Regulations. Procedures.

(c) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

16 USC 823d.

"(a) ALTERNATIVE CONDITIONS.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as the 'Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant or any other party to the license proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) will either, as compared to the condition initially by the Secretary—

"(i) cost significantly less to implement; or

"(ii) result in improved operation of the project works for electricity production.

"(3) In making a determination under paragraph (2), the Secretary shall consider evidence provided for the record by any party to a licensing proceeding, or otherwise available to the Secretary, including any evidence provided by the Commission, on the implementation costs or operational impacts for electricity production of a proposed alternative.

"(4) The Secretary concerned shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and

Public information. Records.

other factual information available to the Secretary and relevant to the Secretary's decision.

"(5) If the Commission finds that the Secretary's final condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

Deadline.

Records.

"(b) ALTERNATIVE PRESCRIPTIONS.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or any other party to the license proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective than the fishway initially prescribed by the Secretary; and

"(B) will either, as compared to the fishway initially prescribed by the Secretary—

"(i) cost significantly less to implement; or

"(ii) result in improved operation of the project works for electricity production.

"(3) In making a determination under paragraph (2), the Secretary shall consider evidence provided for the record by any party to a licensing proceeding, or otherwise available to the Secretary, including any evidence provided by the Commission, on the implementation costs or operational impacts for electricity production of a proposed alternative.

Public information.
Records.

"(4) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the prescription adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(5) If the Commission finds that the Secretary's final prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the

Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the fish resources. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.". Deadline. Records.

SEC. 242. HYDROELECTRIC PRODUCTION INCENTIVES. 42 USC 15881.

(a) INCENTIVE PAYMENTS.—For electric energy generated and sold by a qualified hydroelectric facility during the incentive period, the Secretary shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFIED HYDROELECTRIC FACILITY.—The term "qualified hydroelectric facility" means a turbine or other generating device owned or solely operated by a non-Federal entity which generates hydroelectric energy for sale and which is added to an existing dam or conduit.

(2) EXISTING DAM OR CONDUIT.—The term "existing dam or conduit" means any dam or conduit the construction of which was completed before the date of the enactment of this section and which does not require any construction or enlargement of impoundment or diversion structures (other than repair or reconstruction) in connection with the installation of a turbine or other generating device.

(3) CONDUIT.—The term "conduit" has the same meaning as when used in section 30(a)(2) of the Federal Power Act (16 U.S.C. 823a(a)(2)).

The terms defined in this subsection shall apply without regard to the hydroelectric kilowatt capacity of the facility concerned, without regard to whether the facility uses a dam owned by a governmental or nongovernmental entity, and without regard to whether the facility begins operation on or after the date of the enactment of this section. Applicability.

(c) ELIGIBILITY WINDOW.—Payments may be made under this section only for electric energy generated from a qualified hydroelectric facility which begins operation during the period of 10 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle.

(d) INCENTIVE PERIOD.—A qualified hydroelectric facility may receive payments under this section for a period of 10 fiscal years (referred to in this section as the "incentive period"). Such period shall begin with the fiscal year in which electric energy generated from the facility is first eligible for such payments.

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Payments made by the Secretary under this section to the owner or operator of a qualified hydroelectric

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is feasible under subsection (a) and a commitment by an electric utility to operate and maintain the project, the Secretary may provide such technical and financial assistance as the Secretary determines is appropriate for the implementation of the project.

(2) REGIONAL UTILITY ORGANIZATIONS.—In providing assistance under paragraph (1), the Secretary shall consider providing the assistance through regional utility organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) $500,000 for each fiscal year for project feasibility studies under subsection (a); and

(B) $4,000,000 for each fiscal year for project implementation under subsection (b).

(2) LIMITATION OF FUNDS RECEIVED BY INSULAR AREAS.—No insular area may receive, during any 3-year period, more than 20 percent of the total funds made available during that 3-year period under subparagraphs (A) and (B) of paragraph (1) unless the Secretary determines that providing funding in excess of that percentage best advances existing opportunities to meet the objectives of this section.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

SEC. 301. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6212 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(2) by striking section 273(e) (42 U.S.C. 6283(e)); and

(3) by striking part D (42 U.S.C. 6285).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

* * * * * * *

"(II) waive administration of the lease that covers the subsurface estate conveyed to the Corporation; and

"(iii) the segregation of the lease described in clause (ii)(I) has no effect on the obligations of the lessee under either of the resulting leases, including obligations relating to operations, production, or other circumstances (other than payment of rentals or royalties); and

"(C) nothing in this subsection limits the authority of the Secretary of the Interior to manage the federally-owned surface estate within the Reserve.".

(c) CONFORMING AMENDMENTS.—Section 104 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively.

Alaska.
42 USC 15906.

SEC. 348. NORTH SLOPE SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall establish a long-term initiative to be known as the "North Slope Science Initiative" (referred to in this section as the "Initiative").

(2) PURPOSE.—The purpose of the Initiative shall be to implement efforts to coordinate collection of scientific data that will provide a better understanding of the terrestrial, aquatic, and marine ecosystems of the North Slope of Alaska.

(b) OBJECTIVES.—To ensure that the Initiative is conducted through a comprehensive science strategy and implementation plan, the Initiative shall, at a minimum—

(1) identify and prioritize information needs for inventory, monitoring, and research activities to address the individual and cumulative effects of past, ongoing, and anticipated development activities and environmental change on the North Slope;

(2) develop an understanding of information needs for regulatory and land management agencies, local governments, and the public;

(3) focus on prioritization of pressing natural resource management and ecosystem information needs, coordination, and cooperation among agencies and organizations;

(4) coordinate ongoing and future inventory, monitoring, and research activities to minimize duplication of effort, share financial resources and expertise, and assure the collection of quality information;

(5) identify priority needs not addressed by agency science programs in effect on the date of enactment of this Act and develop a funding strategy to meet those needs;

(6) provide a consistent approach to high caliber science, including inventory, monitoring, and research;

(7) maintain and improve public and agency access to—

(A) accumulated and ongoing research; and

(B) contemporary and traditional local knowledge; and

(8) ensure through appropriate peer review that the science conducted by participating agencies and organizations is of the highest technical quality.

(c) MEMBERSHIP.—

(1) IN GENERAL.—To ensure comprehensive collection of scientific data, in carrying out the Initiative, the Secretary shall consult and coordinate with Federal, State, and local agencies that have responsibilities for land and resource management across the North Slope.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the State of Alaska, the North Slope Borough, the Arctic Slope Regional Corporation, and other Federal agencies as appropriate to coordinate efforts, share resources, and fund projects under this section.

(d) SCIENCE TECHNICAL ADVISORY PANEL.— Establishment.

(1) IN GENERAL.—The Initiative shall include a panel to provide advice on proposed inventory, monitoring, and research functions.

(2) MEMBERSHIP.—The panel described in paragraph (1) shall consist of a representative group of not more than 15 scientists and technical experts from diverse professions and interests, including the oil and gas industry, subsistence users, Native Alaskan entities, conservation organizations, wildlife management organizations, and academia, as determined by the Secretary.

(e) REPORTS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall publish a report that describes the studies and findings of the Initiative.

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

SEC. 349. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND. 42 USC 15907.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture. Deadline.

(b) ACTIVITIES.—The program under subsection (a) shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

Deadline.

(d) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

(e) IDLED WELL.—For the purposes of this section, a well is idled if—

(1) the well has been nonoperational for at least 7 years; and

(2) there is no anticipated beneficial use for the well.

(f) FEDERAL REIMBURSEMENT FOR ORPHANED WELL RECLAMATION PILOT PROGRAM.—

(1) REIMBURSEMENT FOR REMEDIATING, RECLAIMING, AND CLOSING WELLS ON LAND SUBJECT TO A NEW LEASE.—The Secretary shall carry out a pilot program under which, in issuing a new oil and gas lease on federally owned land on which 1 or more orphaned wells are located, the Secretary—

(A) may require, other than as a condition of the lease, that the lessee remediate, reclaim, and close in accordance with standards established by the Secretary, all orphaned wells on the land leased; and

(B) shall develop a program to reimburse a lessee, through a royalty credit against the Federal share of royalties owed or other means, for the reasonable actual costs of remediating, reclaiming, and closing the orphaned wells pursuant to that requirement.

(2) REIMBURSEMENT FOR RECLAIMING ORPHANED WELLS ON OTHER LAND.—In carrying out this subsection, the Secretary—

(A) may authorize any lessee under an oil and gas lease on federally owned land to reclaim in accordance with the Secretary's standards—

(i) an orphaned well on unleased federally owned land; or

(ii) an orphaned well located on an existing lease on federally owned land for the reclamation of which the lessee is not legally responsible; and

(B) shall develop a program to provide reimbursement of 100 percent of the reasonable actual costs of remediating, reclaiming, and closing the orphaned well, through credits against the Federal share of royalties or other means.

(3) REGULATIONS.—The Secretary may issue such regulations as are appropriate to carry out this subsection.

(g) TECHNICAL ASSISTANCE PROGRAM FOR NON-FEDERAL LAND.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating

environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

(3) ACTIVITIES.—The program under paragraph (1) shall include—

(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

(C) information and training programs on best practices for remediation of different types of sites; and

(D) funding of State mitigation efforts on a cost-shared basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2006 through 2010.

(2) USE.—Of the amounts authorized under paragraph (1), $5,000,000 are authorized for each fiscal year for activities under subsection (f).

SEC. 350. COMBINED HYDROCARBON LEASING.

(a) SPECIAL PROVISIONS REGARDING LEASING.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

"(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.".

(b) CONFORMING AMENDMENT.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting ", subject to paragraph (2)(B)," after "Secretary".

(c) REGULATIONS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall issue final regulations to implement this section.

Deadline.
30 USC 226 note.

SEC. 351. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) SHORT TITLE.—This section may be cited as the "National Geological and Geophysical Data Preservation Program Act of 2005".

National Geographical and Geophysical Data Preservation Program Act of 2005.
42 USC 15908.

(b) PROGRAM.—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

Deadline.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

(d) DATA ARCHIVE SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

(4) DATA FROM FEDERAL LAND.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) NATIONAL CATALOG.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) FINANCIAL ASSISTANCE.—

(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) STUDIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity. Applicability.

(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) MAINTENANCE OF STATE EFFORT.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) PROGRAM.—The term "Program" means the National Geological and Geophysical Data Preservation Program carried out under this section.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) SURVEY.—The term "Survey" means the United States Geological Survey.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2010.

SEC. 352. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: ", and acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement or for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year,".

42 USC 15909.

SEC. 353. GAS HYDRATE PRODUCTION INCENTIVE.

(a) PURPOSE.—The purpose of this section is to promote natural gas production from the natural gas hydrate resources on the outer Continental Shelf and Federal lands in Alaska by providing royalty incentives.

(b) SUSPENSION OF ROYALTIES.—

(1) IN GENERAL.—The Secretary may grant royalty relief in accordance with this section for natural gas produced from gas hydrate resources under an eligible lease.

(2) ELIGIBLE LEASES.—A lease shall be an eligible lease for purposes of this section if—

(A) it is issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or is an oil and gas lease issued for onshore Federal lands in Alaska;

(B) it is issued prior to January 1, 2016; and

(C) production under the lease of natural gas from gas hydrate resources commences prior to January 1, 2018.

(3) AMOUNT OF RELIEF.—The Secretary shall conduct a rulemaking and grant royalty relief under this section as a suspension volume if the Secretary determines that such royalty relief would encourage production of natural gas from gas hydrate resources from an eligible lease. The maximum suspension volume shall be 30 billion cubic feet of natural gas per lease. Such relief shall be in addition to any other royalty relief under any other provision applicable to the lease that does not specifically grant a gas hydrate production incentive. Such royalty suspension volume shall be applied to any eligible production occurring on or after the date of publication of the advanced notice of proposed rulemaking.

(4) LIMITATION.—The Secretary may place limitations on royalty relief granted under this section based on market price.

(c) APPLICATION.—This section shall apply to any eligible lease issued before, on, or after the date of enactment of this Act.

(d) RULEMAKINGS.—

Publication. Notices. Deadlines.

(1) REQUIREMENT.—The Secretary shall publish the advanced notice of proposed rulemaking within 180 days after the date of enactment of this Act and complete the rulemaking

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made available under subparagraph (A) at the earliest practicable time.

(4) MINUTES.—The Commission shall keep, and make available to the public, a transcript, electronic recording, or minutes from each Commission meeting, except for portions of the meeting closed under paragraph (2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission not more than $55,000,000 for each of fiscal years 2006 through 2015 to carry out subsection (b).

42 USC 15912.

SEC. 357. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the United States Outer Continental Shelf ("OCS"). The inventory and analysis shall—

(1) use available data on oil and gas resources in areas offshore of Mexico and Canada that will provide information on trends of oil and gas accumulation in areas of the OCS;

(2) use any available technology, except drilling, but including 3–D seismic technology to obtain accurate resource estimates;

(3) analyze how resource estimates in OCS areas have changed over time in regards to gathering geological and geophysical data, initial exploration, or full field development, including areas such as the deepwater and subsalt areas in the Gulf of Mexico;

(4) estimate the effect that understated oil and gas resource inventories have on domestic energy investments; and

(5) identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal Government and coastal States, and local zoning restrictions for onshore processing facilities and pipeline landings.

(b) REPORTS.—The Secretary shall submit a report to Congress on the inventory of estimates and the analysis of restrictions or impediments, together with any recommendations, within 6 months of the date of enactment of the section. The report shall be publicly available and updated at least every 5 years.

Public information.

Subtitle F—Access to Federal Lands

SEC. 361. FEDERAL ONSHORE OIL AND GAS LEASING AND PERMITTING PRACTICES.

(a) REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture with respect to National Forest System lands under the jurisdiction of the Department of Agriculture, shall perform an internal review of current Federal onshore oil and gas leasing and permitting practices.

(2) INCLUSIONS.—The review shall include the process for—

(A) accepting or rejecting offers to lease;

(B) administrative appeals of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease;

(C) considering surface use plans of operation, including the timeframes in which the plans are considered, and any recommendations for improving and expediting the process; and

(D) identifying stipulations to address site-specific concerns and conditions, including those stipulations relating to the environment and resource use conflicts.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall transmit a report to Congress that describes—

(1) actions taken under section 3 of Executive Order No. 13212 (42 U.S.C. 13201 note); and

(2) actions taken or any plans to improve the Federal onshore oil and gas leasing program.

SEC. 362. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS. 42 USC 15921.

(a) TIMELY ACTION ON LEASES AND PERMITS.—

(1) SECRETARY OF THE INTERIOR.—To ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall—

(A) ensure expeditious compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and any other applicable environmental and cultural resources laws;

(B) improve consultation and coordination with the States and the public; and

(C) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(2) SECRETARY OF AGRICULTURE.—To ensure timely action on oil and gas lease applications for permits to drill on land otherwise available for leasing, the Secretary of Agriculture shall—

(A) ensure expeditious compliance with all applicable environmental and cultural resources laws; and

(B) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(b) BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement best management practices to— Deadline.

(A) improve the administration of the onshore oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(B) ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing.

(2) CONSIDERATIONS.—In developing the best management practices under paragraph (1), the Secretary shall consider any recommendations from the review under section 361.

(3) REGULATIONS.—Not later than 180 days after the development of the best management practices under paragraph (1), the Secretary shall publish, for public comment, Deadline.

proposed regulations that set forth specific timeframes for processing leases and applications in accordance with the best management practices, including deadlines for—

(A) approving or disapproving—

(i) resource management plans and related documents;

(ii) lease applications;

(iii) applications for permits to drill; and

(iv) surface use plans; and

(B) related administrative appeals.

(c) IMPROVED ENFORCEMENT.—The Secretary and the Secretary of Agriculture shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill on land under the jurisdiction of the Secretary and the Secretary of Agriculture, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out activities relating to oil and gas leasing on public land administered by the Secretary and National Forest System land administered by the Secretary of Agriculture, there are authorized to be appropriated for each of fiscal years 2006 through 2010—

(1) to the Secretary, acting through the Director of the Bureau of Land Management—

(A) $40,000,000 to carry out subsections (a)(1) and (b); and

(B) $20,000,000 to carry out subsection (c);

(2) to the Secretary, acting through the Director of the United States Fish and Wildlife Service, $5,000,000 to carry out subsection (a)(1); and

(3) to the Secretary of Agriculture, acting through the Chief of the Forest Service, $5,000,000 to carry out subsections (a)(2) and (c).

42 USC 15922.

SEC. 363. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LAND.

Deadline.
Memorandum.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

(1) public land under the jurisdiction of the Secretary of the Interior; and

(2) National Forest System land under the jurisdiction of the Secretary of Agriculture.

(b) CONTENTS.—The memorandum of understanding shall include provisions that—

(1) establish administrative procedures and lines of authority that ensure timely processing of—

(A) oil and gas lease applications;

(B) surface use plans of operation, including steps for processing surface use plans; and

(C) applications for permits to drill consistent with applicable timelines;

(2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts;

(3) ensure that lease stipulations are—

(A) applied consistently;

(B) coordinated between agencies; and

(C) only as restrictive as necessary to protect the resource for which the stipulations are applied;

(4) establish a joint data retrieval system that is capable of—

(A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and

(B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture; and

(5) establish a joint geographic information system mapping system for use in—

(A) tracking surface resource values to aid in resource management; and

(B) processing surface use plans of operation and applications for permits to drill.

SEC. 364. ESTIMATES OF OIL AND GAS RESOURCES UNDERLYING ONSHORE FEDERAL LAND.

(a) ASSESSMENT.—Section 604 of the Energy Act of 2000 (42 U.S.C. 6217) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "reserve"; and

(ii) by striking "and" after the semicolon; and

(B) by striking paragraph (2) and inserting the following:

"(2) the extent and nature of any restrictions or impediments to the development of the resources, including—

"(A) impediments to the timely granting of leases;

"(B) post-lease restrictions, impediments, or delays on development for conditions of approval, applications for permits to drill, or processing of environmental permits; and

"(C) permits or restrictions associated with transporting the resources for entry into commerce; and

"(3) the quantity of resources not produced or introduced into commerce because of the restrictions.";

(2) in subsection (b)—

(A) by striking "reserve" and inserting "resource"; and

(B) by striking "publically" and inserting "publicly"; and

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

"(d) ASSESSMENTS.—Using the inventory, the Secretary of Energy shall make periodic assessments of economically recoverable resources accounting for a range of parameters such as current costs, commodity prices, technology, and regulations.".

(b) METHODOLOGY.—The Secretary of the Interior shall use the same assessment methodology across all geological provinces, areas, and regions in preparing and issuing national geological assessments to ensure accurate comparisons of geological resources. 42 USC 15923.

SEC. 365. PILOT PROJECT TO IMPROVE FEDERAL PERMIT COORDINATION. 42 USC 15924.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the "Secretary") shall establish a Federal Permit Streamlining Pilot Project (referred to in this section as the "Pilot Project").

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acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone; and

(2) the Secretary of Agriculture shall make the same revision for linear rights-of-way granted, issued, or renewed under title V of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) on National Forest System land.

(b) FAIR MARKET VALUE RENTAL DETERMINATION FOR LINEAR RIGHTS-OF-WAY.—The fair market value rent of a linear right-of-way across public lands or National Forest System lands issued under section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) or section 28 of the Mineral Leasing Act (30 U.S.C. 185) shall be determined in accordance with subpart 2806 of title 43, Code of Federal Regulations, as in effect on the date of enactment of this section (including the annual or periodic updates specified in the regulations) and as updated in accordance with subsection (a).

SEC. 368. ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND. 42 USC 15926.

(a) WESTERN STATES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as "the Secretaries"), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall— Deadline.

(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));

(2) perform any environmental reviews that may be required to complete the designation of such corridors; and

(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.

(b) OTHER STATES.—Not later than 4 years after the date of enactment of this Act, the Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested persons, shall jointly— Deadline.

(1) identify corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in States other than those described in subsection (a); and

(2) schedule prompt action to identify, designate, and incorporate the corridors into the applicable land use plans.

(c) ONGOING RESPONSIBILITIES.—The Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested parties, shall establish procedures under their respective authorities that— Procedures.

(1) ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary; and

(2) expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.

(d) CONSIDERATIONS.—In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

(e) SPECIFICATIONS OF CORRIDOR.—A corridor designated under this section shall, at a minimum, specify the centerline, width, and compatible uses of the corridor.

Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005. Deadlines. 42 USC 15927.

SEC. 369. OIL SHALE, TAR SANDS, AND OTHER STRATEGIC UNCONVENTIONAL FUELS.

(a) SHORT TITLE.—This section may be cited as the "Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005".

(b) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that—

(1) United States oil shale, tar sands, and other unconventional fuels are strategically important domestic resources that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale, tar sands, and other strategic unconventional fuels, for research and commercial development, should be conducted in an environmentally sound manner, using practices that minimize impacts; and

(3) development of those strategic unconventional fuels should occur, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities.

(c) LEASING PROGRAM FOR RESEARCH AND DEVELOPMENT OF OIL SHALE AND TAR SANDS.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 180 days after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to technologies for the recovery of liquid fuels from oil shale and tar sands resources on public lands. Prospective public lands within each of the States of Colorado, Utah, and Wyoming shall be made available for such research and development leasing.

(d) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT AND COMMERCIAL LEASING PROGRAM FOR OIL SHALE AND TAR SANDS.—

(1) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for a commercial leasing program for oil shale and tar sands resources on public lands, with an emphasis on

the most geologically prospective lands within each of the States of Colorado, Utah, and Wyoming.

(2) FINAL REGULATION.—Not later than 6 months after the completion of the programmatic environmental impact statement under this subsection, the Secretary shall publish a final regulation establishing such program.

(e) COMMENCEMENT OF COMMERCIAL LEASING OF OIL SHALE AND TAR SANDS.—Not later than 180 days after publication of the final regulation required by subsection (d), the Secretary shall consult with the Governors of States with significant oil shale and tar sands resources on public lands, representatives of local governments in such States, interested Indian tribes, and other interested persons, to determine the level of support and interest in the States in the development of tar sands and oil shale resources. If the Secretary finds sufficient support and interest exists in a State, the Secretary may conduct a lease sale in that State under the commercial leasing program regulations. Evidence of interest in a lease sale under this subsection shall include, but not be limited to, appropriate areas nominated for leasing by potential lessees and other interested parties.

(f) DILIGENT DEVELOPMENT REQUIREMENTS.—The Secretary shall, by regulation, designate work requirements and milestones to ensure the diligent development of the lease. Regulations.

(g) INITIAL REPORT BY THE SECRETARY OF THE INTERIOR.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on—

(1) the interim actions necessary to—

(A) develop the program, complete the programmatic environmental impact statement, and promulgate the final regulation as required by subsection (d); and

(B) conduct the first lease sales under the program as required by subsection (e); and

(2) a schedule to complete such actions within the time limits mandated by this section.

(h) TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Energy, in cooperation with the Secretary of the Interior and the Secretary of Defense, shall establish a task force to develop a program to coordinate and accelerate the commercial development of strategic unconventional fuels, including but not limited to oil shale and tar sands resources within the United States, in an integrated manner.

(2) COMPOSITION.—The Task Force shall be composed of—

(A) the Secretary of Energy (or the designee of the Secretary);

(B) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(C) the Secretary of Defense (or the designee of the Secretary of Defense);

(D) the Governors of affected States; and

(E) representatives of local governments in affected areas.

(3) RECOMMENDATIONS.—The Task Force shall make such recommendations regarding promoting the development of the

strategic unconventional fuels resources within the United States as it may deem appropriate.

(4) PARTNERSHIPS.—The Task Force shall make recommendations with respect to initiating a partnership with the Province of Alberta, Canada, for purposes of sharing information relating to the development and production of oil from tar sands, and similar partnerships with other nations that contain significant oil shale resources.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President and Congress a report that describes the analysis and recommendations of the Task Force.

(B) SUBSEQUENT REPORTS.—The Secretary shall provide an annual report describing the progress in developing the strategic unconventional fuels resources within the United States for each of the 5 years following submission of the report provided for in subparagraph (A).

Establishment.

(i) OFFICE OF PETROLEUM RESERVES.—

(1) IN GENERAL.—The Office of Petroleum Reserves of the Department of Energy shall—

(A) coordinate the creation and implementation of a commercial strategic fuel development program for the United States;

(B) evaluate the strategic importance of unconventional sources of strategic fuels to the security of the United States;

(C) promote and coordinate Federal Government actions that facilitate the development of strategic fuels in order to effectively address the energy supply needs of the United States;

(D) identify, assess, and recommend appropriate actions of the Federal Government required to assist in the development and manufacturing of strategic fuels; and

(E) coordinate and facilitate appropriate relationships between private industry and the Federal Government to promote sufficient and timely private investment to commercialize strategic fuels for domestic and military use.

(2) CONSULTATION AND COORDINATION.—The Office of Petroleum Reserves shall work closely with the Task Force and coordinate its staff support.

(3) ANNUAL REPORTS.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report that describes the activities of the Office of Petroleum Reserves carried out under this subsection.

(j) MINERAL LEASING ACT AMENDMENTS.—

(1) SECTION 17.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)), as amended by section 350, is further amended—

(A) in subparagraph (A) (as designated by the amendment made by subsection (a)(1) of that section) by designating the first, second, and third sentences as clauses (i), (ii), and (iii), respectively;

(B) by moving clause (ii), as so designated, so as to begin immediately after and below clause (i);

(C) by moving clause (iii), as so designated, so as to begin immediately after and below clause (ii);

(D) in clause (i) of subparagraph (A) (as designated by subparagraph (A) of this paragraph) by striking "five thousand one hundred and twenty" and inserting "5,760"; and

(E) by adding at the end the following:

"(iv) No lease issued under this paragraph shall be included in any chargeability limitation associated with oil and gas leases.".

(2) SECTION 21.—Section 21(a) of the Mineral Leasing Act (30 U.S.C. 241(a)) is amended—

(A) by striking "(a) That the Secretary" and inserting the following:

"(a)(1) The Secretary";

(B) by striking "; that no lease" and inserting a period, followed by the following:

"(2) No lease";

(C) by striking "Leases may be for" and inserting the following:

"(3) Leases may be for";

(D) by striking "For the privilege" and inserting the following:

"(4) For the privilege";

(E) in paragraph (2) (as designated by subparagraph (B) of this paragraph) by striking "five thousand one hundred and twenty" and inserting "5,760";

(F) in paragraph (4) (as designated by subparagraph (D) of this paragraph) by striking "rate of 50 cents per acre" and inserting "rate of $2.00 per acre";

(G)(i) by striking ": *Provided further,* That not more than one lease shall be granted under this section to any" and inserting ": *Provided further,* That no"; and

(ii) by striking "except that with respect to leases for" and inserting "shall acquire or hold more than 50,000 acres of oil shale leases in any one State. For"; and

(H) by adding at the end the following:

"(5) No lease issued under this section shall be included in any chargeability limitation associated with oil and gas leases.".

(k) INTERAGENCY COORDINATION AND EXPEDITIOUS REVIEW OF PERMITTING PROCESS.—

(1) DEPARTMENT OF THE INTERIOR AS LEAD AGENCY.—Upon written request of a prospective applicant for Federal authorization to develop a proposed oil shale or tar sands project, the Department of the Interior shall act as the lead Federal agency for the purposes of coordinating all applicable Federal authorizations and environmental reviews. To the maximum extent practicable under applicable Federal law, the Secretary shall coordinate this Federal authorization and review process with any Indian tribes and State and local agencies responsible for conducting any separate permitting and environmental reviews.

(2) IMPLEMENTING REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue any regulations necessary to implement this subsection.

(l) COST-SHARED DEMONSTRATION TECHNOLOGIES.—

(1) IDENTIFICATION.—The Secretary of Energy shall identify technologies for the development of oil shale and tar sands that—

(A) are ready for demonstration at a commercially-representative scale; and

(B) have a high probability of leading to commercial production.

(2) ASSISTANCE.—For each technology identified under paragraph (1), the Secretary of Energy may provide—

(A) technical assistance;

(B) assistance in meeting environmental and regulatory requirements; and

(C) cost-sharing assistance.

(m) NATIONAL OIL SHALE AND TAR SANDS ASSESSMENT.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Secretary shall carry out a national assessment of oil shale and tar sands resources for the purposes of evaluating and mapping oil shale and tar sands deposits, in the geographic areas described in subparagraph (B). In conducting such an assessment, the Secretary shall make use of the extensive geological assessment work for oil shale and tar sands already conducted by the United States Geological Survey.

(B) GEOGRAPHIC AREAS.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales and other hydrocarbon-bearing rocks having the nomenclature of "shale" located east of the Mississippi River; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale and tar sands, as determined by the Secretary.

(2) USE OF STATE SURVEYS AND UNIVERSITIES.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(n) LAND EXCHANGES.—

(1) IN GENERAL.—To facilitate the recovery of oil shale and tar sands, especially in areas where Federal, State, and private lands are intermingled, the Secretary shall consider the use of land exchanges where appropriate and feasible to consolidate land ownership and mineral interests into manageable areas.

(2) IDENTIFICATION AND PRIORITY OF PUBLIC LANDS.—The Secretary shall identify public lands containing deposits of oil shale or tar sands within the Green River, Piceance Creek, Uintah, and Washakie geologic basins, and shall give priority to implementing land exchanges within those basins. The Secretary shall consider the geology of the respective basin in determining the optimum size of the lands to be consolidated.

(3) COMPLIANCE WITH SECTION 206 OF FLPMA.—A land exchange undertaken in furtherance of this subsection shall be implemented in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(o) ROYALTY RATES FOR LEASES.—The Secretary shall establish royalties, fees, rentals, bonus, or other payments for leases under this section that shall—

(1) encourage development of the oil shale and tar sands resource; and

(2) ensure a fair return to the United States.

(p) HEAVY OIL TECHNICAL AND ECONOMIC ASSESSMENT.—The Secretary of Energy shall update the 1987 technical and economic assessment of domestic heavy oil resources that was prepared by the Interstate Oil and Gas Compact Commission. Such an update should include all of North America and cover all unconventional oil, including heavy oil, tar sands (oil sands), and oil shale.

(q) PROCUREMENT OF UNCONVENTIONAL FUELS BY THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2398 the following:

"§ 2398a. Procurement of fuel derived from coal, oil shale, and tar sands

"(a) USE OF FUEL TO MEET DEPARTMENT OF DEFENSE NEEDS.—The Secretary of Defense shall develop a strategy to use fuel produced, in whole or in part, from coal, oil shale, and tar sands (referred to in this section as a 'covered fuel') that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States in order to assist in meeting the fuel requirements of the Department of Defense when the Secretary determines that it is in the national interest.

"(b) AUTHORITY TO PROCURE.—The Secretary of Defense may enter into 1 or more contracts or other agreements (that meet the requirements of this section) to procure a covered fuel to meet 1 or more fuel requirements of the Department of Defense.

"(c) CLEAN FUEL REQUIREMENTS.—A covered fuel may be procured under subsection (b) only if the covered fuel meets such standards for clean fuel produced from domestic sources as the Secretary of Defense shall establish for purposes of this section in consultation with the Department of Energy.

"(d) MULTIYEAR CONTRACT AUTHORITY.—Subject to applicable provisions of law, any contract or other agreement for the procurement of covered fuel under subsection (b) may be for 1 or more years at the election of the Secretary of Defense.

"(e) FUEL SOURCE ANALYSIS.—In order to facilitate the procurement by the Department of Defense of covered fuel under subsection (b), the Secretary of Defense may carry out a comprehensive assessment of current and potential locations in the United States for the supply of covered fuel to the Department.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 141 of title 10, United States Code, is amended by inserting after the item relating to section 2398 the following:

"2398a. Procurement of fuel derived from coal, oil shale, and tar sands.".

(r) STATE WATER RIGHTS.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

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

SEC. 370. FINGER LAKES WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

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

(2) disposition under all laws relating to oil and gas leasing.

30 USC 188 note.

SEC. 371. REINSTATEMENT OF LEASES.

Effective date.
Termination date.

(a) LEASES TERMINATED FOR CERTAIN FAILURE TO PAY RENTAL.—Notwithstanding section 31(d)(2)(B) of the Mineral Leasing Act (30 U.S.C. 188(d)(2)(B)) as in effect before the effective date of this section, and notwithstanding the amendment made by subsection (b) of this section, the Secretary of the Interior may reinstate any oil and gas lease issued under that Act that was terminated for failure of a lessee to pay the full amount of rental on or before the anniversary date of the lease, during the period beginning on September 1, 2001, and ending on June 30, 2004, if—

Deadline.

(1) not later than 120 days after the date of enactment of this Act, the lessee—

(A) files a petition for reinstatement of the lease;

(B) complies with the conditions of section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)); and

Certification.

(C) certifies that the lessee did not receive a notice of termination by the date that was 13 months before the date of termination; and

(2) the land is available for leasing.

(b) DEADLINE FOR PETITIONS, GENERALLY.—Section 31(d)(2) of the Mineral Leasing Act (30 U.S.C. 188(d)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to any lease that terminated under subsection (b) on or before the date of the enactment of the Energy Policy Act of 2005, a petition for reinstatement (together with the required back rental and royalty accruing after the date of termination) is filed on or before the earlier of—

"(i) 60 days after the lessee receives from the Secretary notice of termination, whether by return of check or by any other form of actual notice; or

"(ii) 15 months after the termination of the lease; or

"(B) with respect to any lease that terminates under subsection (b) after the date of the enactment of the Energy Policy Act of 2005, a petition for reinstatement (together with the required back rental and royalty accruing after the date of termination) is filed on or before the earlier of—

"(i) 60 days after receipt of the notice of termination sent by the Secretary by certified mail to all lessees of record; or

"(ii) 24 months after the termination of the lease.".

42 USC 15928.

SEC. 372. CONSULTATION REGARDING ENERGY RIGHTS-OF-WAY ON PUBLIC LAND.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense with respect to lands under their respective jurisdictions, shall enter into a memorandum of understanding to coordinate all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility. To the maximum extent practicable under applicable law, the Secretary of Energy shall, to ensure timely review and permit decisions, coordinate such authorizations and reviews with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility. Deadline.

(2) CONTENTS.—The memorandum of understanding shall include provisions that—

(A) establish—

(i) a unified right-of-way application form; and

(ii) an administrative procedure for processing right-of-way applications, including lines of authority, steps in application processing, and timeframes for application processing;

(B) provide for coordination of planning relating to the granting of the rights-of-way;

(C) provide for an agreement among the affected Federal agencies to prepare a single environmental review document to be used as the basis for all Federal authorization decisions; and

(D) provide for coordination of use of right-of-way stipulations to achieve consistency.

(b) NATURAL GAS PIPELINES.—

(1) IN GENERAL.—With respect to permitting activities for interstate natural gas pipelines, the May 2002 document entitled "Interagency Agreement On Early Coordination Of Required Environmental And Historic Preservation Reviews Conducted In Conjunction With The Issuance Of Authorizations To Construct And Operate Interstate Natural Gas Pipelines Certificated By The Federal Energy Regulatory Commission" shall constitute compliance with subsection (a).

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, agencies that are signatories to the document referred to in paragraph (1) shall transmit to Congress a report on how the agencies under the jurisdiction of the Secretaries are incorporating and implementing the provisions of the document referred to in paragraph (1).

(B) CONTENTS.—The report shall address—

(i) efforts to implement the provisions of the document referred to in paragraph (1);

(ii) whether the efforts have had a streamlining effect;

(iii) further improvements to the permitting process of the agency; and

(iv) recommendations for inclusion of State and tribal governments in a coordinated permitting process.

(c) DEFINITION OF UTILITY FACILITY.—In this section, the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system—

(1) for the transportation of—

(A) oil, natural gas, synthetic liquid fuel, or gaseous fuel;

(B) any refined product produced from oil, natural gas, synthetic liquid fuel, or gaseous fuel; or

(C) products in support of the production of material referred to in subparagraph (A) or (B);

(2) for storage and terminal facilities in connection with the production of material referred to in paragraph (1); or

(3) for the generation, transmission, and distribution of electric energy.

SEC. 373. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to Public Law 87–712 (16 U.S.C. 459d et seq.; popularly known as the "Federal Enabling Act") and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87–712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) SENSE OF CONGRESS.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those lands retained the status that the lands had on September 27, 1962.

Louisiana.

SEC. 374. LIVINGSTON PARISH MINERAL RIGHTS TRANSFER.

Section 102 of Public Law 102–562 (106 Stat. 4234) is amended by striking subsection (b) and inserting the following:

"(b) RESERVATION OF OIL AND GAS RIGHTS AND CONVEYANCE OF REMAINING MINERAL RIGHTS.—Subject to the limitations set forth in subsection (c), the United States hereby excepts and reserves from the provisions of subsection (a), all rights to oil and gas underlying such lands, along with the right to explore

* * * * * * *

"(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

"(3) LIMITATION.—Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described in subparagraphs (C) and (E) of paragraph (1).".

SEC. 385. STUDY OF AVAILABILITY OF SKILLED WORKERS.

Contracts.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the short-term and long-term availability of skilled workers to meet the energy and mineral security requirements of the United States.

(b) INCLUSIONS.—The study shall include an analysis of—

(1) the need for and availability of workers for the oil, gas, and mineral industries;

(2) the availability of skilled labor at both entry level and more senior levels; and

(3) recommendations for future actions needed to meet future labor requirements.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

42 USC 15941.

SEC. 386. GREAT LAKES OIL AND GAS DRILLING BAN.

No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes.

Deadline.
42 USC 13368 note.

SEC. 387. FEDERAL COALBED METHANE REGULATION.

Any State currently on the list of Affected States established under section 1339(b) of the Energy Policy Act of 1992 (42 U.S.C. 13368(b)) shall be removed from the list if, not later than 3 years after the date of enactment of this Act, the State takes, or prior to the date of enactment has taken, any of the actions required for removal from the list under such section 1339(b).

SEC. 388. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion

Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

"(A) support exploration, development, production, or storage of oil or natural gas, except that a lease, easement, or right-of-way shall not be granted in an area in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium;

"(B) support transportation of oil or natural gas, excluding shipping activities;

"(C) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(D) use, for energy-related purposes or for other authorized marine-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.

"(2) PAYMENTS AND REVENUES.—(A) The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease, easement, or right-of-way granted under this subsection.

"(B) The Secretary shall provide for the payment of 27 percent of the revenues received by the Federal Government as a result of payments under this section from projects that are located wholly or partially within the area extending three nautical miles seaward of State submerged lands. Payments shall be made based on a formula established by the Secretary by rulemaking no later than 180 days after the date of enactment of this section that provides for equitable distribution, based on proximity to the project, among coastal states that have a coastline that is located within 15 miles of the geographic center of the project.

Regulations. Deadline.

"(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 388(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.

"(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

"(A) safety;

"(B) protection of the environment;

"(C) prevention of waste;

"(D) conservation of the natural resources of the outer Continental Shelf;

"(E) coordination with relevant Federal agencies;

"(F) protection of national security interests of the United States;

"(G) protection of correlative rights in the outer Continental Shelf;

"(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

"(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

"(J) consideration of—

"(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

"(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;

"(K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and

"(L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.

"(5) LEASE DURATION, SUSPENSION, AND CANCELLATION.—The Secretary shall provide for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease, easement, or right-of-way under this subsection.

"(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to—

"(A) furnish a surety bond or other form of security, as prescribed by the Secretary;

"(B) comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

"(C) provide for the restoration of the lease, easement, or right-of-way.

"(7) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The Secretary shall provide for coordination and consultation with the Governor of any State or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

Deadline.

"(8) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2005, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, heads of other relevant departments and agencies of the Federal Government, and the Governor of any affected State, shall issue any necessary regulations to carry out this subsection.

"(9) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.".

43 USC 1337 note.

(b) COORDINATED OCS MAPPING INITIATIVE.—

(1) IN GENERAL.—The Secretary of the Interior, in cooperation with the Secretary of Commerce, the Commandant of the Coast Guard, and the Secretary of Defense, shall establish

an interagency comprehensive digital mapping initiative for the outer Continental Shelf to assist in decisionmaking relating to the siting of activities under subsection (p) of section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as added by subsection (a)).

(2) USE OF DATA.—The mapping initiative shall use, and develop procedures for accessing, data collected before the date on which the mapping initiative is established, to the maximum extent practicable.

(3) INCLUSIONS.—Mapping carried out under the mapping initiative shall include an indication of the locations on the outer Continental Shelf of—

(A) Federally-permitted activities;

(B) obstructions to navigation;

(C) submerged cultural resources;

(D) undersea cables;

(E) offshore aquaculture projects; and

(F) any area designated for the purpose of safety, national security, environmental protection, or conservation and management of living marine resources.

(c) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: "LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—".

(d) SAVINGS PROVISION.—Nothing in the amendment made by subsection (a) requires the resubmittal of any document that was previously submitted or the reauthorization of any action that was previously authorized with respect to a project for which, before the date of enactment of this Act— 43 USC 1337 note.

(1) an offshore test facility has been constructed; or

(2) a request for a proposal has been issued by a public authority.

(e) STATE CLAIMS TO JURISDICTION OVER SUBMERGED LANDS.—Nothing in this section shall be construed to alter, limit, or modify any claim of any State to any jurisdiction over, or any right, title, or interest in, any submerged lands. 43 USC 1337 note.

SEC. 389. OIL SPILL RECOVERY INSTITUTE.

Title V of the Oil Pollution Act of 1990 (33 U.S.C. 2731 et seq.) is amended—

(1) in section 5001(i), by striking "September 30, 2012" and inserting "1 year after the date on which the Secretary, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in the State of Alaska have ceased"; and 33 USC 2731.

(2) in section 5006(c), by striking "October 1, 2012" and inserting "1 year after the date on which the Secretary, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in the State of Alaska have ceased,". 33 USC 2736.

SEC. 390. NEPA REVIEW. 42 USC 15942.

(a) NEPA REVIEW.—Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under

the National Environmental Policy Act of 1969 (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

(b) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are the following:

(1) Individual surface disturbances of less than 5 acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

(4) Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within 5 years prior to the date of placement of the pipeline.

(5) Maintenance of a minor activity, other than any construction or major renovation or a building or facility.

Subtitle H—Refinery Revitalization

42 USC 15951.

SEC. 391. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) it serves the national interest to increase petroleum refining capacity for gasoline, heating oil, diesel fuel, jet fuel, kerosene, and petrochemical feedstocks wherever located within the United States, to bring more supply to the markets for the use of the American people;

(2) United States demand for refined petroleum products currently exceeds the country's petroleum refining capacity to produce such products;

(3) this excess demand has been met with increased imports;

(4) due to lack of capacity, refined petroleum product imports are expected to grow from 7.9 percent to 10.7 percent of total refined product by 2025;

(5) refiners are still subject to significant environmental and other regulations and face several new requirements under the Clean Air Act (42 U.S.C. 7401 et seq.) over the next decade; and

(6) better coordination of Federal and State regulatory reviews may help facilitate siting and construction of new refineries to meet the demand in the United States for refined products.

(b) DEFINITIONS.—In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) STATE.—The term "State" means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

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license issued pursuant to this Act, are accompanied by a manifest describing the type and amount of materials being transferred or received. Each individual receiving or accompanying the transfer of such materials shall be subject to a security background check conducted by appropriate Federal entities.

"b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16))).".

Deadline. 42 USC 2210i note.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials or classes of individuals that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170D of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

42 USC 2210i note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b), except that the background check requirement shall become effective on a date established by the Commission.

42 USC 2210i note.

(d) EFFECT ON OTHER LAW.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) CONFORMING AMENDMENT.—The table of sections of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by subsection (a)) is amended by adding at the end of the items relating to chapter 14 the following:

"Sec. 170I. Secure transfer of nuclear materials.".

42 USC 16042.

SEC. 657. DEPARTMENT OF HOMELAND SECURITY CONSULTATION.

Before issuing a license for a utilization facility, the Nuclear Regulatory Commission shall consult with the Department of Homeland Security concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL FUELED VEHICLES.

Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency qualifies for a waiver of such requirement for vehicles operated by the agency in a particular geographic area in which—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers

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(c) REPORT.—The Administrator shall submit to Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

SEC. 774. UPDATE TESTING PROCEDURES.

The Administrator of the Environmental Protection Agency shall update or revise the adjustment factors in sections 600.209–85 and 600.209–95, of the Code of Federal Regulations, CFR Part 600 (1995) Fuel Economy Regulations for 1977 and Later Model Year Automobiles to take into consideration higher speed limits, faster acceleration rates, variations in temperature, use of air conditioning, shorter city test cycle lengths, current reference fuels, and the use of other fuel depleting features.

Subtitle F—Federal and State Procurement

SEC. 781. DEFINITIONS. 42 USC 16121.

In this subtitle:

(1) FUEL CELL.—The term "fuel cell" means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

(2) LIGHT-DUTY OR HEAVY-DUTY VEHICLE FLEET.—The term "light-duty or heavy-duty vehicle fleet" does not include any vehicle designed or procured for combat or combat-related missions.

(3) STATIONARY; PORTABLE.—The terms "stationary" and "portable", when used in reference to a fuel cell, include—

(A) continuous electric power; and

(B) backup electric power.

(4) TASK FORCE.—The term "Task Force" means the Hydrogen and Fuel Cell Technical Task Force established under section 806 of this Act.

(5) TECHNICAL ADVISORY COMMITTEE.—The term "Technical Advisory Committee" means the independent Technical Advisory Committee selected under section 807 of this Act.

SEC. 782. FEDERAL AND STATE PROCUREMENT OF FUEL CELL VEHICLES AND HYDROGEN ENERGY SYSTEMS. 42 USC 16122.

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

(1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;

(2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and

(3) to require the Federal government, which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

(b) FEDERAL LEASES AND PURCHASES.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles Deadline.

and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

(B) LEARNING DEMONSTRATION VEHICLES.—The Secretary may lease or purchase appropriate vehicles developed under subsections (a)(10) and (b)(1)(A) of section 808 to meet the requirement in subparagraph (A).

(2) COSTS OF LEASES AND PURCHASES.—

(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

(i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and

(ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or

(ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

(3) EXCEPTION.—

(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

(i) the needs of the agency; and

(ii) an evaluation performed by—

(I) the Task Force; or

(II) the Technical Advisory Committee.

(c) ENERGY SAVINGS GOALS.—

Deadlines.

(1) IN GENERAL.—

(A) REGULATIONS.—Not later than December 31, 2006, the Secretary shall—

(i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(B) REVIEW, EVALUATION, AND NEW REGULATIONS.—Not later than December 31, 2010, the Secretary shall—

(i) review the regulations promulgated under subparagraph (A);

(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

(2) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

(d) COOPERATIVE PROGRAM WITH STATE AGENCIES.—

(1) IN GENERAL.—The Secretary may establish a cooperative program with State agencies managing motor vehicle fleets to encourage purchase of fuel cell vehicles by the agencies.

(2) INCENTIVES.—In carrying out the cooperative program, the Secretary may offer incentive payments to a State agency to assist with the cost of planning, differential purchases, and administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009;

(3) $65,000,000 for fiscal year 2010; and

(4) such sums as are necessary for each of fiscal years 2011 through 2015.

SEC. 783. FEDERAL PROCUREMENT OF STATIONARY, PORTABLE, AND MICRO FUEL CELLS. 42 USC 16123.

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

(1) to stimulate acceptance by the market of stationary, portable, and micro fuel cells; and

(2) to support development of technologies relating to stationary, portable, and micro fuel cells.

(b) FEDERAL LEASES AND PURCHASES.—

(1) IN GENERAL.—Not later than January 1, 2006, the head of any Federal agency that uses electrical power from stationary, portable, or microportable devices shall lease or purchase a stationary, portable, or micro fuel cell to meet any applicable energy savings goal described in subsection (c). Deadline.

(2) COSTS OF LEASES AND PURCHASES.—

(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay the cost to Federal agencies (or share the cost under interagency agreements) of leasing or purchasing stationary, portable, and micro fuel cells under paragraph (1).

(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a stationary, portable, or micro fuel cell; or

(ii) a cost-effective management structure of the lease of a stationary, portable, or micro fuel cell.

(3) EXCEPTION.—

(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable stationary, portable,

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42 USC 16157.

SEC. 808. DEMONSTRATION.

(a) IN GENERAL.—In carrying out the programs under this section, the Secretary shall fund a limited number of demonstration projects, consistent with this title and a determination of the maturity, cost-effectiveness, and environmental impacts of technologies supporting each project. In selecting projects under this subsection, the Secretary shall, to the extent practicable and in the public interest, select projects that—

(1) involve using hydrogen and related products at existing facilities or installations, such as existing office buildings, military bases, vehicle fleet centers, transit bus authorities, or units of the National Park System;

(2) depend on reliable power from hydrogen to carry out essential activities;

(3) lead to the replication of hydrogen technologies and draw such technologies into the marketplace;

(4) include vehicle, portable, and stationary demonstrations of fuel cell and hydrogen-based energy technologies;

(5) address the interdependency of demand for hydrogen fuel cell applications and hydrogen fuel infrastructure;

(6) raise awareness of hydrogen technology among the public;

(7) facilitate identification of an optimum technology among competing alternatives;

(8) address distributed generation using renewable sources;

(9) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary;

(10) carry out a program to demonstrate developmental hydrogen and fuel cell systems for mobile, portable, and stationary uses, using improved versions of the learning demonstrations program concept of the Department including demonstrations involving—

(A) light-duty vehicles;

(B) heavy-duty vehicles;

(C) fleet vehicles;

(D) specialty industrial and farm vehicles; and

(E) commercial and residential portable, continuous, and backup electric power generation;

(11) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and

(12) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen, and hydrogen reformed from renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavier duty, and advanced internal combustion-powered vehicles.

The Secretary shall give preference to projects which address multiple elements contained in paragraphs (1) through (12).

(b) SYSTEM DEMONSTRATIONS.—

Grants.

(1) IN GENERAL.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—

(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under section 782 that—

(i) have as a primary goal the reduction of drive energy requirements;

(ii) after 2010, add another research and development phase, as defined in subsection (c), including the vehicle and infrastructure partnerships developed under the learning demonstrations program concept of the Department; and

(iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost-shared projects by manufacturers and governments; and

(B) designing a local distributed energy system that—

(i) incorporates renewable hydrogen production, off-grid electricity production, and fleet applications in industrial or commercial service;

(ii) integrates energy or applications described in clause (i), such as stationary, portable, micro, and mobile fuel cells, into a high-density commercial or residential building complex or agricultural community; and

(iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

(c) IDENTIFICATION OF NEW PROGRAM REQUIREMENTS.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—

(1) after 2008 for stationary and portable applications, and after 2010 for vehicles, identify new requirements that refine technological concepts, planning, and applications; and

(2) during the second phase of the learning demonstrations under subsection (b)(1)(A)(ii), redesign subsequent program work to incorporate those requirements.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $185,000,000 for fiscal year 2006;

(2) $200,000,000 for fiscal year 2007;

(3) $250,000,000 for fiscal year 2008;

(4) $300,000,000 for fiscal year 2009;

(5) $375,000,000 for fiscal year 2010; and

(6) such sums as are necessary for each of fiscal years 2011 through 2020.

SEC. 809. CODES AND STANDARDS. 42 USC 16158.

(a) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall provide grants to, or offer to enter into contracts with, such professional organizations, public service organizations, and government agencies as the Secretary determines appropriate to support timely and extensive development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. Grants. Contracts.

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(3) demonstrated responsiveness to workforce and training requirements in the electric power industry.

(c) TRAINING AND CONTINUING EDUCATION.—

(1) IN GENERAL.—The Center shall provide training and continuing education in electric power generation, transmission, and distribution technologies and operations.

(2) LOCATION.—The Center shall carry out training and education activities under paragraph (1)—

(A) at the Center; and

(B) through Internet-based information technologies that allow for learning at remote sites.

TITLE XII—ELECTRICITY

Electricity Modernization Act of 2005. 42 USC 15801 note.

SEC. 1201. SHORT TITLE.

This title may be cited as the "Electricity Modernization Act of 2005".

Subtitle A—Reliability Standards

SEC. 1211. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY. 16 USC 824o.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'bulk-power system' means—

"(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

"(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

"(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

"(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities, including cybersecurity protection, and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

"(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance, including a cybersecurity incident, or unanticipated failure of system elements.

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proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.".

16 USC 824o note.

(b) STATUS OF ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act are not departments, agencies, or instrumentalities of the United States Government.

16 USC 824o note.

(c) ACCESS APPROVALS BY FEDERAL AGENCIES.—Federal agencies responsible for approving access to electric transmission or distribution facilities located on lands within the United States shall, in accordance with applicable law, expedite any Federal agency approvals that are necessary to allow the owners or operators of such facilities to comply with any reliability standard, approved by the Commission under section 215 of the Federal Power Act, that pertains to vegetation management, electric service restoration, or resolution of situations that imminently endanger the reliability or safety of the facilities.

Subtitle B—Transmission Infrastructure Modernization

SEC. 1221. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

16 USC 824p.

"SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Deadlines.

"(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—(1) Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the 'Secretary'), in consultation with affected States, shall conduct a study of electric transmission congestion.

Reports.

"(2) After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study, which may designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor.

"(3) The Secretary shall conduct the study and issue the report in consultation with any appropriate regional entity referred to in section 215.

"(4) In determining whether to designate a national interest electric transmission corridor under paragraph (2), the Secretary may consider whether—

"(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

"(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

"(ii) a diversification of supply is warranted;

"(C) the energy independence of the United States would be served by the designation;

"(D) the designation would be in the interest of national energy policy; and

"(E) the designation would enhance national defense and homeland security.

"(b) CONSTRUCTION PERMIT.—Except as provided in subsection (i), the Commission may, after notice and an opportunity for hearing, issue one or more permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

"(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

"(i) approve the siting of the facilities; or

"(ii) consider the interstate benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

"(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

"(C) a State commission or other entity that has authority to approve the siting of the facilities has—

"(i) withheld approval for more than 1 year after the filing of an application seeking approval pursuant to applicable law or 1 year after the designation of the relevant national interest electric transmission corridor, whichever is later; or

"(ii) conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce or is not economically feasible;

"(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

"(3) the proposed construction or modification is consistent with the public interest;

"(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers;

"(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence; and

"(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.

"(c) PERMIT APPLICATIONS.—(1) Permit applications under subsection (b) shall be made in writing to the Commission.

Regulations.

"(2) The Commission shall issue rules specifying—

"(A) the form of the application;

"(B) the information to be contained in the application; and

"(C) the manner of service of notice of the permit application on interested persons.

"(d) COMMENTS.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(e) RIGHTS-OF-WAY.—(1) In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located.

"(2) Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition.

"(3) The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as practicable to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.

"(4) Nothing in this subsection shall be construed to authorize the use of eminent domain to acquire a right-of-way for any purpose other than the construction, modification, operation, or maintenance of electric transmission facilities and related facilities. The right-of-way cannot be used for any other purpose, and the right-of-way shall terminate upon the termination of the use for which the right-of-way was acquired.

"(f) COMPENSATION.—(1) Any right-of-way acquired pursuant to subsection (e) shall be considered a taking of private property for which just compensation is due.

"(2) Just compensation shall be an amount equal to the fair market value (including applicable severance damages) of the property taken on the date of the exercise of eminent domain authority.

"(g) STATE LAW.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

"(h) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—(1) In this subsection:

"(A) The term 'Federal authorization' means any authorization required under Federal law in order to site a transmission facility.

"(B) The term 'Federal authorization' includes such permits, special use authorizations, certifications, opinions, or other

approvals as may be required under Federal law in order to site a transmission facility.

"(2) The Department of Energy shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility.

"(3) To the maximum extent practicable under applicable Federal law, the Secretary shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

"(4)(A) As head of the lead agency, the Secretary, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multistate entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.

"(B) The Secretary shall ensure that, once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed— Deadline.

"(i) within 1 year; or

"(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.

"(C) The Secretary shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning— Deadline.

"(i) the likelihood of approval for a potential facility; and

"(ii) key issues of concern to the agencies and public.

"(5)(A) As lead agency head, the Secretary, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.

"(B) The Secretary and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.

"(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.

"(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

"(B) Based on the overall record and in consultation with the affected agency, the President may—

"(i) issue the necessary authorization with any appropriate conditions; or

"(ii) deny the application.

President. Deadline.

"(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

President.

"(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

"(i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

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

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

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

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

Deadline. Regulations.

"(7)(A) Not later than 18 months after the date of enactment of this section, the Secretary shall issue any regulations necessary to implement this subsection.

Deadline. Memorandum.

"(B)(i) Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

"(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

"(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

"(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

"(i) for a duration, as determined by the Secretary, commensurate with the anticipated use of the facility; and

"(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

"(B) On the expiration of the authorization (including an authorization issued before the date of enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

"(9) In exercising the responsibilities under this section, the Secretary shall consult regularly with—

"(A) the Federal Energy Regulatory Commission;

"(B) electric reliability organizations (including related regional entities) approved by the Commission; and

"(C) Transmission Organizations approved by the Commission.

"(i) INTERSTATE COMPACTS.—(1) The consent of Congress is given for three or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to—

"(A) facilitate siting of future electric energy transmission facilities within those States; and

"(B) carry out the electric energy transmission siting responsibilities of those States.

"(2) The Secretary may provide technical assistance to regional transmission siting agencies established under this subsection.

"(3) The regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities, including facilities in national interest electric transmission corridors (other than facilities on property owned by the United States).

"(4) The Commission shall have no authority to issue a permit for the construction or modification of an electric transmission facility within a State that is a party to a compact, unless the members of the compact are in disagreement and the Secretary makes, after notice and an opportunity for a hearing, the finding described in subsection (b)(1)(C).

"(j) RELATIONSHIP TO OTHER LAWS.—(1) Except as specifically provided, nothing in this section affects any requirement of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) Subsection (h)(6) shall not apply to any unit of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, or a National Monument.

"(k) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).".

(b) REPORTS TO CONGRESS ON CORRIDORS AND RIGHTS-OF-WAY ON FEDERAL LANDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, the Secretary, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall submit to Congress a joint report identifying—

(1)(A) all existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.);

(B) the schedule for completing the work;

(C) any impediments to completing the work; and

(D) steps that Congress could take to expedite the process;

(2)(A) the number of pending applications to locate transmission facilities on Federal land;

(B) key information relating to each such facility;

(C) how long each application has been pending;

(D) the schedule for issuing a timely decision as to each facility; and

(E) progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or the equivalent of those plans; and

(3)(A) the number of existing transmission and distribution rights-of-way on Federal land that will come up for renewal within the following 5-, 10-, and 15-year periods; and

(B) a description of how the Secretaries plan to manage the renewals.

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(4) LIQUEFACTION PROJECT.—Notwithstanding any other provision of law, funds awarded under the clean coal power initiative under subtitle A of title IV for coal-to-oil liquefaction projects may be used to finance the cost of loan guarantees for projects awarded such funds.

(d) EMISSION LEVELS.—In addition to any other applicable Federal or State emission limitation requirements, a project shall attain at least—

(1) total sulfur dioxide emissions in flue gas from the project that do not exceed 0.05 lb/MMBtu;

(2) a 90-percent removal rate (including any fuel pretreatment) of mercury from the coal-derived gas, and any other fuel, combusted by the project;

(3) total nitrogen oxide emissions in the flue gas from the project that do not exceed 0.08 lb/MMBtu; and

(4) total particulate emissions in the flue gas from the project that do not exceed 0.01 lb/MMBtu.

(e) QUALIFICATION OF FACILITIES RECEIVING TAX CREDITS.—A project that receives tax credits for clean coal technology shall not be disqualified from receiving a guarantee under this title.

42 USC 16514.

SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this title.

(b) USE OF OTHER APPROPRIATED FUNDS.—The Department may use amounts awarded under the clean coal power initiative under subtitle A of title IV to carry out the project described in section 1703(c)(1)(C), on the request of the recipient of such award, for a loan guarantee, to the extent that the amounts have not yet been disbursed to, or have been repaid by, the recipient.

TITLE XVIII—STUDIES

SEC. 1801. STUDY ON INVENTORY OF PETROLEUM AND NATURAL GAS STORAGE.

(a) DEFINITION.—For purposes of this section "petroleum" means crude oil, motor gasoline, jet fuel, distillates, and propane.

(b) STUDY.—The Secretary shall conduct a study on petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(c) CONTENTS.—The study shall address—

(1) historical normal ranges for petroleum and natural gas inventory levels;

(2) historical and projected storage capacity trends;

(3) estimated operation inventory levels below which outages, delivery slowdown, rationing, interruptions in service, or other indicators of shortage begin to appear;

(4) explanations for inventory levels dropping below normal ranges; and

(5) the ability of industry to meet United States demand for petroleum and natural gas without shortages or price spikes, when inventory levels are below normal ranges.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report

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energy at the lowest cost to reliably serve consumers, recognizing any operational limits of generation and transmission facilities.

(c) REPORT TO CONGRESS AND THE STATES.—Not later than 90 days after the date of enactment of this Act, and on a yearly basis following, the Secretary shall submit a report to Congress and the States on the results of the study conducted under subsection (a), including recommendations to Congress and the States for any suggested legislative or regulatory changes.

SEC. 1833. RENEWABLE ENERGY ON FEDERAL LAND.

Contracts. Deadline.

(a) NATIONAL ACADEMY OF SCIENCES STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall—

(1) study the potential of developing wind, solar, and ocean energy resources (including tidal, wave, and thermal energy) on Federal land available for those uses under current law and the outer Continental Shelf;

(2) assess any Federal law (including regulations) relating to the development of those resources that is in existence on the date of enactment of this Act; and

(3) recommend statutory and regulatory mechanisms for developing those resources.

(b) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the results of the study under subsection (a).

SEC. 1834. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary, and the Secretary of the Army shall jointly conduct a study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power

from each identified facility and the level of Federal power customer involvement in the determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, water supply, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 1835. SPLIT-ESTATE FEDERAL OIL AND GAS LEASING AND DEVELOPMENT PRACTICES.

(a) REVIEW.—In consultation with affected private surface owners, oil and gas industry, and other interested parties, the Secretary of the Interior shall undertake a review of the current policies and practices with respect to management of Federal subsurface oil and gas development activities and their effects on the privately owned surface. This review shall include—

(1) a comparison of the rights and responsibilities under existing mineral and land law for the owner of a Federal mineral lease, the private surface owners and the Department;

(2) a comparison of the surface owner consent provisions in section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304) concerning surface mining of Federal coal deposits and the surface owner consent provisions for oil and gas development, including coalbed methane production; and

(3) recommendations for administrative or legislative action necessary to facilitate reasonable access for Federal oil and gas activities while addressing surface owner concerns and minimizing impacts to private surface.

(b) REPORT.—The Secretary of the Interior shall report the results of such review to Congress not later than 180 days after the date of enactment of this Act.

SEC. 1836. RESOLUTION OF FEDERAL RESOURCE DEVELOPMENT CONFLICTS IN THE POWDER RIVER BASIN.

Wyoming. Montana.

(a) REVIEW.—The Secretary of the Interior shall review Federal and State laws in existence on the date of enactment of this Act in order to resolve any conflict relating to the Powder River Basin in Wyoming and Montana between—

(1) the development of Federal coal; and

(2) the development of Federal and non-Federal coalbed methane.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that—

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(C) identifiable environmental impacts of each project included in the study, including to fish and wildlife, water quality, and recreation;

(D) projected water yield from each such project;

(E) beneficiaries of each such project;

(F) the amount authorized and expended;

(G) projected funding needs and timelines for completing the study (if applicable);

(H) anticipated costs of each such project; and

(I) other factors that might interfere with construction of any such project.

(4) An identification of potential hydroelectric facilities that might be developed pursuant to each study identified under paragraph (1).

(5) Applicable costs and benefits associated with potential hydroelectric production pursuant to each study.

Approved August 8, 2005.

LEGISLATIVE HISTORY—H.R. 6:

HOUSE REPORTS: No. 109–190 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Apr. 20, 21, considered and passed House.
June 14–16, 20–23, 28, considered and passed Senate, amended.
July 28, House agreed to conference report.
July 29, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Aug. 8, Presidential remarks and statement.

O

Public Law 109–59
109th Congress

An Act

Aug. 10, 2005
[H.R. 3]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Inter-governmental relations. 23 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" or "SAFETEA-LU".

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

Sec. 1. Short title; table of contents.
Sec. 2. General definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Equity bonus program.
Sec. 1105. Revenue aligned budget authority.
Sec. 1106. Future Interstate System routes.
Sec. 1107. Metropolitan planning.
Sec. 1108. Transfer of highway and transit funds.
Sec. 1109. Recreational trails.
Sec. 1110. Temporary traffic control devices.
Sec. 1111. Set-asides for Interstate discretionary projects.
Sec. 1112. Emergency relief.
Sec. 1113. Surface transportation program.
Sec. 1114. Highway bridge program.
Sec. 1115. Highway use tax evasion projects.
Sec. 1116. Appalachian development highway system.
Sec. 1117. Transportation, community, and system preservation program.
Sec. 1118. Territorial highway program.
Sec. 1119. Federal lands highways.
Sec. 1120. Puerto Rico highway program.
Sec. 1121. HOV facilities.
Sec. 1122. Definitions.

Subtitle B—Congestion Relief

Sec. 1201. Real-time system management information program.

Subtitle C—Mobility and Efficiency

Sec. 1301. Projects of national and regional significance.
Sec. 1302. National corridor infrastructure improvement program.
Sec. 1303. Coordinated border infrastructure program.
Sec. 1304. High priority corridors on the National Highway System.
Sec. 1305. Truck parking facilities.
Sec. 1306. Freight intermodal distribution pilot grant program.
Sec. 1307. Deployment of magnetic levitation transportation projects.

Sec. 1308. Delta region transportation development program.
Sec. 1309. Extension of public transit vehicle exemption from axle weight restrictions.
Sec. 1310. Interstate oasis program.

Subtitle D—Highway Safety

Sec. 1401. Highway safety improvement program.
Sec. 1402. Worker injury prevention and free flow of vehicular traffic.
Sec. 1403. Toll facilities workplace safety study.
Sec. 1404. Safe routes to school program.
Sec. 1405. Roadway safety improvements for older drivers and pedestrians.
Sec. 1406. Safety incentive grants for use of seat belts.
Sec. 1407. Safety incentives to prevent operation of motor vehicles by intoxicated persons.
Sec. 1408. Improvement or replacement of highway features on National Highway System.
Sec. 1409. Work zone safety grants.
Sec. 1410. National Work Zone Safety Information Clearinghouse.
Sec. 1411. Roadway safety.
Sec. 1412. Idling reduction facilities in Interstate rights-of-way.

Subtitle E—Construction and Contract Efficiency

Sec. 1501. Program efficiencies.
Sec. 1502. Highways for LIFE pilot program.
Sec. 1503. Design build.

Subtitle F—Finance

Sec. 1601. Transportation Infrastructure Finance and Innovation Act amendments.
Sec. 1602. State infrastructure banks.
Sec. 1603. Use of excess funds and funds for inactive projects.
Sec. 1604. Tolling.

Subtitle G—High Priority Projects

Sec. 1701. High Priority Projects program.
Sec. 1702. Project authorizations.
Sec. 1703. Technical amendments to transportation projects.

Subtitle H—Environment

Sec. 1801. Construction of ferry boats and ferry terminal facilities.
Sec. 1802. National Scenic Byways Program.
Sec. 1803. America's Byways Resource Center.
Sec. 1804. National historic covered bridge preservation.
Sec. 1805. Use of debris from demolished bridges and overpasses.
Sec. 1806. Additional authorization of contract authority for States with Indian reservations.
Sec. 1807. Nonmotorized transportation pilot program.
Sec. 1808. Addition to CMAQ-eligible projects.

Subtitle I—Miscellaneous

Sec. 1901. Inclusion of requirements for signs identifying funding sources in title 23.
Sec. 1902. Donations and credits.
Sec. 1903. Inclusion of Buy America requirements in title 23.
Sec. 1904. Stewardship and oversight.
Sec. 1905. Transportation development credits.
Sec. 1906. Grant program to prohibit racial profiling.
Sec. 1907. Pavement marking systems demonstration projects.
Sec. 1908. Inclusion of certain route segments on Interstate System and NHS.
Sec. 1909. Future of surface transportation system.
Sec. 1910. Motorist information concerning full service restaurants.
Sec. 1911. Approval and funding for certain construction projects.
Sec. 1912. Lead agency designation.
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Sec. 1917. Opening of Interstate ramps.
Sec. 1918. Credit to State of Louisiana for State matching funds.
Sec. 1919. Road user fees.
Sec. 1920. Transportation and local workforce investment.

Sec. 1921. Update of obsolete text.
Sec. 1922. Technical amendments to nondiscrimination section.
Sec. 1923. Transportation assets and needs of Delta region.
Sec. 1924. Alaska Way Viaduct study.
Sec. 1925. Community enhancement study.
Sec. 1926. Budget justification.
Sec. 1927. 14th Amendment Highway and 3rd Infantry Division Highway.
Sec. 1928. Sense of Congress regarding Buy America.
Sec. 1929. Designation of Daniel Patrick Moynihan Interstate Highway.
Sec. 1930. Designation of Thomas P. "Tip" O'Neill, Jr. Tunnel.
Sec. 1931. Richard Nixon Parkway, California.
Sec. 1932. Amo Houghton Bypass.
Sec. 1933. Billy Tauzin Energy Corridor.
Sec. 1934. Transportation improvements.
Sec. 1935. Project flexibility.
Sec. 1936. Advances.
Sec. 1937. Roads in closed basins.
Sec. 1938. Technology.
Sec. 1939. BIA Indian Road Program.
Sec. 1940. Going-to-the-Sun Road, Glacier National Park, Montana.
Sec. 1941. Beartooth Highway, Montana.
Sec. 1943. Great Lakes ITS implementation.
Sec. 1944. Transportation construction and remediation, Ottawa County, Oklahoma.
Sec. 1945. Infrastructure awareness program.
Sec. 1946. Gateway rural improvement pilot program.
Sec. 1947. Eligible safety improvements.
Sec. 1948. Emergency service route.
Sec. 1949. Knik Arm Bridge funding clarification.
Sec. 1950. Lincoln Parish, LA/I–20 Transportation Corridor Program.
Sec. 1951. Bonding assistance program.
Sec. 1952. Congestion relief.
Sec. 1953. Authorization of appropriations.
Sec. 1954. Bicycle transportation and pedestrian walkways.
Sec. 1955. Conveyance to the City of Ely, Nevada.
Sec. 1956. Brownfields grants.
Sec. 1957. Traffic circle construction, Clarendon, Vermont.
Sec. 1958. Limitation on project approval.
Sec. 1959. Cross harbor freight movement project.
Sec. 1960. Denali access system program.
Sec. 1961. I–95/Contee Road interchange study.
Sec. 1962. Multimodal facility improvements.
Sec. 1963. Apollo Theater leases.
Sec. 1964. Project Federal share.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Authorization of appropriations.
Sec. 2002. Highway safety programs.
Sec. 2003. Highway safety research and outreach programs.
Sec. 2004. Occupant protection incentive grants.
Sec. 2005. Grants for primary safety belt use laws.
Sec. 2006. State traffic safety information system improvements.
Sec. 2007. Alcohol-impaired driving countermeasures.
Sec. 2008. NHTSA accountability.
Sec. 2009. High visibility enforcement program.
Sec. 2010. Motorcyclist safety.
Sec. 2011. Child safety and child booster seat incentive grants.
Sec. 2012. Safety data.
Sec. 2013. Drug-impaired driving enforcement.
Sec. 2014. First responder vehicle safety program.
Sec. 2015. Driver performance study.
Sec. 2016. Rural State emergency medical services optimization pilot program.
Sec. 2017. Older driver safety; law enforcement training.
Sec. 2018. Safe intersections.
Sec. 2019. National Highway Safety Advisory Committee technical correction.
Sec. 2020. Presidential Commission on Alcohol-Impaired Driving.
Sec. 2021. Sense of the Congress in support of increased public awareness of blood alcohol concentration levels and dangers of alcohol-impaired driving.
Sec. 2022. Effective date.

TITLE III—PUBLIC TRANSPORTATION

Sec. 3001. Short title.

Sec. 3002. Amendments to title 49, United States Code; updated terminology.
Sec. 3003. Policies, findings, and purposes.
Sec. 3004. Definitions.
Sec. 3005. Metropolitan transportation planning.
Sec. 3006. Statewide transportation planning.
Sec. 3007. Planning programs.
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Sec. 3012. Formula grants for special needs of elderly individuals and individuals with disabilities.
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Sec. 3014. Research, development, demonstration, and deployment projects.
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Sec. 3016. National research and technology programs.
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Sec. 3018. Job access and reverse commute formula grants.
Sec. 3019. New Freedom Program.
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Sec. 3030. Controlled substances and alcohol misuse testing.
Sec. 3031. Employee protective arrangements.
Sec. 3032. Administrative procedures.
Sec. 3033. National transit database.
Sec. 3034. Apportionments of formula grants.
Sec. 3035. Apportionments based on fixed guideway factors.
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Sec. 3037. Alternatives analysis program.
Sec. 3038. Apportionments based on growing States formula factors.
Sec. 3039. Over-the-road bus accessibility program.
Sec. 3040. Obligation ceiling.
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Sec. 3042. Terrorist attacks and other acts of violence against public transportation systems.
Sec. 3043. Project authorizations for new fixed guideway capital projects.
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Subtitle F—Bureau of Transportation Statistics

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Sec. 6006. Environmental restoration and pollution abatement; control of noxious weeds and aquatic noxious weeds and establishment of native species.
Sec. 6007. Exemption of Interstate System.
Sec. 6008. Integration of natural resource concerns into transportation project planning.
Sec. 6009. Parks, recreation areas, wildlife and waterfowl refuges, and historic sites.
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TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

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Sec. 7116. Uniform forms and procedures.
Sec. 7117. International uniformity of standards and requirements.
Sec. 7118. Administrative authority.
Sec. 7119. Enforcement.
Sec. 7120. Civil penalty.
Sec. 7121. Criminal penalty.
Sec. 7122. Preemption.
Sec. 7123. Judicial review.
Sec. 7124. Relationship to other laws.
Sec. 7125. Authorization of appropriations.
Sec. 7126. References to the Secretary of Transportation.
Sec. 7127. Criminal matters.
Sec. 7128. Additional civil and criminal penalties.
Sec. 7129. Hazardous material transportation plan requirement.
Sec. 7130. Determining amount of undeclared shipments of hazardous materials entering the United States.
Sec. 7131. Hazardous materials research projects.
Sec. 7132. National first responder transportation incident response system.
Sec. 7133. Common carrier pipeline system.

Subtitle B—Sanitary Food Transportation

Sec. 7201. Short title.

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Sec. 11163. Refunds of excise taxes on exempt sales of fuel by credit card.
Sec. 11164. Reregistration in event of change in ownership.
Sec. 11165. Reconciliation of on-loaded cargo to entered cargo.
Sec. 11166. Treatment of deep-draft vessels.
Sec. 11167. Penalty with respect to certain adulterated fuels.

SEC. 2. GENERAL DEFINITIONS. 23 USC 101 note.

In this Act, the following definitions apply:

(1) DEPARTMENT.—The term "Department" means the Department of Transportation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code—

(A) $4,883,759,623 for fiscal year 2005;
(B) $4,960,788,917 for fiscal year 2006;
(C) $5,039,058,556 for fiscal year 2007;
(D) $5,118,588,513 for fiscal year 2008; and
(E) $5,199,399,081 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title—

(A) $5,911,200,104 for fiscal year 2005;
(B) $6,005,256,569 for fiscal year 2006;
(C) $6,110,827,556 for fiscal year 2007;
(D) $6,207,937,450 for fiscal year 2008; and
(E) $6,306,611,031 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title—

(A) $4,187,708,821 for fiscal year 2005;
(B) $4,253,530,131 for fiscal year 2006;
(C) $4,320,411,313 for fiscal year 2007;
(D) $4,388,369,431 for fiscal year 2008; and
(E) $4,457,421,829 for fiscal year 2009.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title—

(A) $6,860,096,662 for fiscal year 2005;
(B) $6,269,833,394 for fiscal year 2006;
(C) $6,370,469,775 for fiscal year 2007;
(D) $6,472,726,628 for fiscal year 2008; and
(E) $6,576,630,046 for fiscal year 2009.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title—

(A) $1,667,255,304 for fiscal year 2005;
(B) $1,694,101,866 for fiscal year 2006;
(C) $1,721,380,718 for fiscal year 2007;
(D) $1,749,098,821 for fiscal year 2008; and

(E) $1,777,263,247 for fiscal year 2009.

(6) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under section 148 of such title—

(A) $1,235,810,000 for fiscal year 2006;
(B) $1,255,709,322 for fiscal year 2007;
(C) $1,275,929,067 for fiscal year 2008; and
(D) $1,296,474,396 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under subtitle IV of title 40, United States Code, $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of title 23, United States Code—

(A) $60,000,000 for fiscal year 2005;
(B) $70,000,000 for fiscal year 2006;
(C) $75,000,000 for fiscal year 2007;
(D) $80,000,000 for fiscal year 2008; and
(E) $85,000,000 for fiscal year 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title—

(i) $300,000,000 for fiscal year 2005;
(ii) $330,000,000 for fiscal year 2006;
(iii) $370,000,000 for fiscal year 2007;
(iv) $410,000,000 for fiscal year 2008; and
(v) $450,000,000 for fiscal year 2009.

(B) PARK ROADS AND PARKWAYS.—

(i) IN GENERAL.—For park roads and parkways under section 204 of such title—

(I) $180,000,000 for fiscal year 2005;
(II) $195,000,000 for fiscal year 2006;
(III) $210,000,000 for fiscal year 2007;
(IV) $225,000,000 for fiscal year 2008; and
(V) $240,000,000 for fiscal year 2009.

(ii) MINIMUM ALLOCATION TO CERTAIN STATES.—A State containing more than 50 percent of the total acreage of the National Park System shall receive not less than 3 percent of any funds appropriated under this subparagraph.

(C) REFUGE ROADS.—For refuge roads under section 204 of such title, $29,000,000 for each of fiscal years 2005 through 2009.

(D) PUBLIC LANDS HIGHWAYS.—For Federal lands highways under section 204 of such title—

(i) $260,000,000 for fiscal year 2005;
(ii) $280,000,000 for fiscal year 2006;
(iii) $280,000,000 for fiscal year 2007;
(iv) $290,000,000 for fiscal year 2008; and
(v) $300,000,000 for fiscal year 2009.

(10) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the national corridor infrastructure improvement program under section 1302 of this Act—

(A) $194,800,000 for fiscal year 2005;
(B) $389,600,000 for fiscal year 2006;
(C) $487,000,000 for fiscal year 2007;

(D) $487,000,000 for fiscal year 2008; and
(E) $389,600,000 for fiscal year 2009.

(11) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1303 of this Act—
(A) $123,000,000 for fiscal year 2005;
(B) $145,000,000 for fiscal year 2006;
(C) $165,000,000 for fiscal year 2007;
(D) $190,000,000 for fiscal year 2008; and
(E) $210,000,000 for fiscal year 2009.

(12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of such title—
(A) $26,500,000 for fiscal year 2005;
(B) $30,000,000 for fiscal year 2006;
(C) $35,000,000 for fiscal year 2007;
(D) $40,000,000 for fiscal year 2008; and
(E) $43,500,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of such title—
(A) $38,000,000 for fiscal year 2005;
(B) $55,000,000 for fiscal year 2006;
(C) $60,000,000 for fiscal year 2007;
(D) $65,000,000 for fiscal year 2008; and
(E) $67,000,000 for fiscal year 2009.

(14) PUERTO RICO HIGHWAY PROGRAM.—For the Puerto Rico highway program under section 165 of such title—
(A) $115,000,000 for fiscal year 2005;
(B) $120,000,000 for fiscal year 2006;
(C) $135,000,000 for fiscal year 2007;
(D) $145,000,000 for fiscal year 2008; and
(E) $150,000,000 for fiscal year 2009.

(15) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1301 of this Act—
(A) $177,900,000 for fiscal year 2005;
(B) $355,800,000 for fiscal year 2006;
(C) $444,750,000 for fiscal year 2007;
(D) $444,750,000 for fiscal year 2008; and
(E) $355,800,000 for fiscal year 2009.

(16) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $2,966,400,000 for each of fiscal years 2005 through 2009.

(17) SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1404 of this Act—
(A) $54,000,000 for fiscal year 2005;
(B) $100,000,000 for fiscal year 2006;
(C) $125,000,000 for fiscal year 2007;
(D) $150,000,000 for fiscal year 2008; and
(E) $183,000,000 for fiscal year 2009.

(18) DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.—For the deployment of magnetic levitation projects under section 1307 of this Act—
(A) $15,000,000 for each of fiscal years 2006 and 2007; and
(B) $30,000,000 for each of fiscal years 2008 and 2009.

(19) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century (112 Stat. 161, 163) $140,000,000 for fiscal year 2005.

(20) HIGHWAYS FOR LIFE.—For the Highways for LIFE Program under section 1502 of this Act—

(A) $15,000,000 for fiscal year 2006; and

(B) $20,000,000 for each of fiscal years 2007 through 2009.

(21) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 1115 of this Act—

(A) $5,000,000 for fiscal year 2005;

(B) $44,800,000 for fiscal year 2006;

(C) $53,300,000 for fiscal year 2007; and

(D) $12,000,000 for each of fiscal years 2008 and 2009.

23 USC 101 note.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning that term has under section 3 of the Small Business Act (15 U.S.C. 632), except that the term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $19,570,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(2) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

Records.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (1) and the location of the concerns in the State; and

Notification.

(B) notify the Secretary, in writing, of the percentage of the concerns that are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

Guidelines.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in

certifying whether a concern qualifies for purposes of this subsection. The minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1102. OBLIGATION CEILING. 23 USC 104 note.

(a) GENERAL LIMITATION.—Subject to subsections (g) and (h), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $34,422,400,000 for fiscal year 2005;
(2) $36,032,343,903 for fiscal year 2006;
(3) $38,244,210,516 for fiscal year 2007;
(4) $39,585,075,404 for fiscal year 2008; and
(5) $41,199,970,178 for fiscal year 2009.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (Public Law 97–134; 95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (Public Law 97–424; 96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 107) or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through 2009, only in an amount equal to $639,000,000 per fiscal year); and

* * * * * * *

SEC. 1104. EQUITY BONUS PROGRAM.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Equity bonus program

"(a) PROGRAM.—

"(1) IN GENERAL.—Subject to subsections (c) and (d), for each of fiscal years 2005 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a percentage of the total apportionments for the fiscal year for the programs specified in paragraph (2) that is less than the percentage calculated under subsection (b).

"(2) SPECIFIC PROGRAMS.—The programs referred to in subsection (a) are—

"(A) the Interstate maintenance program under section 119;

"(B) the national highway system program under section 103;

"(C) the highway bridge replacement and rehabilitation program under section 144;

"(D) the surface transportation program under section 133;

"(E) the highway safety improvement program under section 148;

"(F) the congestion mitigation and air quality improvement program under section 149;

"(G) metropolitan planning programs under section 104(f);

"(H) the high priority projects program under section 117;

"(I) the equity bonus program under this section;

"(J) the Appalachian development highway system program under subtitle IV of title 40;

"(K) the recreational trails program under section 206;

"(L) the safe routes to school program under section 1404 of the SAFETEA–LU;

"(M) the rail-highway grade crossing program under section 130; and

"(N) the coordinated border infrastructure program under section 1303 of the SAFETEA–LU.

"(b) STATE PERCENTAGE.—

"(1) IN GENERAL.—The percentage referred to in subsection (a) for each State shall be—

"(A) for each of fiscal years 2005 and 2006, 90.5 percent, for fiscal year 2007, 91.5 percent, and for each of fiscal years 2008 and 2009, 92 percent, of the quotient obtained by dividing—

"(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; by

"(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year; or

"(B) for a State with a total population density of less than 40 persons per square mile (as reported in the decennial census conducted by the Federal Government in 2000) and of which at least 1.25 percent of the total acreage is under Federal jurisdiction, based on the report of the General Services Administration entitled 'Federal Real Property Profile' and dated September 30, 2004, a State with a total population of less than 1,000,000 (as reported in that decennial census), a State with a median household income of less than $35,000 (as reported in that decennial census), a State with a fatality rate during 2002 on Interstate highways that is greater than one fatality for each 100,000,000 vehicle miles traveled on Interstate highways, or a State with an indexed, State motor fuels excise tax rate higher than 150 percent of the Federal motor fuels excise tax rate as of the date of enactment of the SAFETEA–LU, the greater of—

"(i) the applicable percentage under subparagraph (A); or

"(ii) the average percentage of the State's share of total apportionments for the period of fiscal years 1998 through 2003 for the programs specified in paragraph (2).

"(2) SPECIFIC PROGRAMS.—The programs referred to in paragraph (1)(B)(ii) are (as in effect on the day before the date of enactment of the SAFETEA–LU)—

"(A) the Interstate maintenance program under section 119;

"(B) the national highway system program under section 103;

"(C) the highway bridge replacement and rehabilitation program under section 144;

"(D) the surface transportation program under section 133;

"(E) the recreational trails program under section 206;

"(F) the high priority projects program under section 117;

"(G) the minimum guarantee provided under this section;

"(H) revenue aligned budget authority amounts provided under section 110;

"(I) the congestion mitigation and air quality improvement program under section 149;

"(J) the Appalachian development highway system program under subtitle IV of title 40; and

"(K) metropolitan planning programs under section 104(f).

"(c) SPECIAL RULES.—

"(1) MINIMUM COMBINED ALLOCATION.—For each fiscal year, before making the allocations under subsection (a)(1), the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a combined total of amounts allocated under subsection (a)(1), apportionments for the programs specified in subsection (a)(2), and amounts allocated under this subsection, that is less than the following percentages of the average for fiscal years 1998 through 2003 of

the annual apportionments for the State for all programs specified in subsection (b)(2):

"(A) For fiscal year 2005, 117 percent.

"(B) For fiscal year 2006, 118 percent.

"(C) For fiscal year 2007, 119 percent.

"(D) For fiscal year 2008, 120 percent.

"(E) For fiscal year 2009, 121 percent.

"(2) NO NEGATIVE ADJUSTMENT.—No negative adjustment shall be made under subsection (a)(1) to the apportionment of any State.

"(d) TREATMENT OF FUNDS.—

"(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion the amounts made available under this section that exceed $2,639,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subparagraphs (A) through (F) of subsection (a)(2) is equal to the amount determined by multiplying the amount to be apportioned under this paragraph by the ratio that—

"(A) the amount of funds apportioned to each State for each program referred to in subparagraphs (A) through (F) of subsection (a)(2) for a fiscal year; bears to

"(B) the total amount of funds apportioned to such State for all such programs for such fiscal year.

"(2) REMAINING DISTRIBUTION.—The Secretary shall administer the remainder of funds made available under this section to the States in accordance with section 104(b)(3), except that paragraphs (1) through (3) of section 133(d) shall not apply to amounts administered pursuant to this paragraph.

"(e) METRO PLANNING SET ASIDE.—Notwithstanding section 104(f), no set aside provided for under that section shall apply to funds allocated under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2005 through 2009.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by striking the item relating to section 105 and inserting the following:

"105. Equity bonus program.".

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

(1) by striking "2000" and inserting "2007";

(2) by inserting after "such fiscal year" the first place it appears: "and the succeeding fiscal year".

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

(1) by striking "2000" and inserting "2007";

(2) by striking "October 1 of the succeeding" and inserting "October 15 of such";

(3) by inserting after "Account)" the following: "for such fiscal year and the succeeding fiscal year"; and

(4) by adding at the end the following: "No reduction under this paragraph and no reduction under section 1102(h), and no reduction under title VIII or any amendment made by title VIII, of the SAFETEA-LU shall be made for a fiscal year if, as of October 1 of such fiscal year the balance in

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are eligible for assistance with funds so apportioned or allocated.

"(B) APPORTIONMENT.—The transfer shall have no effect on any apportionment of funds to a State under this section or section 105 or 144.

"(C) SURFACE TRANSPORTATION PROGRAM.—Funds that are apportioned or allocated to a State under subsection (b)(3) and attributed to an urbanized area of a State with a population of over 200,000 individuals under section 133(d)(3) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for funds transferred under this subsection shall be transferred in the same manner and amount as the funds for the projects that are transferred under this subsection.".

SEC. 1109. RECREATIONAL TRAILS.

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: "Before apportioning sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct for administrative, research, technical assistance, and training expenses for such program $840,000 for each of fiscal years 2005 through 2009."; and

(2) in paragraph (2) by striking "After" and all that follows through "remainder of the sums" and inserting "The Secretary shall apportion the sums".

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

"(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

"(A) maintenance and restoration of existing recreational trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

"(C) purchase and lease of recreational trail construction and maintenance equipment;

"(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

"(i) permissible under other law;

"(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

"(iii) approved by the administering agency of the State designated under subsection (c)(1); and

"(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

"(F) assessment of trail conditions for accessibility and maintenance;

"(G) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

"(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year.".

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated) by striking "(2)(F)" and inserting "(2)(H)".

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "and the Federal share of the administrative costs of a State" after "project"; and

(B) by striking "not exceed 80 percent" and inserting "be determined in accordance with section 120(b)";

(2) in paragraph (2)(A) by striking "80 percent of" and inserting "the amount determined in accordance with section 120(b) for";

(3) in paragraph (2)(B) by inserting "sponsoring the project" after "Federal agency";

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking "80 percent" and inserting "the Federal share as determined in accordance with section 120(b)"; and

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

"(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section.".

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

"(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary may allow preapproval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described in subsection (d)(2) (other than subparagraph (H)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.".

Contracts.
23 USC 206 note.

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1110. TEMPORARY TRAFFIC CONTROL DEVICES.

(a) STANDARDS.—Section 109(e) of title 23, United States Code, is amended—

(1) by striking "(e) No funds" and inserting the following:

"(e) INSTALLATION OF SAFETY DEVICES.—

"(1) HIGHWAY AND RAILROAD GRADE CROSSINGS AND DRAWBRIDGES.—No funds"; and

(2) by adding at the end the following:

"(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures are to be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.".

(b) LETTING OF CONTRACTS.—Section 112 of such title is amended—

(1) by striking subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by adding at the end the following:

"(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

"(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

"(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

"(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

* * * * * * *

"(ii) a level of service rating that is not better than 'F' during peak travel hours, calculated in accordance with the Highway Capacity Manual issued by the Transportation Research Board; and

"(C) are located on a Federal-aid highway.".

(b) REPEAL OF SAFETY PROGRAMS SET-ASIDE.—

(1) REPEAL.—Section 133(d)(1) of such title is repealed.

(2) TECHNICAL AMENDMENTS.—Section 133(d) of such title is amended—

(A) in the first sentence of paragraph (3)(A)—

(i) by striking "subparagraphs (C) and (D)" and inserting "subparagraph (C)"; and

(ii) by striking "80 percent" and inserting "90 percent";

(B) in paragraph (3)(B) by striking "tobe" and inserting "to be"; and

(C) in paragraph (3)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(iii) in subparagraph (C) (as redesignated by clause (ii)) by adding a period at the end.

23 USC 133 note.

(3) EFFECTIVE DATE.—Paragraph (1) and paragraph (2)(A)(ii) of this subsection shall take effect October 1, 2005.

(c) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Effective October 1, 2005, section 133(d)(2) of such title is amended by striking "10 percent" and all that follows through "section 104(b)(3) for a fiscal year" and inserting the following: "In a fiscal year, the greater of 10 percent of the funds apportioned to a State under section 104(b)(3) for such fiscal year, or the amount set aside under this paragraph with respect to the State for fiscal year 2005,".

(d) OBLIGATION AUTHORITY.—Section 133(f)(1) of such title is amended—

(1) by striking "1998 through 2000" and inserting "2004 through 2006"; and

(2) by striking "2001 through 2003" and inserting "2007 through 2009".

Effective date.

(e) TECHNICAL CORRECTION.—Effective June 9, 1998, section 1108(e) of the Transportation Equity Act for the 21st Century (112 Stat. 140) is amended by striking "Section 133" and inserting "Section 133(f)".

23 USC 133.

SEC. 1114. HIGHWAY BRIDGE PROGRAM.

(a) FINDING AND DECLARATION.—Section 144(a) of title 23, United States Code, is amended to read as follows:

"(a) FINDING AND DECLARATION.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be carried out to enable States to improve the condition of their highway bridges over waterways, other topographical barriers, other highways, and railroads through replacement and rehabilitation of bridges that the States and the Secretary determine are structurally deficient or functionally obsolete and through systematic preventive maintenance of bridges.".

(b) PARTICIPATION.—Section 144(d) of such title is amended to read as follows:

"(d) PARTICIPATION.—

"(1) BRIDGE REPLACEMENT AND REHABILITATION.—On application by a State or States to the Secretary for assistance for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

"(A) replacing the bridge with a comparable facility; or

"(B) rehabilitating the bridge.

"(2) TYPES OF ASSISTANCE.—On application by a State or States to the Secretary, the Secretary may approve Federal assistance for any of the following activities for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c):

"(A) Painting.

"(B) Seismic retrofit.

"(C) Systematic preventive maintenance.

"(D) Installation of scour countermeasures.

"(E) Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions.

"(3) BASIS FOR DETERMINATION.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on structurally deficient and functionally obsolete highway bridges in the State.

"(4) SPECIAL RULE FOR PREVENTIVE MAINTENANCE.—Notwithstanding any other provision of this subsection, a State may carry out a project under paragraph (2)(B), (2)(C), or (2)(D) for a highway bridge without regard to whether the bridge is eligible for replacement or rehabilitation under this section.".

(c) APPORTIONMENT OF FUNDS.—Section 144(e) of such title is amended—

(1) in the third sentence by striking "square footage" and inserting "deck area";

(2) in the fourth sentence by striking "the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and,"; and

(3) in the seventh sentence by striking "for the same period as funds apportioned for projects on the Federal-aid primary system under this title" and inserting "for the period specified in section 118(b)(2)".

(d) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of such title is amended to read as follows:

"(3) OFF-SYSTEM BRIDGES.—

"(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, paint, perform systematic preventive maintenance or seismic retrofit of, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, or install scour countermeasures to, highway bridges located on public roads, other than those on a

Federal-aid highway, or to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport).

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditure for bridges not on a Federal-aid highway under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.".

(e) BRIDGE SET-ASIDE.—

23 USC 144.

(1) FISCAL YEAR 2005.—Section 144(g)(1)(C) of such title is amended—

(A) in the subsection heading by striking "2003" and inserting "2005"; and

(B) in the first sentence by striking "2003" and inserting "2005".

Effective date.

(2) FISCAL YEARS 2006 THROUGH 2009.—Effective October 1, 2005, section 144(g) of such title (as amended by subsection (d) of this section) is amended—

(A) by striking the subsection designation and all that follows through the period at the end of paragraph (2) and inserting the following:

"(g) BRIDGE SET-ASIDES.—

"(1) DESIGNATED PROJECTS.—

"(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available as follows:

"(i) $12,500,000 per fiscal year for the Golden Gate Bridge.

"(ii) $18,750,000 per fiscal year for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

"(iii) $12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.

"(iv) $12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.

"(v) $12,500,000 per fiscal year for replacement and reconstruction of State maintained bridges in the State of Oklahoma.

"(vi) $4,500,000 per fiscal year for replacement of the Missisquoi Bay Bridge, Vermont.

"(vii) $8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.

"(viii) $8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.

"(ix) $10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.

"(B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

"(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(f) CONTINUATION OF REPORT; FEDERAL SHARE.—Section 144 of such title is amended by adding at the end the following:

"(r) ANNUAL MATERIALS REPORT ON NEW BRIDGE CONSTRUCTION AND BRIDGE REHABILITATION.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish in the Federal Register a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

Federal Register, publication.

"(s) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project payable from funds made available to carry out this section shall be determined under section 120(b).

"(2) INTERSTATE SYSTEM.—The Federal share of the cost of a project on the Interstate System payable from funds made available to carry out this section shall be determined under section 120(a).".

(g) TECHNICAL AMENDMENT.—Section 144(i) of such title is amended by striking "at the same time" and all that follows through "Congress".

SEC. 1115. HIGHWAY USE TAX EVASION PROJECTS.

(a) ELIGIBLE ACTIVITIES.—

(1) INTERGOVERNMENTAL ENFORCEMENT EFFORTS.—Section 143(b)(2) of title 23, United States Code, is amended by inserting before the period the following: "; except that of funds so made available for each of fiscal years 2005 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training".

(2) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—Section 143(b)(3) of such title is amended by striking "The" and inserting "Except as otherwise provided in this section, the".

(3) LIMITATION ON USE OF FUNDS.—Section 143(b)(4) of such title is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

"(H) to support efforts between States and Indian tribes to address issues relating to State motor fuel taxes; and

"(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.".

(4) REPORTS.—Section 143(b) of such title is amended by adding at the end the following:

* * * * * * *

or expenditure so long as the agreement, or the existing agreement entered into under paragraph (1), is in effect.

"(f) PERMISSIBLE USES OF FUNDS.—

"(1) IN GENERAL.—Funds made available for the program may be used only for the following projects and activities carried out in a territory:

"(A) Eligible surface transportation program projects described in section 133(b).

"(B) Cost-effective, preventive maintenance consistent with section 116(d).

"(C) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

"(D) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

"(E) Studies of the economy, safety, and convenience of highway use.

"(F) The regulation and equitable taxation of highway use.

"(G) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

"(2) PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.—None of the funds made available for the program shall be obligated or expended for routine maintenance.

"(g) LOCATION OF PROJECTS.—Territorial highway projects (other than those described in paragraphs (1), (3), and (4) of section 133(b)) may not be undertaken on roads functionally classified as local.".

(b) CONFORMING AMENDMENTS.—

(1) ELIGIBLE PROJECTS.—Section 103(b) of such title is amended—

(A) in the heading for paragraph (6) by striking "ELIGIBLE" and inserting "STATE ELIGIBLE";

(B) in paragraph (6) by striking subparagraph (P); and

(C) by adding at the end the following:

"(7) TERRITORY ELIGIBLE PROJECTS.—Subject to approval by the Secretary, funds set aside for this program under section 104(b)(1) for the National Highway System may be obligated for projects eligible for assistance under the territorial highway program under section 215.".

(2) FUNDING.—Section 104(b)(1)(A) of such title is amended by striking "to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands" and inserting "for the territorial highway program under section 215".

(3) CLERICAL AMENDMENT.—The analysis for chapter 2 of such title is amended by striking the item relating to section 215 and inserting the following:

"215. Territorial highway program.".

SEC. 1119. FEDERAL LANDS HIGHWAYS.

(a) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Section 120(k) of title 23, United States Code, is amended—

(A) by striking "Federal-aid highway"; and

(B) by striking "section 104" and inserting "this title or chapter 53 of title 49".

(2) TECHNICAL REFERENCES.—Section 120(l) of such title is amended by striking "section 104" and inserting "this title or chapter 53 of title 49".

(b) PAYMENTS TO FEDERAL AGENCIES FOR FEDERAL-AID PROJECTS.—Section 132 of such title is amended—

(1) by striking the first two sentences and inserting the following:

"(a) IN GENERAL.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may—

"(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

"(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

"(b) REIMBURSEMENT.—On execution with a State of a project agreement described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2).";and

(2) in the last sentence by striking "Any sums" and inserting the following:

"(c) RECOVERY AND CREDITING OF FUNDS.—Any sums".

(c) ALLOCATIONS.—Section 202 of such title is amended—

(1) in subsection (a) by striking "(a) On October 1" and all that follows through "Such allocation" and inserting the following:

"(a) ALLOCATION BASED ON NEED.—

Effective date.

"(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for forest development roads and trails according to the relative needs of the various national forests and grasslands.

"(2) PLANNING.—The allocation under paragraph (1)";

(2) in subsection (d)(2)—

(A) by adding at the end the following:

"(E) TRANSFERRED FUNDS.—

Deadline.

"(i) IN GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and available for immediate use by, the eligible Indian tribes, in accordance with the formula for distribution of funds under the Indian reservation roads program.

"(ii) USE OF FUNDS.—Notwithstanding any other provision of this section, funds available to Indian tribes for Indian reservation roads shall be expended on projects identified in a transportation improvement program approved by the Secretary."; and

(B) in subsection (d)(3)(A) by striking "under this title" and inserting "under this chapter and section 125(e)".

(d) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 202 of such title is amended by striking subsection (b) and inserting the following:

"(b) ALLOCATION FOR PUBLIC LANDS HIGHWAYS.—

"(1) PUBLIC LANDS HIGHWAYS.—

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 34 percent of the sums authorized to be appropriated for that fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in the States, respectively, as determined by the Secretary, on application of the State transportation departments of the respective States. Effective date.

"(B) PREFERENCE.—In making the allocation under subparagraph (A), the Secretary shall give preference to those projects that are significantly impacted by Federal land and resource management activities that are proposed by a State that contains at least 3 percent of the total public land in the United States.

"(2) FOREST HIGHWAYS.—

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 66 percent of the funds authorized to be appropriated for public lands highways for forest highways in accordance with section 134 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 202 note; 101 Stat. 173). Effective date.

"(B) PUBLIC ACCESS TO AND WITHIN NATIONAL FOREST SYSTEM.—In making the allocation under subparagraph (A), the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through—

"(i) renewable resource and land use planning; and

"(ii) assessments of the impact of that planning on transportation facilities.".

(e) BIA ADMINISTRATIVE EXPENSES.—Section 202(d)(2) of such title (as amended by subsection (c)(2) of this section) is amended by adding at the end the following:

"(F) ADMINISTRATIVE EXPENSES.—

"(i) IN GENERAL.—Of the funds authorized to be appropriated for Indian reservation roads, $20,000,000 for fiscal year 2006, $22,000,000 for fiscal year 2007, $24,500,000 for fiscal year 2008, and $27,000,000 for fiscal year 2009 may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

"(ii) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribal government may approve plans, specifications, and estimates and commence road and bridge construction with funds made available for Indian reservation roads under the Transportation Equity Act for the 21st Century (Public Law 105–178) and SAFETEA–LU through a contract or agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.) if the Indian tribal government—

* * * * * * *

significant and material audit exceptions in the required annual audit of the Indian tribal government self-determination contracts or self-governance funding agreements with any Federal agency during the 3-fiscal year period referred in clause (i) shall be conclusive evidence of the financial stability and financial management capability for purposes of clause (i).

"(G) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to a program or project under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

"(H) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such program or project under this section if the funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

"(I) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolutions and appeal procedures authorized by such Act, including regulations issued to carry out such Act.

"(J) TERMINATION OF CONTRACT OR AGREEMENT.—On the date of the termination of a contract or agreement under this section by an Indian tribal government, the Secretary shall transfer all funds that would have been allocated to the Indian tribal government under the contract or agreement to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.".

(h) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

(1) in subsection (a)(1) by inserting "refuge roads," after "parkways,"; and

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

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Funds made available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of—

"(A) transportation planning, research, and engineering and construction of, highways, roads, parkways, and transit

facilities located on public lands, national parks, and Indian reservations; and

"(B) operation and maintenance of transit facilities located on public lands, national parks, and Indian reservations.

"(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to such activity with—

"(A) a State (including a political subdivision of a State); or

"(B) an Indian tribe.

"(3) INDIAN RESERVATION ROADS.—In the case of an Indian reservation road—

"(A) Indian labor may be employed, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and

"(B) funds made available to carry out this section may be used to pay bridge preconstruction costs (including planning, design, and engineering).

"(4) FEDERAL EMPLOYMENT.—No maximum limitation on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

"(5) AVAILABILITY OF FUNDS.—Funds made available under this section for each class of Federal lands highways shall be available for any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, the areas served by the particular class of Federal lands highways.

"(6) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve funds from administrative funds of the Bureau of Indian Affairs that are associated with the Indian reservation roads program to finance Indian technical centers under section 504(b).".

(i) MAINTENANCE OF INDIAN RESERVATION ROADS.—Section 204(c) of such title is amended by striking the second and third sentences and inserting the following: "Notwithstanding any other provision of this title, of the amount of funds allocated for Indian reservation roads from the Highway Trust Fund, not more than 25 percent of the funds allocated to an Indian tribe may be expended for the purpose of maintenance, excluding road sealing which shall not be subject to any limitation. The Bureau of Indian Affairs shall continue to retain primary responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations. The Secretary shall ensure that funding made available under this subsection for maintenance of Indian reservation roads for each fiscal year is supplementary to and not in lieu of any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.".

(j) REFUGE ROADS.—Section 204(k)(1) of such title is amended—

(1) in subparagraph (B)—

(A) by striking "(2), (5)," and inserting "(2), (3), (5),"; and

(B) by striking "and" after the semicolon;

* * * * * * *

Indian tribes to ensure that the rights of a tribe or individual Indian are protected.

"(B) PRESERVATION OF UNITED STATES RESPONSIBILITY.—Nothing in this title shall absolve the United States from any responsibility to Indians and Indian tribes, including responsibilities derived from the trust relationship and any treaty, executive order, or agreement between the United States and an Indian tribe.".

(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

(1) not to exceed $20,000,000 per fiscal year may be used for the maintenance of forest highways;

(2) not to exceed $1,000,000 per fiscal year may be used for signage identifying public hunting and fishing access; and

(3) not to exceed $10,000,000 per fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath roads in the National Forest System, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate.

23 USC 401 note.

(n) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as "wildlife vehicle collisions").

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

Deadline.

(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) CONTENTS.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions.

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

(o) LIMITATION ON APPLICABILITY.—The requirements of the January 4, 2005, Federal Highway Administration, a final rule on the implementation of the Uniform Relocation Assistance and Real Property Acquisition policy Act of 1970 (42 U.S.C. 4601 et seq.) shall not apply to the voluntary conservation easement activities of the Department of Agriculture or the Department of the Interior.

SEC. 1120. PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 165. Puerto Rico highway program

"(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section for each of fiscal years 2005 through 2009 to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

"(b) APPLICABILITY OF TITLE.—Amounts made available by section 1101(a)(14) of the SAFETEA–LU shall be available for obligation in the same manner as if such funds were apportioned under this chapter.

"(c) TREATMENT OF FUNDS.—Amounts made available to carry out this section for a fiscal year shall be administered as follows:

"(1) APPORTIONMENT.—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144, for each program funded under those sections in an amount determined by multiplying—

"(A) the aggregate of the amounts for the fiscal year; by

"(B) the ratio that—

"(i) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

"(ii) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

"(2) PENALTY.—The amounts treated as being apportioned to Puerto Rico under each section referred to in paragraph (1) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.

"(d) EFFECT ON ALLOCATIONS AND APPORTIONMENTS.—Subject to subsection (c)(2), nothing in this section affects any allocation under section 105 and any apportionment under sections 104 and 144.".

* * * * * * *

(E) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

Contracts.

(5) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(A) excessive congestion;

(B) pavement wear; and

(C) an increased incidence of traffic accidents, injuries, or fatalities.

Contracts.

(6) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for—

(i) debt service;

(ii) reasonable return on investment of any private person financing the project; and

(iii) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(7) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(8) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(9) INTERSTATE SYSTEM DEFINED.—In this section, the term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

Subtitle G—High Priority Projects

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended to read as follows:

"(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section.

"(2) AVAILABILITY OF FUNDS.—

"(A) FOR TEA–21.—Of amounts made available to carry out this section for fiscal years 1998 through 2003, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section.

"(B) FOR SAFETEA–LU.—Of amounts made available to carry out this section for fiscal years 2005 through 2009, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1702 of the SAFETEA–LU the amount listed for such project in such section.

"(3) AVAILABILITY OF UNALLOCATED FUNDS.—Any amounts made available to carry out such program that are not allocated for projects described in such section, shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.".

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended to read as follows:

"(b) FOR TEA–21.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 1998 through 2003—

"(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

"(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

"(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

"(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

"(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

"(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

"(c) FOR SAFETEA–LU.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 2005 through 2009—

"(1) 20 percent of such amount shall be available for obligation beginning in fiscal year 2005;

"(2) 20 percent of such amount shall be available for obligation beginning in fiscal year 2006;

"(3) 20 percent of such amount shall be available for obligation beginning in fiscal year 2007;

"(4) 20 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

"(5) 20 percent of such amount shall be available for obligation beginning in fiscal year 2009.".

(c) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended—

(1) in paragraph (1) by inserting after "21st Century" the following: "or section 1701 of the SAFETEA–LU, as the case may be,"; and

(2) by striking "section 1602 of the Transportation Equity Act for the 21st Century." and inserting "such section 1602 or 1702, as the case may be."

(d) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by inserting after "21st Century" the following: "or section 1102(g) of the SAFETEA–LU, as the case may be".

(e) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after "described in" the following: "section 1702 of the SAFETEA–LU,";

(2) by inserting after "for such projects by" the following: "section 1101(a)(16) of the SAFETEA–LU,"; and

(3) by striking "117 of title 23, United States Code," and inserting "section 117 of this title,".

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(16) of this Act) for fiscal years 2005 through 2009 to carry out each such project:

Highway Projects
High Priority Projects

No.	State	Project Description	Amount
1	CA	Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Covina	$400,000
2	CA	Develop and implement ITS master plan in Anaheim	$800,000
3	TN	Improve circuitry on vehicle protection device installed at highway/RR crossing in Athens, TN	$47,200
4	CA	Builds a pedestrian bridge from Hiller Street to the Bay Trail, Belmont	$1,960,000
5	OH	Renovate and expand National Packard Museum and adjacent historic Packard facilities	$2,750,000
6	IL	Land acquisition for the widening of Rt. 47 in Yorkville, IL	$4,000,000
7	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	$1,600,000
8	TX	Construction of Segment #1 of Morrison Road for the City of Brownsville	$1,600,000
9	MI	I–96 at Latson Road Interchange improvements	$4,800,000
10	IL	Preconstruction and Construction of IL 83 at IL 132	$800,000
11	TN	Add third lane on U.S. 27 (State Route 29) for truck-climbing lane and realignment of roadway at Wolf Creek Road to Old U.S. 27 north of Robbins	$4,800,000
12	MI	Reconfiguration of U.S. 31 from the Manistee Bascule Bridge to Lincoln Street in the City of Manistee	$600,000
13	AR	Bentonville, Arkansas—Widen and improve I–540 and SH 102 Interchange	$1,420,000
14	WA	Interstate 5 and 41st Street/Broadway Interchange and Arterial Improvement Project, Everett	$3,180,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
15	CA	Reconstruct and deep-lift asphalt on various roads throughout the district in Santa Barbara County	$4,000,000
16	OK	Improving the I–35 Interchange at Milepost 1 Near Thackerville	$1,600,000
17	NJ	Laurel Avenue Bridge replacement in Holmdel Township	$800,000
18	OH	Construct overpass over CSX Railroad on Columbia Road (State Route 252), Olmsted Falls	$448,000
19	TN	Reconstruct and widen U.S. 72 from south of State Route 175 to State Route 57, Shelby County	$800,000
20	NY	Construct roundabout at Oregon Road—Westbrook Drive—Red Mill Road in Town of Cortlandt	$380,000
21	IL	Construct Bike, Pedestrian Paths, Orland Hills	$320,000
22	PA	Construct I–79/Rte 3025 missing ramps at Jackson Township, PA	$920,000
23	NY	John Street Extension-Lehigh Station Road to Bailey Road in the Town of Henrietta	$2,000,000
24	TX	Extension of SH 349 to U.S. 87 Relief Route in Dawson County	$2,000,000
25	IL	Parking facility in Peoria, IL	$800,000
26	IL	Construct Interchange on Interstate 255/Davis Ferry Road, Dupo	$17,500,000
27	MN	Construction and right-of-way acquisition for interchange at TH 65 and TH 242 in Blaine, MN	$3,200,000
28	CA	Huntington Beach, Remove off-ramp on I–405 at Beach Blvd. Construct fourth lane on I–405 North, at the Beach Blvd. interchange	$400,000
29	TN	Addition of an interchange on I–40 in Roane County at Buttermilk Road and I–40	$2,400,000
30	NY	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan	$15,000,000
31	IL	Reconstruction of Mockingbird Lane and Stratford St, Granite City	$1,600,000
32	FL	Construction a new multi-lane tunnel below the channel to link the Port of Miami on Dodge Island with I–395 on Watson Island and I–95 in Downtown Miami	$400,000
33	MD	Rehabilitation of West Baltimore Trail and Implementation of Pedestrian Improvements Along Associated Roadways	$720,000
34	TN	Removal and Reconfiguration of Interstate Ramps/I–40	$2,400,000
35	CA	Replace structurally unsafe Winters Bridge for vehicles, bicycles and pedestrians between Yolo and Solano Counties	$1,600,000
36	IL	City of Havana, Illinois Upgrades to Broadway Street	$762,058
37	MN	Construction of Gitchi-Gami State Trail from Cascade River to Grand Marais	$900,000
38	LA	Develop master transportation plan for the New Orleans Regional Medical Center	$400,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
173	MA	Reconstruct Route 24/Route 140 Interchange, replace bridge and ramps, widen and extend acceleration and deceleration lanes	$13,000,000
174	OR	Study landslides on U.S. Highway 20 between Cascadia and Santiam Pass to develop long-term repair strategy	$1,000,000
175	MS	Upgrade Alex Gates Road and Walnut Road in Quitman County, and roads in Falcon, Sledge and Lambert	$1,400,000
176	IL	Upgrades for Muller Road in the City of Washington, IL	$224,000
177	AL	Construction of Valleydale Road Flyover and widening and improvements from U.S. 31 to I-65 (Shelby County Rd. 17)	$4,720,000
178	MS	Upgrade roads in Beauregard (U. S. Hwy 51), Dentville-Jack Rd. near Crystal Springs, and Hazelhurst (U.S. Highway 51 and I-55), Copiah County	$800,000
179	NY	Westchester County, NY Rehabilitation of June Road Town of North Salem	$520,000
180	CA	Implement streetscape improvements on segments of Laurel Canyon Blvd. and Victory Blvd. in North Hollywood	$960,000
181	OH	Construct loop road along U.S. 23 in City of Fostoria, Seneca County	$6,960,000
182	PA	Design, engineering, ROW acquisition, and construction of street improvements, parking, safety enhancements, and roadway redesign in Nanticoke	$1,600,000
183	LA	Improve Ralph Darden Memorial Parkway Between LA 182 and Martin Luther King, Jr., Road, St. Mary Parish	$280,000
184	CA	Reconstruct segments of Hollister Avenue between San Antonio Road and State Route 154 in Santa Barbara County	$2,000,000
185	NY	Reconstruction of Schenck Avenue from Jamaica Avenue to Flatlands Avenue, Brooklyn	$4,000,000
186	CO	Construct Wadsworth Interchange over U.S. 36 in Broomfield	$1,600,000
→ 187	NY	Enhance Battery Park Bikeway Perimeter, New York City	$1,600,000
188	FL	I-95 Interchange in the City of Boca Raton	$11,400,000
189	NJ	Construct Long Valley Bypass	$800,000
190	MI	Alpena County, Resurface 3.51 miles of Hamilton and Wessel Roads	$512,000
191	CA	Construct a 2.8 mile bikeway along Lambert Road from Mills Ave., to Valley Home Ave., in the City of Whittier, CA	$2,000,000
192	TX	Hidalgo County Loop	$800,000
193	ME	Improvements to Route 108 to enhance access to business park, Rumford	$1,500,000
194	NY	Installation of new turning lane from Mohansic Ave. onto eastbound Route 202 and addition of new striped crosswalk	$340,000
195	NY	Rockland County Hudson River Greenway Trail Project construction	$1,600,000
196	TX	Construct a segment of FM 110 in San Marcos	$1,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
→ 221	NY	Improve traffic flow on Rockaway Point Boulevard in the Breezy Point neighborhood of Queens County, including work to install a traffic signal at the intersection of Rockaway Point Boulevard and Reid Avenue	$500,000
222	WI	Improve Superior Avenue: Interstate 43 to State Highway 32, Sheboygan County, Wisconsin	$1,000,000
223	TX	Design, construction, and streetscape improvements to enhance pedestrian access, pedestrian access to bus services and facilities	$800,000
224	IL	Upgrade roads, The Village of Berkeley	$800,000
225	GA	Upgrade sidewalks and lighting, Wrightsville	$320,000
226	PA	Upgrades to Bedford Route 220 at the entrance of the Bedford Business Park to Beldon Ridge intersection	$1,680,000
227	MI	Widen Baldwin Road from Morgan to Waldon in Orion Township	$3,200,000
228	FL	Construct Saxon Boulevard Extension, Volusia County, Florida	$1,680,000
229	NY	Construction and rehabilitation of East and West Gates Avenues in the Village of Lindenhurst, NY	$816,000
230	TN	Widen Interstate 240 from Interstate 55 to Interstate 40 West of Memphis, Shelby County	$800,000
231	NJ	Rahway River Corridor Greenway Bicycle and Pedestrian Path, South Orange	$1,200,000
232	CT	Reconstruct Pearl Harbor Memorial Bridge, New Haven	$1,600,000
233	PA	Development of Northwest Lancaster County River Trail	$200,000
234	CA	Widen SR 89 at existing mousehole two lane RR underpass	$2,827,744
235	LA	Construct Mississippi River Trail and Bikepath, New Orleans	$400,000
236	NY	Utica Marsh-Reestablish Water Street	$2,120,000
237	AR	Widen to 5 lanes, improvement, and other development to U.S. Highway 79B/University Ave. in Pine Bluff	$3,200,000
238	WA	SR 9 and 20th St. SE Intersection Reconstruction in Snohomish County	$250,000
239	OH	Streetscape and related safety improvements to U.S. 20 in Painesville Township, OH	$280,000
240	PA	Design, construct intersection and other upgrades on PA 24 and 124 in York County, PA	$800,000
241	WA	Issaquah Historical Society, Issaquah Valley Trolley Project	$200,000
242	IL	Construct new bridge on Illinois Prairie Path over East Branch River in Milton Township, IL	$240,000
243	TN	Plan and construct improvements, Livingston public square	$40,000
244	GA	Construction on U.S. 82 from Dawson to Alabama Line	$800,000
245	IA	Construct I–74 Bridge in Bettendorf, IA	$1,200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
319	CA	Improve traffic safety, including streetlights, from Queen to Barclay to Los Angeles River to Riverside in Elysian Valley, Los Angeles	$1,120,000
320	MI	Construction and improvements to Western Avenue and associated streets between Third Street and Terrace Street in Muskegon	$2,320,000
321	IL	Construct Reed Station Parkway Extension to IL Rt. 3, Carbondale	$1,655,004
322	AL	Construction of Patton Island Bridge Corridor	$8,000,000
323	MI	Highland, Clyde Road from Hickory Ridge to Strathcona	$100,000
324	MI	Alger County, Repaving a portion of H–58 from Buck Hill towards Little Beaver Road	$1,280,720
325	TX	Improvements to U.S. 183 in Gonzales County	$400,000
326	CA	Construct a raised landscaped median on Alondra Blvd. between Clark Ave. and Woodruff Ave. in Bellflower	$320,000
327	MN	Right-of-way acquisition for TH 23 Paynesville Bypass	$2,000,000
328	FL	Construct interchange improvements at I–75 and University Parkway	$400,000
329	CO	For construction and architectural improvements of Wadsworth Bypass (SH 121) Burlington Northern Railroad and Grandview Grade Separation	$4,000,000
330	KS	Construction of 4-lane improvement on K–18 in Riley County, Kansas	$2,000,000
331	NJ	Replace Rockaway Road Bridge, Randolph Township, New Jersey	$800,000
332	FL	Construction of paved road over existing unpaved roadway on SE 144th Ave. from SR 100 to U.S. 301, distance of 1.2 miles	$2,400,000
333	FL	Construct I–4 Frontage Rd., Volusia County, Florida	$1,600,000
334	MD	Construction of Fringe and Corridor Parking Facility at intersection of Clinton Street and Keith Avenue in Baltimore	$3,200,000
335	OH	Purchase of right-of-way for transportation enhancement activities in Bainbridge Township, OH	$1,152,000
336	NJ	Rowan Boulevard Parking adjacent to Highway 322 Corridor in Glassboro Township	$800,445
337	CA	Construct interchange on U.S. 50 at Empire Ranch Road in Folsom	$1,440,000
338	FL	Bicycle and Pedestrian Improvements in the Town of Windermere, Florida	$240,000
339	TN	Plan and construct a bicycle and pedestrian trail, Smyrna	$2,400,000
340	CA	Santa Anita Avenue Corridor Improvement project, Arcadia, California	$2,400,000
341	AL	Phoenix City on/off ramps for U.S. Highway 80	$257,200
342	PA	Design, engineering, ROW acquisition, and construction of a connector road between Pennsylvania Rt. 93 and Pennsylvania Rt. 309 in Hazle Township	$480,000
343	GA	South Tifton Bypass from U.S. 82/SR 520 west to U.S. 319/SR 35 east, Tift County	$400,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
344	NJ	Streetscape and Traffic Improvement Project to Downtown West Orange	$800,000
345	NJ	Bergen County, NJ On Route 17, address congestion, safety, drainage, maintenance, signing, access, pedestrian circulation and transit access	$4,400,000
346	CA	Road widening, construct bike path, lighting, and safety improvements on road leading to Hansen Dam Recreation Area, Los Angeles	$5,200,000
347	OH	Highway grade crossing improvement on Summit Road at Pataskala, Ohio	$54,400
348	NY	Reconstruct a historic bridge crossing Maxwell Creek in the Town of Sodus, NY	$464,000
349	NJ	Safety and operation improvements on Route 73 in Berlin, Voorhees and Evesham	$960,000
350	NJ	Study and preliminary engineering designs for a boulevard on State Route 440 and U.S. Highway Routes 1 and 9, Jersey City	$800,000
351	VA	Construction of Route 17 Dominion Boulevard, Chesapeake, VA	$6,400,000
352	LA	Installation of proper lighting standards to illuminate inbound and outbound ramps of I–10 and portions of Hwy 95	$160,000
353	IN	Cyntheanne Rd. Interchange and Corridor Improvements, Town of Fishers, Indiana	$800,000
354	ME	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements	$3,000,000
355	TN	Plan and construct a bicycle and pedestrian trail, LaVergne	$1,200,000
356	TX	Build Arkansas Street Grade Separation in Laredo	$1,000,000
357	CA	Construct new left turn lane at State Route 19 and Telstar in El Monte	$560,000
358	NY	Meadow Drive Extension—North Tonawanda, New York	$1,600,000
359	CA	Reconstruct I–880 and Coleman Avenue Interchange and implement other I–880 Corridor operational improvements in Santa Clara County	$8,000,000
360	OR	Improve Millican, West Butte Road which connects U.S. Highway 20 with U.S. Highway 126	$1,600,000
361	VA	Metropolitan Washington, D.C. Regional Transportation Coordination Program	$1,600,000
362	NY	Brooks Landing Transportation Improvements and Enhancement project, Rochester	$400,000
363	NJ	Construct CR 538 Coles Mill Road Bridge over Scotland Run, Gloucester County	$400,000
364	TX	Convert discontinuous 2-way frontage roads to continuous one-way frontage roads on IH 30 in Texarkana, TX	$4,000,000
365	TX	Regional bicycle routes on existing highways in Austin, TX	$800,000
366	IN	Construct Interchange at I–65 and 109th Avenue, Crown Point	$5,963,375
367	GA	Intersection improvement at Harris Drive at SR 42	$480,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
391	CA	I–10 and Indian Ave. Interchange, Palm Springs, CA	$2,200,000
392	CA	Complete the Bay Trail along the western edge of the American Canyon Wetlands Edge Bay Trail	$800,000
393	KY	Right-of-way for and construction of Pennyrile Parkway Extension from 41A S. to I–24	$2,560,000
394	TN	Sevier County, Tennessee SR 66 widening	$1,400,000
395	TN	Plan and construct interchange improvements, I–65 at Highland Road	$320,000
396	IA	Reconstruction of NW Madrid Drive, Polk Co	$800,000
397	NH	Relocation and Reconstruction of intersection at Route 103 and North Street in Claremont	$1,040,000
398	IL	To construct a new 2-lane road extending 1650 feet north from intersection with University Park Drive, Edwardsville	$400,000
399	NY	Town of Highlands reconstruction of bridge on School Street	$180,000
400	AK	Unalaska, AK Construction of AMHW ferry terminal including approach, staging, and upland improvements	$7,500,000
401	PA	Design and construct interchange and related improvements to I–83 Exit 4	$2,800,000
402	MD	Great Allegheny Passage, Allegany County, MD. Construction of 5 miles of trail from Cumberland to Wharf Branch	$1,600,000
403	MI	Northwestern Highway Extension projects in Oakland County	$7,280,000
404	PA	PA Route 61 safety improvements, Leesport Borough and Ontelaunee and Muhlenburg Townships	$2,400,000
405	OH	Improve Rt. 62 (Main and Town Streets) Bridges over Scioto River, Columbus	$5,200,000
406	AK	Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan	$100,000,000
407	MN	U.S. Trunk Highway 14 from Waseca to Owatonna, Minnesota	$3,315,200
408	TX	Construct Mission Trails Project Packages 4 and 5 in San Antonio	$3,820,000
409	MS	Upgrade Roads in Carthage, Leake County	$160,000
410	MI	Construct access road at intersection of Doerr Road and Schell Street to Develop 65-Acre of Municipal Tract of Industrial Land. Village of Cass City, Tuscola County	$20,800
411	MS	Upgrade roads in Humphreys County Districts 1 and 5 and Isola	$680,000
412	IN	126th Street Project, Town of Fishers, Indiana	$1,000,000
413	HI	Construct Puanaiko Street	$800,000
414	AZ	Burro Creek section between Wikieup and the Santa Maria River	$800,000
415	PA	Conduct Environmental Impact Statement study for Parkway West corridor	$800,000
416	SC	Build Railroad Avenue Extension in Berkeley County, SC—SCDOT	$1,600,000
417	MD	Construct a visitors center and related roads serving Fort McHenry	$3,760,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
418	OH	Construction of Gracemont Street Exchange Interstate 77—Bethlehem Township and Pike Township, Ohio	$2,400,000
419	MI	Design, Right-of-Way and Construction of the I–196 Chicago Drive (Baldwin Street) Interchange Modification, Michigan	$15,480,000
420	CA	Folsom Blvd. Transportation Enhancements, City of Rancho Cordova	$5,600,000
421	TN	improve streetscape and pavement repair, Monroe County, TN	$240,000
422	TX	IH37 frontage roads in Mathis	$1,600,000
423	WV	Construct New River Parkway	$3,600,000
424	NY	Construct sidewalk and improvements on Broadway in the Town of Cortlandt	$264,000
425	PA	Erie, PA Powell Avenue Bridge Replacement, Asbury Road Improvement Project	$3,200,000
426	VA	Liberty Street Construction in Martinsville, Virginia	$236,800
427	CA	Implement streetscape project on Central Avenue from 103rd Street to Watts/103rd Street Station, Watts	$3,200,000
428	MA	Realignments and reconstruction of a section of Route 32 in Palmer to the Ware town line	$2,560,000
429	CA	Seismic retrofit of the Golden Gate Bridge	$8,800,000
430	CA	Upgrade and extend Commerce Avenue, City of Concord	$1,600,000
431	MA	Somerville Roadway Improvements	$2,300,000
432	LA	Replace Almonaster Bridge, New Orleans	$400,000
433	IN	Upgrade Traffic Signals Phase III in the City of Muncie, Indiana	$512,000
434	FL	Sharpes Ferry Bridge replacement in Marion County	$2,240,000
435	IA	U.S. 34 Missouri River bridge relocation and replacement	$2,000,000
436	NY	Village of Highland Falls repaving and sidewalk construction of Oak Avenue	$120,000
437	MN	Interchange Reconstruction at CSAH 4 and U.S. 169	$800,000
438	IL	Development and construction of an interchange at Brisbin Rd. and Interstate 80	$4,800,000
439	NE	Design, right-of-way and construction of rail-grade separations throughout Nebraska as identified by Nebraska Dept. of Roads	$12,000,000
440	MO	Redesign and Reconstruction of the I–270 Dorsett Road Interchange Complex in the City of Maryland Heights	$1,600,000
441	SC	Build Berlin Myers Extension in Summerville, SC	$6,400,000
442	IN	Improve 100 South, Porter County	$800,000
443	NY	Improve safety measures at the railroad grade crossings on the West Short River Line, Rockland County	$1,280,000
444	NJ	Street Improvements and Traffic Signal Replacement in Union City Central Business District	$640,000
445	GA	Streetscape project to replace sidewalks in downtown Forsyth	$300,000
446	AK	Westside development Williamsport-Pile Bay Road	$5,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
473	OH	To widen Western Reserve Road from SR 7 to Hitchcock Road, Mahoning Co	$2,000,000
474	NY	Binghamton, Improve Front Street	$4,000,000
475	FL	U.S. Highway 19 Bayside Segment	$1,600,000
476	MI	Arenac County, Upgrade Maple Ridge Road from Briggs Road east to M–65	$1,316,800
477	NY	Village of Highland Falls repaving and sidewalk construction of Mearns Ave	$180,000
478	NY	Village of Nelsonville improvements, paving and sidewalk installation to North Pearl St., Crown St., Pine St., and Wood Ave	$200,000
479	CA	Widen Firestone Blvd. between Ryerson Blvd. and Stewart and Gray Road in Downey	$1,600,000
480	CA	Construct Air Cargo Access Road to Oakland International Airport	$720,000
481	MD	Peer review study of conflicts between road system and light rail operations in Linthicum, MD	$80,000
482	GA	Resurface and widen Jac-Art Road as part of the Bleckley County Development Authority project	$200,000
483	VA	Construction of Virginia Blue Ridge Trail in Amherst County, VA	$240,000
484	FL	Implement NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement Project, City of Fort Lauderdale	$800,000
485	CA	Widen Lakewood Blvd. between Telegraph Rd. and Fifth St. in Downey	$1,600,000
486	TX	Widen Motor Street thoroughfare in Dallas to improve accessibility to Southwestern Medical District	$4,400,000
487	MN	Construction of Gitchi-Gami State Trail, Lutsen Phase, CR 34 to Lockport store	$500,000
488	PA	Widen of SR 309 through the Borough of Coopersburg to create left-turn lanes and complete the Rt. 309 Corridor Improvement Project	$2,400,000
489	CA	Pasadena Ave/Monterey Rd. Partial Grade Separation—Preliminary Engineering—Feasibility, South Pasadena	$240,000
490	OH	Intermodal Bikeway, Independence	$2,000,000
491	MO	Widen shoulder and resurface U.S. 136 and replace 2 deficient bridges between Rock Port and Bethany, Missouri	$2,400,000
492	FL	SR 43 (U.S.301) Improvement Project—Ellentown to Parrish, Florida	$3,200,000
493	GA	Bike and pedestrian paths and other transportation enhancements at Georgia Veterans Memorial Park	$640,000
494	AK	Citywide pavement rehabilitation in City of North Pole	$1,000,000
495	GA	Replace and upgrade sidewalks, Glenwood	$50,000
496	MI	Reconstruction of Leeman Road from County Road 581 west 7 miles to Lerza Road, Dickinson County	$1,200,000
497	GA	Widen SR 133 from Spence Field to SR 35 in Colquitt County, Georgia	$800,000
498	CA	Mariposa County, CA Improve 16 roads, bridge and one bike path	$2,800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
499	LA	Upgrade highway-rail crossings at Madison Street, City of Gretna	$160,000
500	PA	Two-lane Extension of Bristol Road, Bucks County	$1,600,000
501	TN	Widen SR 30 From Athens to Etowah, Tennessee	$4,606,400
502	MI	Iosco County, Reconstruct Bissonette Road from Lorenz Road to Chambers Road	$258,000
503	TX	Development of one-story 300-vehicle parking facility	$1,200,000
504	WA	Design and construct improved I–182 interchange ramps at Broadmoor Blvd. in Pasco, WA	$1,600,000
505	NY	Erie Canalway National Heritage Corridor in Lockport, NY—Transportation Enhancements	$2,600,000
506	MI	M–6 Paul Henry Freeway trail design and construction	$2,224,000
507	CT	Reconstruction and conversion of Union Station in North Canaan to establish a transportation museum	$1,364,000
508	OR	Construct passing lanes on U.S. 199, Josephine County	$1,827,000
509	CA	Scenic preservation and run-off mitigation in the Santa Monica Mountains National Recreation Area near PCH and U.S. 101	$1,200,000
510	IL	South Shore Drive and 67th Underpass	$1,040,000
511	CA	Mission Boulevard/State Route 71 Interchange—Corridor Improvements	$3,360,000
512	OR	For purchase of right-of-way, planning, design, and construction of a highway, Newberg	$8,545,600
513	VA	Smith River Trail—Construction of trail along Smith River in Henry County	$400,000
514	IL	Resurface Clifton Park Ave. and S. Louis Ave., Village of Evergreen	$320,000
515	NJ	University Heights Connector for improvements to First Street in Newark from Sussex Street to West Market Street	$509,600
516	GA	Broad Avenue Bridge: Albany	$400,000
517	CA	Carlsbad, CA Construction of Poinsettia Lane	$1,600,000
518	CA	Construct pedestrian enhancements on Broadway in Los Angeles	$2,000,000
519	NJ	Construct Rt. 56 Maurice River Bridge Replacement, Salem and Cumberland Counties	$1,600,000
520	WA	Conduct route analysis for community pathway through Chehalis	$50,000
521	WA	Construct a multi-jurisdictional non-motorized transportation project parallel to SR 99 called the Interurban Trail	$1,600,000
522	FL	Construct Downtown Bypass Roadway Connector, Lake Mary, Florida	$400,000
523	NY	To study, design, and construct the Brooklyn Waterfront Greenway in Red Hook, Greenpoint, and the Navy Yard in Brooklyn	$6,600,000
524	NY	Update all county and town traffic signage in Wayne County, NY	$220,000
525	CA	Construct Route 101 Auxiliary Lanes 3rd Ave. in the City of San Mateo to Millbrae Ave. in Millbrae	$3,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
811	FL	A new interchange with the Pineda Causeway Extension and I–95	$10,400,000
812	CT	Make Improvements to Groton Bicycle and Pedestrian Trails and Facilities	$160,000
813	MN	TH 36—Stillwater Bridge; cut-and-cover approach to river crossing	$400,000
814	NM	U.S. 54 Reconstruction, Tularosa to Santa Rosa	$2,400,000
815	VA	Daniel Boone Wilderness Trail Corridor—Acquire site; design and construction of interpretative center, enhancement of trail corridor	$2,560,000
816	MI	Widening of M–24 from two lanes to four lanes with a boulevard from I–69 to the county line	$800,000
817	IN	Construct U.S. 231 in Spencer and Dubois Counties in Indiana	$4,800,000
818	TN	Construct overpass at Highway 321 and Highway 11 Loudon County, Tennessee	$5,200,000
819	SD	Improve the SD Advanced Traveler Information System	$800,000
820	GA	Streetscape, lighting, and traffic enhancements from Lancaster to Church Street on Bellevue, Dublin	$500,000
821	NY	Implement ITS system and apparatus to enhance citywide truck route system on Avenue P between Coney Island Avenue and Ocean Avenue in the 9th District of New York	$100,000
822	GA	Install sidewalks, trails, lighting, and amenities in Balls Ferry Park, Wilkinson County	$1,000,000
823	CA	Construct Inland Empire Transportation Management Center in Fontana to better regulate traffic and dispatch personnel to incidents	$1,200,000
824	IL	Reconstruct Milwaukee Avenue, including Six Corners	$13,600,000
825	TX	Implementation and quantification of benefits of large-scale landscaping along freeways and interchanges in the Houston region	$22,796,800
826	PA	Design, engineering, ROW acquisition, and construction of a connector road between PA 115 and Interstate 81 in Luzerne County	$200,000
827	AL	Pedestrian Improvements for Homewood, AL	$320,000
828	TN	Plan and construct a bicycle and pedestrian trail, Gallatin	$532,000
→ 829	MA	Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/Fairhaven bridge	$1,400,000
830	IA	Iowa City, IA Construction of arterial extension project connecting Coralville to west and south Iowa City	$2,000,000
831	NJ	Rehabilitate Route 139 in Jersey City—Portway	$1,600,000
832	NJ	Route 605 extension to U.S. 206	$800,000
833	OH	Widen SR 170 Calcutta	$2,000,000
834	IA	Widening of Hwy 44, Grimes	$800,000
835	VA	Widening of Highway 15 in Farmville, Virginia	$1,349,760

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
888	NY	Transportation Enhancements to support development of Erie Canal in Orleans County, NY	$240,000
889	CO	U.S. 160, East of Wolf Creek Pass	$12,000,000
890	MA	Design, engineering, and construction at I–93 The Junction Interchange, Andover, Tewksbury and Wilmington	$2,200,000
891	CA	Rosemead Boulevard/Highway 19 Renovation Project, Pico Rivera	$80,000
→ 892	PA	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township	$600,000
893	TX	Improvements to FM 1979 in Caldwell County	$240,000
894	HI	Interstate Route H 1 guard rail and shoulder improvements, Waikele Bridge to Airport Interchange, Honolulu	$3,040,000
895	MI	M–168 Reconstruction in the village of Elberta	$1,760,000
896	CA	Colima Road at Fullerton Road Intersection Improvements	$800,000
897	OH	Design and construct Youngstown State University Roadway and Pedestrian Safety Improvements, Youngstown	$2,100,000
898	MO	Reconstruct Interstate 44 and Highway 39 Interchange	$4,000,000
899	WA	Complete final Columbia River crossing Environmental Impact Statement for SR 35 in Klickitat County	$640,000
900	KY	Reconstruct U.S. 127 at Bellows Road, Mercer County	$480,000
901	NY	Roadway and Pedestrian Improvements for Times and Duffy Squares in New York City	$3,200,000
902	FL	Six lane expansion of State Road 200 (A1A) from Interstate 95 east to Amelia Island	$3,200,000
903	MI	Widen and reconstruct Tienken Road in Rochester Hills from Livernois to Sheldon	$10,800,000
904	NV	Design and Construct I–580 Meadowood Complex Improvements, Washoe County	$1,600,000
905	NY	Town of Chester reconstruction of 13 independent town roads	$160,000
906	NY	Implement ITS system and apparatus to enhance citywide truck route system at 9th Street and 3rd Avenue intersection in Kings County	$100,000
907	TX	Construction of highway infrastructure to provide flood protection for Nueces County	$800,000
908	FL	Widen State Road 80, Hendry County	$2,800,000
909	NE	Construction of the Columbus, Nebraska North Arterial Road	$3,600,000
910	KY	Extension of Newtown Pike from West Main Street to South Limestone Street, Lexington	$16,000,000
911	OH	Road construction and related improvements in the Village of Gates Mills, OH	$400,000
912	IL	Widening and Reconstruction of 55th Street from Holmes Avenue to Williams Street in Westmont and Clarendon Hills	$1,200,000
913	IL	Road upgrades for the Village of Oreana, IL	$707,200
914	ID	Widen Amity Road from Chestnut Street to Robinson Road in Nampa, Idaho	$1,600,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
915	TX	Widening FM 60 (University Drive) from SH 6 to FM 158, College Station	$2,400,000
916	GA	Widening Cedarcrest Road from Paulding County line to Governors Towne	$2,520,000
917	CA	Widening Avenue 416 in Dinuba California	$1,200,000
918	MA	Infrastructure Improvements in the Gardner-Kilby-Hammond Area, Worcester	$600,000
919	TX	Extend Munn Street from Demaree Ln. to Gellhorn Drive	$800,000
920	MN	City of Moorhead SE Main GSI, 34th St. and I–94 Interchange and Moorhead Comprehensive Rail Safety Program	$2,400,000
921	AL	Widening and safety improvements to SR 216 between SR 215 and I–59, I–20	$1,813,333
922	GA	The Carrollton Greenbelt Project, City of Carrollton, Georgia	$280,000
923	IL	Improve safety of culvert replacement on 250th Rd. between 460th St. and County Hwy 20 in Grandview Township, Edgar County, IL	$256,000
924	NY	Kingston, Improve uptown streets	$1,040,000
925	PA	Replace Blair Creek Bridge over the Little Lehigh Creek, just west of the Maple Grove Bridge, in Longswamp Township, Berks County	$1,280,000
926	CA	Construct highway connecting State Route 78/86 and State Route 111, Brawley	$7,600,000
927	GA	Widening and improvements on Colerain Road in St. Marys, Georgia	$800,000
928	MD	Implement Pedestrian and Roadway Improvements Contained in the Druid Hill Park Neighborhood Access Program in Baltimore	$1,600,000
929	AZ	Kabba Wash project between I–40 and Wikieup	$1,600,000
930	ME	Route 2 Improvements from Bethel to Gilead	$1,000,000
931	FL	Widening and Improvements for I–75 in Collier and Lee County	$21,600,000
932	TX	Widening 349 Dawson and Martin County	$1,600,000
933	WI	Widen Wisconsin State Highway 64 between Houlton and New Richmond	$3,200,000
934	IN	Widen Wheeling Avenue from Centennial to McGalliard Road in the City of Muncie, Indiana	$768,000
935	MN	Construct a bike trail along the north side of TH 11 to the Voyageurs National Park Visitor Center on Black Bay of Rainy Lake	$540,000
936	FL	Construct pedestrian underpass and safety improvements at SR A1A and Castillo Drive, City of St. Augustine	$1,280,000
937	CA	Rehabilitate street surfaces in Sherman Oaks	$99,200
938	CA	Repair and realignment of Brahma Drive and Winnetka Ave	$240,000
939	NJ	Riverwalk in Millburn along the West Branch of the Rahway River	$600,000
940	AL	I–20 widening and safety improvements in St. Clair County	$4,000,000
941	TN	Plan and construct Rutherford County visitor's center/Transportation information hub	$400,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
992	TX	Construct a pedestrian/bicycle trail in the Sunnyside area of Houston	$750,000
993	TX	Construct remaining 800-foot 4-lane divided thoroughfare for Preston Rd. segment between Beltway 8 and Genoa Red Bluff Rd	$928,000
994			$0
995	SC	Medical University of South Carolina Roadway Enhancement	$3,200,000
996	PA	Acquisition of adjacent property to planned Park-n-Ride at Kressler and Hamilton Boulevards in Wescosville, PA	$2,000,000
997	MI	Livonia, reconstruct Stark Rd. between Plymouth Rd. and I–96	$800,000
998	PA	PA Route 309 roadway construction and signalization improvements in Tamaqua Borough	$1,600,000
999	MA	Union Square Roadway and Streetscape Improvements	$400,000
1000	TX	Improvements to South McColl Road in Hidalgo County	$1,920,000
1001	MS	Widen U.S. Highway 61 and improve major intersections, Natchez	$3,040,000
1002	TX	Widen U.S. 82 from 2-lane facility to 4-lane facility from FM 1417 in Sherman, TX to U.S. 69 in Bells, TX	$3,600,000
1003	TX	Widen U.S. 79, from FM 1512 near Jewett to IH–45 to a 4-lane divided highway	$1,600,000
1004	TN	Construct shoulder and turn lane on SR 35 in Seymour, Tennessee	$1,200,000
1005	NE	Construction of Heartland Expressway between Alliance and Minatare, NE	$6,000,000
1006	WA	Pedestrian Sidewalk Construction in Snohomish	$140,000
1007	TN	North Second Street Corridor Upgrade, Memphis	$1,600,000
1008	OH	Purchase High Speed Ferries for Black River Excursion Boat Service, Lorain	$600,000
1009	MD	MD4 at Suitland Parkway	$3,200,000
1010	OK	Widen U.S. 60 from approximately 2 miles east of the U.S. 60/US 75 interchange east approximately 5.5 miles	$1,600,000
1011	NC	Widen U.S. 401 from Wake County to Louisburg	$2,400,000
1012	PA	CUPSS, Pennsylvania, Urban Maglev Demonstration Test Project	$4,000,000
1013	TX	Widen U.S. 287 Bypass at Ennis from two to four lanes	$6,400,000
1014	KY	Widen U.S. 27 from KY 34 to U.S. 150 Bypass, Garrard County and Lincoln County	$1,600,000
1015	MN	Right-of-way acquisition for Mississippi River Bridge connecting I–94 and U.S. 10 between U.S. 169 and TH 101	$800,000
1016	WI	Rehabilitate Highway 53 between Chippewa Falls and New Auburn	$3,200,000
1017	IL	Widen U.S. Route 67 from Macomb to Illinois 101	$1,600,000
1018	IL	Widen U.S. Route 51 from Pana to Vandalia	$2,400,000
1019	IL	Widen U.S. Route 34 from U.S. 67 to Carmen Road	$3,200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1214	CA	Golden Gate National Parks Conservancy—Plan and Implement Trails and Bikeways Plan for the Golden Gate National Recreation Area and Presidio	$5,000,000
1215	NY	State of NY Village of Kiryas Joel sidewalk project	$600,000
1216			$0
1217	IL	Transportation Enhancement and road improvements necessary, for Downtown Plaza improvements in Jacksonville, IL	$762,058
1218	CA	Upgrade and reconstruct I–580/Vasco Road Interchange, City of Livermore	$2,000,000
1219	TX	Build Bike Trail at Chacon Creek in Laredo	$3,300,000
1220	UT	3200 South Project, Nibley, Utah	$800,000
1221	NJ	Expand Route 440—State Street Interchange in Perth Amboy	$4,000,000
1222	GA	Improvement and construction of SR 40 from east of St. Marys cutoff at mile post 5.0, Charlton County to County Route 61, Camden County, Georgia	$800,000
1223	PA	Erie, PA Regional upgrades to urban-rural corridors	$1,280,000
1224	GA	Georgia Construct Three Greenway Trail Project, Dekalb County	$1,600,000
1225	FL	Cross Creek Boulevard Widening	$1,440,000
1226	MD	Implement Intelligent Transportation System in Baltimore	$1,120,000
1227	OH	Construct an access road into the industrial park near SR 209 and CR 345 in Guernsey County	$800,000
1228	CA	Improve the Rosecrans Ave. and Alondra Blvd. bridges over the San Gabriel River in Bellflower	$40,000
1229	PA	Independence National Historic Park scenic enhancement and pedestrian walkways improvement project in conjunction with the park's Executive Mansion Exhibit	$3,600,000
1230	CA	Modesto, Riverbank and Oakdale, CA Improve SR 219 to 4-lanes	$1,600,000
1231	ME	Modifications to Exit 7/I–295 and to Franklin Arterial, Portland	$180,000
1232	KY	Replace Bridge and Approaches on Searcy School Road over Beaver Creek, Anderson County	$700,000
1233	NJ	Route 22 Sustainable Corridor Plan	$2,400,000
1234	NY	Conduct studies, if necessary, and construct the High Line Trail Project, New York City	$4,000,000
1235	WA	Install dual left turn lanes and intersection signal modifications at SR 432 and Columbia Blvd	$1,750,000
1236	OK	Transportaion enhancements for Highway 19 from Ada to Stratford	$2,400,000
1237	CA	I–15/Base Line Road Interchange Project, Rancho Cucamonga, California	$4,000,000
1238	SC	Build Interchange at U.S. 17 and Bowman Road in Mount Pleasant, SC	$4,800,000
1239	CA	Complete Monterey Bay Sanctuary Scenic Trail between Monterey and Santa Cruz counties	$5,800,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1325	OH	North Canton, OH Applegrove St. road widening	$2,400,000
1326	MA	Design and Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities and heavily visited national sites	$3,200,000
1327	TN	Plan and construct N. Tennessee Boulevard enhancements	$400,000
1328	NJ	Quinn Road realignment, Clifton	$2,400,000
1329	MO	Reconstruct Interstate 44 and Highway 65 Interchange	$13,040,000
1330	MN	Reconstruct TH 61 from Split Rock River to Silver Bay including construction of the Gitchi Gami Spur Trail between the main trail and Silver Bay Marina along the TH 61 roadway segment	$9,664,000
1331	KY	Reconstruction of KY 259 in Edmonson County from Green River Bridge at Brownsville to Kyrock Elementary School	$1,200,000
1332	LA	Construction of a turn lane expansion along with signalization at the north bound off ramp on I–49, at the intersection of U.S. 190	$400,000
1333	AL	Expand SR 210 (Ross Clark Circle) from U.S. 231 North to U.S. 231 South in Dothan, AL	$3,200,000
1334	MD	Construct interchange at MD Route 355 at Montrose and Randolph Roads in Montgomery County	$1,600,000
1335	CA	Construct new interchange and related road improvements on U.S. 101 near Airport Blvd., Salinas	$1,936,000
1336	PA	Construct the French Creek Parkway in Phoenixville, PA	$4,000,000
1337	MN	Capacity and safety improvements to TH 8, west of 306th St. to eastern city limits, Lindstrom	$5,760,000
1338	VA	Eastern Seaboard Intermodal Transportation Applications Center (ESITAC) in Hampton Roads	$1,200,000
1339	IL	Construct underpass at intersection of Damen/Fullerton/Elston Avenues, Chicago	$4,400,000
1340	AR	Highway 165: Railroad Overpass	$1,600,000
1341	FL	Implement Snake Road (BIA Route 1281) Widening and Improvements	$800,000
1342	CA	Construction of new freeway between I–15 and U.S. 395, including new interchange at I–15	$4,000,000
1343	OH	Lake Township, Ohio. Market Avenue-Lake Center intersections improvement	$1,760,000
1344	CT	Construct Quinnipiac Linear Trail, Wallingford	$800,000
1345	MI	Construction of a hike and bike path from Riverbends Park, 22 Mile Road, to Stony Creek Park, 25 Mile Road in Shelby Township	$400,000
1346	IN	Reconstruct Boston Street, from State Road 2 to Bach St., Larson-Whirlpool St. in LaPorte, Indiana	$600,000
1347	OR	Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane	$4,200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1375	IL	Construct Streetscape Project, Village of Robbins	$640,000
1376	GA	Effingham Parkway to Connect SR 119 to SR 30	$3,200,000
1377	MD	Construct Phase 2 of the Jones Falls Trail from Baltimore Penn Station to the Maryland Science Center on the Inner Harbor	$3,200,000
1378	IL	For Will County for engineering and right-of-way acquisition to extend 95th Street from Plainfield-Naperville Road east to Boughton Road	$400,000
1379	PA	Construct Valley Business Park Access Road C, Bradford County	$2,160,000
1380	LA	Improve by widening, realigning, and resurfacing 3.2 miles of LA Hwy 820 btwn LA Hwy 145 and LA Hwy 821	$2,400,000
1381	IN	45th Street Improvements, Munster	$400,000
1382	NY	Install Improvements for Pedestrian Safety including in the vicinity of PS K124	$250,000
1383	VT	Construction and engineering for the Vermont Smugglers Notch Scenic Highway Corridor Southern Gateway and Notch Proper Facilities	$868,411
1384	OH	Planning and construction of a network of recreational trails in Perry Township	$760,000
1385	GA	Construction of the Truman Linear Park Trail-Phase II	$1,008,000
1386	NJ	Pedestrian and bicycle facilities, and street lighting in Haddon Heights/Barrington	$600,000
1387	CA	Reconstruct interchange at I–10 and Riverside Avenue to improve traffic in Rialto	$1,600,000
1388	CA	Reconstruct Bloomfield Ave. with medians from Carson St. to north city limits in Hawaiian Gardens	$320,000
1389	SC	Extension of Wells Highway, Oconee County, South Carolina	$1,600,000
1390	CA	Reconstruct Paramount Blvd. with medians and improve drainage from Artesia Blvd. to Candlewood St. in Long Beach	$480,000
1391	IL	Reconstruction of 5th Street Road (FAS 569) in Logan County, IL	$762,056
1392	WA	Reconstruction of SR 99 (Aurora Ave. N) between N 145th St. and N 205th St	$1,600,000
1393	NY	Page Green—Phase III—Reconstruction of 2.6 miles. Town of Virgil, Cortland County	$2,880,000
1394	MI	Gogebic County, Reconstruct Lake Road in Ironwood from Margaret Street to Airport Road	$644,000
1395			$0
1396	IN	Redevelop and Complete the Cardinal Greenway and Starr-Gennett Area in the City of Richmond, Indiana	$2,400,000
1397	NY	Rehabilitate and redesign Erie Canal Museum in Syracuse, NY through the Erie Canalway National Heritage Corridor Commission	$400,000
1398	OH	Construction of 6.25 mile bicycle project in Mahoning County	$400,000
1399	NM	I–40/Munoz Reconstruction in the City of Gallup	$1,200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1480	NY	Paul Road—Fisher Road Improvements, Town of Chili, Monroe County	$4,000,000
1481	CA	Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County	$2,000,000
1482	MS	Construct East Metropolitan Corridor linking I–20 at Brandon to Hwy 25 at Flowood	$4,960,000
1483	LA	Leeville Bridge, Port Fourchon to Golden Meadow	$4,000,000
1484	GA	National Infantry Museum Transportation Network	$2,400,000
1485	AL	Interchange at I–65 and Limestone County Road 24 Constuction	$800,000
1486	PA	Project to realign intersection of King of Prussia Road and Upper Gulph Road to provide turning lanes and signalization	$1,319,200
1487	FL	Widen State Road 80, Hendry County	$800,000
1488	SD	Construction of 4-lane highway on U.S. 79 between Maverick Junction, and the Nebraska border	$6,400,000
1489	IL	130th and Torrance Avenue Intersection Improvement, Chicago	$7,200,000
1490	OK	Improvements to Hereford Lane and US69 Interchange, McAlester	$800,000
1491	GA	Athens-Clarke County Bike Trail Project	$1,120,000
1492	CT	Construct UCONN Storrs Campus-Hillside Road	$1,600,000
1493	NM	I–25, Tramway North to Bernalillo, Reconstruction	$2,800,000
1494	NJ	Planning for Liberty Corridor	$400,000
1495	OR	Sellwood Bridge Replacement–Multnomah County	$2,000,000
1496			$0
1497	FL	Englewood Interstate Connector in Sarasota County, Florida	$2,400,000
1498	NY	Elevate and construct drainage improvements to Beach Road, Canal Road, and Sea Breeze Road in Massapequa, New York	$2,400,000
1499	TX	Design and construction streetscape improvements in Midtown, enhance pedestrian access	$800,000
1500	NY	Replace sidewalk along Route 9A in Hamlet of Montrose, Town of Cortlandt	$264,000
1501	MN	Construction and widening of TH 241 in the City of St. Michael, MN	$1,600,000
1502	GA	I–75 lanes from Aviation Boulevard to SR 54, Clayton County	$1,200,000
1503	VT	Construction and rehabilitation of the Cross Vermont Trail for the Cross Vermont Trail Association	$1,108,800
1504	NY	Construction of a new ramp from 9A Southbound to Taconic State Parkway Southbound, Westchester County	$1,420,000
1505	NY	Restore vehicular traffic to Main Street in Downtown Buffalo	$4,000,000
1506	MI	Construction of 5 lane concrete pavement with curb, gutter and sewer on Romeo Plank Road from M–59 to 23 Mile Road in Macomb Township	$8,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1507	NY	Enhance road and transportation facilities in the vicinity of the Brooklyn Children's Museum	$550,000
1508	IL	Construct and expand Northwest Illinois U.S. Rte 20 from Freeport to Galena, IL	$3,200,000
1509	CA	Construction of new roadway lighting on major transportation corridors in the Southwest San Fernando Valley	$800,000
1510	MO	Construct Interstate flyover at Hughes Road and Liberty Drive to 76th Street. Part of Liberty Parkway Project	$15,200,000
1511	CA	Freeway 180 Improvements Fresno	$7,600,000
1512	NY	Construct sidewalks and curbs on Valley Road in Town of Bedford	$360,000
1513	OK	Construction of rail crossing in Claremore at Blue Star Drive and SH 66	$1,600,000
1514	IL	Improve U.S. Route 34 from Kewanee to Kentville Road	$400,000
1515	IL	For Naperville Township to fund improvements to North Aurora Road	$160,000
1516	WA	Kent—Construct a single point urban interchange (SPUI) under I–5 at South 272nd St.	$800,000
1517	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN	$800,000
1518	GA	Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development	$2,000,000
1519	PA	Design, engineering, ROW acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign in Dunmore Borough, Lackawanna County	$320,000
1520	PA	Add turn lane, modify signals and install pavement markings at intersection of PA 422 and PA 662 in Amity Township	$1,944,000
1521	WI	Construct bicycle/pedestrian path and facilities in the Central park area of Madison	$2,800,000
1522	VA	Expand Route 15 29 in Culpeper, Virginia	$1,600,000
1523	WV	Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I–79 in the vicinity of Fairmont	$17,600,000
1524	OR	Construct Barber Street extension, Wilsonville	$2,400,000
1525	FL	Four-laning SR 281 (Avalon Boulevard) in Santa Rosa County from Interstate 10 to north of CSX RR Bridge	$11,600,000
1526	OR	Interstate 5 Interchange at City of Coburg	$8,000,000
1527	IL	Construction of a bridge at Stearns Road in Kane County, Illinois	$70,400,000
1528	TX	East 7th Street Improvements in Austin	$420,000
1529	GA	Rebuild SR 10 Memorial Drive for bicycle and pedestrian safety, from Mountain Drive to Goldsmith Road, Dekalb County	$1,600,000
1530	NJ	Provide an alternative route for traffic passing though congested SR 31 corridor in Flemington, NJ	$2,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1584	NY	Construction and rehabilitation of North and South Delaware Avenues in the Village of Lindenhurst, NY	$696,000
1585	NY	Study on extending Rt. 5 to Auburn	$120,000
1586	AL	Expand U.S. 84 from Andalusia, AL to Enterprise, AL	$2,400,000
1587	NJ	Susse County, NJ, Safety and Operational Improvements on Route 23 in Hardyston Township and Franklin Borough	$3,440,000
1588	PA	State Street and Mulberry Street Bridge Lighting project, Harrisburg	$4,000,000
1589			$0
1590	CA	Interstate 15 and State Route 79 South Freeway Interchange and Ramp Improvement Project	$1,600,000
1591	OH	Road Improvements, streetscapes, and pedestrian safety additions in Ashtabula Harbor	$800,000
1592	NY	Town of East Fishkill improvements to Robinson Lane and Lake Walton Road at NYS Route 376	$400,000
1593	WI	Construct a bicycle/pedestrian path, Wisconsin Dells	$1,600,000
1594	NY	Construct improvements in Sight Distance at Road Grade and Trail Crossings in Oneida and Herkimer Counties	$160,000
1595	NY	Repair Silver Mine Bridge in the Town of Lewisboro	$120,000
1596	IL	River walk Reconstruction, City of Chicago	$480,000
1597	AR	Rogers, Arkansas—Construct new interchange on I–540 near the existing Perry Road overpass	$5,000,000
1598	IN	Design and construct Indiana Ohio River Bridges Project on I–65 and 265	$16,000,000
→ 1599	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor	$400,000
1600	TX	Reconstruction of U.S. 79 from FM 1460 to Williamson County Road195	$1,600,000
1601	CA	Transportation enhancements to Children's Museum of Los Angeles	$960,000
1602	IN	Construct Shelby County Indiana Shelbyville Parkway	$400,000
1603	NY	Reconstruct the Niagara Street culvert/bridge which crosses over Two Mile Creek, City of Tonawanda	$320,000
1604	MA	Reconstruction of Main Street and Lebanon Street in Melrose	$560,000
1605	OH	Construct the existing IR 70 interchange at U.S. 40, SR 331 west of St. Clairsville	$9,700,000
1606	GA	Install traffic lights and pedestrian walkways on Highway 441 at Martin Luther King, Jr., Boulevard, Dublin	$500,000
1607	OH	Pike County, OH Fog Road Upgrade	$960,000
1608	CA	Project design, environmental assessment, and roadway construction of Lonestar Road from Alta Road to Enrico Fermi Drive San Diego County	$400,000
1609	CA	Project Study Reports for I–105 and I–405 Interchanges at Los Angeles International Airport	$320,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1633	CA	Conduct project report study on Old River School Rd—Firestone Blvd. intersection reconfiguration	$400,000
1634	FL	Conduct study for Port of Miami Tunnel, Miami, FL	$1,600,000
1635	NY	Ithaca, Design and construct pedestrian and bicycle path (Cayuga Waterfront Trail)	$960,000
1636	NC	Greenway Trails Project, Elizabeth City	$512,000
1637	IL	Reconstruct Lakeshore Drive overpass over Lawrence Avenue	$1,200,000
1638	SC	Replace Murphy Road West Bridge, Anderson, SC	$188,000
1639	CA	Resurface and construct truck lane at CA Hwy 94 and I–8 interchange, Boulevard	$2,400,000
1640	CT	Undertake road improvements associated with Coltsville Area Redevelopment, Hartford	$1,600,000
1641	AZ	Upgrade and Re-opening of Main Street in Yuma	$960,000
1642	NJ	Pedestrian facilities, street lighting and streetscaping improvements in downtown Laurel Springs	$477,059
1643	MS	Upgrade Blue Cane Road in Tallahatchie County, and roads in Webb and Tutwiler	$600,000
1644	OH	Upgrade circuitry on vehicle protection device at Sheldon Road rail crossing in Berea	$112,000
→1645	NY	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton	$600,000
1646	NY	Construct sidewalks and curbing on Westchester Avenue in Village of Buchanan	$220,000
1647	NC	Downtown Redevelopment Project, City of Rocky Mount	$5,068,800
1648	TX	Construction of divided four lane concrete arterial with drainage improvements—Sandy Lake Road: Denton Tap Rd. to North Coppell Road	$800,000
1649	IL	Preconstruction and Construction at IL 120 at Bacon Road and Cedar Lake Road	$1,092,000
1650	GA	Revitalization project will extend and resurface the Roberta Walking Trail, Roberta	$400,000
1651	KY	Construct Westbound Access to Mountain Parkway from Exit 18 (KY 1057), Powell County	$2,320,000
1652	NC	Development of 2 miles of road parallel to I–95 located approximately between the I–95/NC 125 interchange and I–95/U.S. 158 interchange	$1,200,000
1653	CA	Engineering, right-of-way and construction of HOV lanes on I–580 in the Livermore Valley, California	$9,600,000
1654	IL	Construct Streetscape Project, City of Markham	$400,000
1655	CA	Landscape south side of the 91 Fwy at Bellflower Blvd. in Bellflower	$200,000
1656	MA	Southwick and Westfield Rail Trail, Design and Construction	$4,000,000
1657	VA	Upgrade DOT crossing #467665M to constant warning time devices	$155,680

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1784	PA	Construct and widen PA 94 from the Adams and York County line north to Appler Road	$1,200,000
1785	IL	For the reconstruction and realignment of 2 miles of Evergreen Ave. located west of the City of Effingham	$1,600,000
1786	IN	Improve State Road 332 and Nebo Road Intersection in Delaware County, Indiana	$2,400,000
1787	AL	Birmingham Northern Beltline	$8,000,000
1788	WI	Construct Lake Butte des Morts Bridge, U.S. Highway 41, Winnebago County, Wisconsin	$28,000,000
1789	MA	North Worcester County Bike Paths, Design and Construction	$4,000,000
1790	TX	Old Reliance Road Overpass at SH 6 (Earl Rudder Freeway)—Widening project in Brazos Co	$2,000,000
1791	IA	Phase III of Main St. project, Amana	$800,000
1792	MN	Realign Vadnais Boulevard at interchange of I–694/Highway 49, Ramsey County	$800,000
1793	CA	Reconfigure intersection at Highways 152 and 156 in Santa Clara County	$11,120,000
1794	KY	Construct Georgetown Northwest Bypass from U.S. 460 West to I–75 North, Scott County	$2,400,000
1795	AZ	Grand Canyon Greenway Trails	$2,560,000
1796	NY	Remediate road runoff in vicinity of Peconic Estuary watershed	$1,000,000
1797			$0
1798	OH	Construction of road improvements from Richmond Road to new Cuyahoga Community College in Warrensville Heights, OH	$120,000
1799	MI	Construction of the I–696 and Northwestern Highway Interchange Freeway Ramps at Franklin Road in Southfield	$1,600,000
1800	OH	Construct access improvements to I–680 and internal roadways for Corridor of Opportunity, Mahoning Co	$1,600,000
1801	NY	Mount Vernon Railroad Cut	$2,000,000
1802	TX	Reconstruct and add two lanes to IH 27 from Western Street in Amarillo to Loop 335	$4,800,000
1803	CO	SH 83–SH 88 Interchange Reconstruction—Arapahoe County, CO	$3,200,000
1804	NY	Town of Pawling Old Rt. 55	$400,000
1805	IL	Upgrade Curtis Road in conjunction with State plan for I–57 interchange; from Duncan Rd. to 1st Street in Champaign	$5,600,000
1806	MO	Upgrade Rt. 249 [Range Line] from Rt. 171 to I–44	$8,000,000
1807	VA	Bland County Trails and Visitor Center—Establishment of multi-use trail network, associated facilities and begin work on visitors center	$800,000
1808	NH	Upgrade Sewalls Falls Road bridge over Merrimack River in Concord	$800,000
1809	IL	Perform Old Orchard Road Expansion and improvement project between Harms Road and U.S. 41, Cook County	$800,000
1810	MN	Design, engineering, and ROW acquisition to reconstruct TH 95 bridge, North Branch	$7,120,745
1811	NY	Tappan Zee Bridge to I287 Transportation Corridor	$1,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1812	CA	Upgrade and reconstruct the I–80/I–680/SR 12 Interchange, Solano County	$17,480,000
1813	MD	U.S. 219 Oakland Bypass	$800,000
1814	NC	U.S. 221 widening from U.S. 421 to Jefferson, NC	$1,600,000
1815	IL	Complete 80,000 lb truck route between CH 2 (Burma Rd) and IL Rt. 130 in Cumberland County	$2,400,000
1816	CA	Improvement of intersection at Burbank Blvd. and Hayvenhurst Ave	$320,000
1817	OH	Construct pedestrian bridge over I–77; tunnel underneath railroad; bridge over Tuscarawas River along OH and Erie Canal in Tuscarawas County	$2,000,000
1818	MN	Lake Street Access to I–35W, Minneapolis	$1,600,000
1819	WI	Upgrade U.S. 2 in Ashland County	$3,200,000
1820	OR	Construct an urban arterial street between NE Weidler and NE Washington on NE 102nd, Portland	$4,200,000
1821	CA	Construct an Interchange on Highway 70 at Georgia Pacific Road in Oroville	$2,028,000
1822	AZ	Construct or Modify Railroad Grade Separations on 6th St. and 22nd St. and Reconstruct Speedway Blvd. Underpass in Tucson	$10,640,000
1823	FL	Construct North Ormond Beach Business Park Interchange at I–95 between U.S. 1 and SR 40, Volusia County	$880,000
1824	MN	Environmental review for improvement along the entire U.S. 10 corridor	$1,040,000
1825	NY	Construct visitor center, access road, and parking at Sam's Point Preserve, Ellenville	$400,000
1826	OH	Installation of road improvements on Old State Road-SR 608 in Middlefield, OH	$80,000
1827	WA	To replace BNSF trestle, Sammamish River bridge and reconstruct SR 202/127th Pl. NE and SR 202/180th Ave. NE intersections	$1,600,000
1828	PA	Completion of beltway interchanges along Business Route 60 in Moon Township, Allegheny County	$800,000
1829	TX	U.S. 290 Improvements in Austin, TX	$2,400,000
1830	CA	City of Madera, CA Improve SR 99—SR 145 Interchange	$2,400,000
1831	AL	Construct a new interchange on I–65 at Cullman, AL County Road 222	$800,000
→1832	VA	National Park Service transportation improvements to Historic Jamestowne, Virginia	$3,400,000
1833	MI	Design and construction of West Michigan Regional Trail Network connector to link two trail systems together and to Grand Rapids	$2,400,000
1834	TN	Plan and construct a bicycle and pedestrian trail including enhancements, Murfreesboro	$7,200,000
1835	AZ	Replacement of Safford Bridge which crosses the Gila River directly north of Safford, AZ on North 8th Avenue	$3,520,000
1836	TX	Design and construct streetscape improvements to Old Spanish Trail—SH 288 to Griggs, Griggs to Mykawa	$800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1837	TN	For each rail-highway crossing: Improve circuitry on vehicle protection device installed at crossing in Knoxville, TN	$45,600
1838	OH	Reconstruct Broadway Ave. in Lorain	$600,000
1839	OH	Road Widening and related improvements to SR 82 in Macedonia, OH	$2,728,000
1840	MN	Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay	$1,392,000
1841	CA	Ramona Avenue Grade Separation, Montclair, California	$1,600,000
1842	MN	Roadway improvements, City of Federal Dam	$800,000
1843	VA	Rocky Knob Heritage Center—Planning, design, site acquisition, and construction for trail system and visitors center on Blue Ridge Parkway	$1,200,000
1844	FL	Design and construct capacity and safety improvements for State Road 426-County Road 419 in Oviedo from Pine St. to west of Lockwood Blvd	$1,600,000
1845	FL	Coordinated Regional Transportation Study of U.S. 98 from Pensacola Bay Bridge, Escambia County to Hathaway Bridge, Bay County, Florida	$1,200,000
1846	PA	Paving and reconstruction in the townships: North and South Eldorado, North Altoona, Fairview, Juniata, East End, Pleasant Valley, South Tracks, Lyswen-Altoona, PA	$1,600,000
1847	AK	Ferry infrastructure at Seward Marine Center	$3,000,000
1848	AZ	Realign Davis Road from State Route 80 to State Route 191	$2,640,000
1849	PA	Reesdale Street roadway reconfiguration to allow HOV access to new parking facility	$800,000
1850	WA	SR 538 (College Way) and North 26th St. Signal in Mount Vernon	$140,000
1851	TX	Acquisition of right-of-way and environmental preservation from I–45 to U.S. 59 for Grand Parkway	$11,200,000
1852	ID	Reconstruct Grangemont Road (Idaho Forest Highway 67) from Orofino to Milepost 9.3	$1,600,000
1853	VA	Expansion of South Airport Connector Road (Clarkson Road to Charles City)	$6,240,000
1854	NY	Design and Construction of bicycle and pedestrian facilities in the area of the Roosevelt Avenue Bridge	$384,000
1855	NC	Construct Endor Iron Furnace Greenway enhancements from Deep River to Sanford	$800,000
1856	CO	Improve and widen State Highway 44 from Colorado Boulevard to State Highway 2	$3,200,000
1857	FL	Fund improvement of U.S. 301 corridor in Sumter and Marion Counties	$1,600,000
1858	TN	Complete construction and landscaping of visitor center on Cherohala Skyway in Monroe County, TN	$80,000
1859	OR	Construction of the East Burnside Street improvements, Portland	$5,200,000
1860	AL	Expand to 4 lanes U.S. Highway 278 from Sulligent to Guin	$800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1861	IL	Francis Cabrini/W. Green Homes CHA Street Construction, City of Chicago	$480,000
1862	NY	Plan and construct greenway, bicycle path, esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn	$8,000,000
1863	PA	Construct Dubois Regional Medical Center Access Road	$480,000
1864	NY	To design and construct safe route to school projects in Brooklyn, Queens and Manhattan, NY	$1,680,000
1865	PA	U.S. 30 corridor improvements from PA 896 to PA 897. Connects PA 41	$2,600,000
1866	MD	U.S. 40 Alternate, Middletown Bypass	$4,000,000
1867	CA	Construction of a smart crosswalk system at the intersection of Topanga Canyon Blvd. and Gault St	$40,000
1868	WI	Expand U.S. 51 and SH 29 in Marathon County	$6,400,000
1869	PA	Construct 2 flyover ramps and S Linden St. ext for access to industrial sites in the cities of McKeesport and Duquesne	$5,600,000
1870	NY	Improvements and upgrades on Main Street, Beekman, NY	$160,000
1871	NY	Construct pedestrian walkway along Route 9A in Hudson River Park, New York City	$5,600,000
1872	IN	Design engineering, right-of-way acquisition, and construction for the Grant County Economic Corridor	$1,600,000
1873	MN	City of Marshall TH 23 4-Lane Extension	$2,630,400
1874	IL	Henry Horner Homes CHA Street Construction, City of Chicago	$800,000
1875	TN	Improve circuitry on vehicle protection device installed at highway-RR crossing in Knoxville, TN	$126,400
1876	NJ	Construct Intersection at Route 46 and Little Ferry Circle in Little Ferry	$1,200,000
1877	AR	Improve State Highway 88 (Higdon Ferry Road) in Hot Springs	$3,560,000
1878	MD	Improve U.S. 1, Washington Boulevard Corridor in Howard County	$800,000
1879	NY	Downtown Flushing Traffic and Pedestrian Improvements	$800,000
1880	FL	Arlington Expressway Access Rd., Jacksonville	$1,200,000
1881	CO	Construct arterial on W side of Montrose to ease traffic congestion on SH 550 between Grand Avenue, N/S of city	$6,000,000
1882	CO	North I–25: Denver to Fort Collins, Colorado	$7,733,333
1883	CA	Planning for Orange Line Mag Lev from downtown Los Angeles to central Orange County	$280,000
1884	NJ	Rahway Streetscape Replacement Project	$400,000
1885	CT	Reconstruct I–95/I–91 interchange and construct pedestrian walkway, New Haven	$1,600,000
1886	VA	Blue Ridge Music Center—Install lighting/steps, upgrade existing trail system and equip interpretative center with visitor information	$1,200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1988	CA	The Foothill South Project, construct 16 miles of a six-lane limited access highway system	$8,000,000
1989	MI	Construct Road Improvements to Miller Rd. from I–75 to Linden Rd. Flint Township	$2,400,000
1990	CA	State Route 99 improvements at Sheldon Road	$3,200,000
1991	KY	The Kentucky Multi-Highway Preservation Project	$1,280,000
1992	NY	Town of Warwick, NY. Bridge replacement on Buttermilk Falls Rd	$140,000
1993	TN	Improve existing two lane highway to a four lane facility along the U.S. 412 Corridor west of Natchez Trace to U.S. 43 at Mount Pleasant	$8,000,000
1994	NY	Town of Warwick, NY East Shore Road reconstruction	$640,000
1995	FL	Traffic Reconfiguration of SR 934 and U.S. 1 Route, Miami	$800,000
1996	PA	For design, engineering, ROW acquisition, and construction of the third phase of the Marshalls Creek Bypass Project in Monroe County, Pennsylvania	$240,000
1997	MI	Construct North Central Muskegon County Corridor Improvements at U.S. 31 and Russell Road	$1,840,000
1998	OH	Reconstruct I–75/I–475 Interchange, Toledo	$2,400,000
1999	NY	College Point 20th Avenue Streetscapes Improvements Project in Queens	$700,000
2000	OH	Construct a 4 lane limited access road to link Newcomerstown and Cadiz	$550,000
2001	CT	Construct trail to extend the Pequonnock Valley rail-trail through Trumbull and into Bridgeport, CT	$400,000
2002	AK	Providence Hospital Public Access Road	$3,000,000
2003	TX	I Road Between Nolana Loop and FM 495 in Hidalgo County	$1,520,000
2004	NC	North Carolina: Add passing lanes and safety improvements to U.S. Highway 64 in Transylvania County	$4,800,000
2005	TN	Improve streetscape and pavement repair, Blount County, TN	$240,000
2006	CT	Reconstruction of State Route 111 from Purdy Hill Road to Fan Hill Road, Monroe, CT	$1,200,000
2007	IL	Resurface Trumbull Ave. and Homan Ave., Evergreen Park	$320,000
2008	GA	Hwy 78 Corridor Improvement Gwinnett County	$400,000
2009	TX	Construct Southwest Bypass in Georgetown, Texas, between SH 29 and Ranch Road 2243	$3,200,000
2010	MO	To improve U.S. 54 to a four lane highway from the Osage River to MO Route KK	$800,000
2011	MS	Upgrade roads in Mayersville (U.S. Highway 14 and 1), Issaquena County	$160,000
2012	MA	Gainsborough St. and St. Botolph St. Improvements	$900,000
2013	IN	Construct U.S. 31 Kokomo Corridor Project for Kokomo Howard County, Indiana	$800,000
2014	OH	Construction of Tri-State Outer Belt in Lawrence County	$1,600,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2015	PA	Completion of I–79-Kirwin Heights Interchange and construction of retaining walls, bridge and new ramps	$1,600,000
2016	OH	Construction of the Carroll Area Interchange in Fairfield County	$3,600,000
2017	CA	Construct the Silicon Valley Transportation Incident Management Center in San Jose	$6,400,000
2018	CA	Design and Construction Camino Tassajara Crown Canyon to East Town Project, Danville, CA	$800,000
2019	NY	Traffic mitigation on Bridge Street and Maple Avenue, Florida, NY	$120,000
2020	WI	North 28th Street Phase 2 roadway safety improvements from Weeks Avenue to Hill Avenue in Superior	$1,024,000
2021	NC	Upgrade U.S. 74 in Columbus County	$5,600,000
2022	MS	Upgrade U.S. 78 to Interstate Standards from the MS/TN State line to the MS/AL State line	$8,000,000
2023	IN	Improve Bailie Street, Kentland	$256,000
2024	CA	Realignment of La Brea Avenue to reduce congestion, City of Inglewood	$2,640,000
2025	IL	Resurface Elston Avenue from Milwaukee to Pulaski, Chicago	$1,600,000
2026	TN	Sullivan, Washington Counties, Tennessee SR 75 widening	$1,600,000
2027	GA	U.S. 17/SR 404 Spur, Back River bridge replacement, Savannah	$4,000,000
2028	MS	U.S. 98 access improvements and new I–59 interchange, Lamar County	$4,000,000
2029	VA	Construct South Airport Connector, Richmond International Airport	$400,000
2030	NY	City of Peeskill, NY Street Resurfacing Program. Riverview Avenue	$104,000
2031	GA	SR 400 at SR 120 Old Milton Parkway intersection improvement Fulton County, Georgia	$800,000
2032	MA	East Boston Haul Road Construction	$5,000,000
2033	NY	Town of Goshen Orzeck Road reconstruction	$320,000
2034	VA	Revitalize Main Street in Dumfries	$580,000
2035	FL	Replace Platt Street Bridge	$2,400,000
2036	FL	Access Rd. Streetscaping, Sanford Airport	$400,000
2037	NY	Rockland County and City of Yonkers to Lower-Manhattan Ferry Boat project	$800,000
2038	SC	Complete construction of Palmetto Parkway (I520) Extension (Phase II) to I–20	$5,600,000
→2039	NM	U.S. 62–180 Reconstruction, Texas State Line to Carlsbad	$4,000,000
2040	IL	For U.S. Rt. 30 intersection signals, turn and deceleration lanes btwn Williams St. and IL Rt. 43 incl. 80th Ave, Wolf Rd., Lincoln Way HS and Locust St	$5,600,000
2041	OH	Construct Orchard Lane to Factory Road Connector, Greene County	$400,000
2042	TX	Construct a bridge impact protection system for TxDOT	$400,000
2043	NC	Design and construction of the Airport Area Roadway Network, High Point, North Carolina	$4,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2070	NC	To construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County, NC	$947,200
2071	WA	U.S. 12 Burbank to Walla Walla: Construct new four lane highway for portion of U.S. 12	$3,440,000
2072			$0
2073	OH	Structural improvements to two bridges over the Zimber Ditch between 38th St. and Whipple Ave. in Canton, Ohio	$400,000
2074	OK	U.S. 281, Widen U.S. 281 from the new U.S. 281 Spur North to Geary Canadian County, OK	$800,000
2075	MI	City of Negaunee, Croix Street reconstruction-Streetscape and resurfacing from U.S. 41 to Maas Street	$900,000
2076	KS	Construct I–35 and Lone Elm Road interchange and widen I–35 from 151st St. to 159th St., Olathe	$4,000,000
2077	MI	Integrated highway realignment and grade separations at Port Huron, MI to eliminate road blockages from NAFTA rail traffic	$400,000
2078	OK	U.S. 60, Widen U.S. 60 between Bartlesville and Pawhuska, Osage County, OK	$2,400,000
2079	WA	Construct an off-ramp from I–5 to the intersection of Alderwood Mall Blvd. and Alderwood Mall Pkwy	$400,000
2080	CA	Reduce congestion and boost economies through safer access to the coast by realigning Hwy 299 between Trinity and Shasta Counties	$5,600,000
2081	IL	Pre-construction and construction activities on U.S. 45/LaGrange Road from 131st Street to 179th Street	$800,000
2082	AR	Van Buren, Arkansas—Widen and reconstruct Rena Road	$3,000,000
2083	GA	Construction of infrastructure for inter-parcel access, median upgrades, lighting, and beautification along Highway 78 corridor	$4,800,000
2084	CA	Construct Alviso Bay Trail from Gold Street in historic Alviso to San Tomas Aquino Creek in San Jose	$800,000
2085	MS	Construct bicycle and trolley path, Hattiesburg	$680,000
2086	WI	Construct a bike and pedestrian bridge across SH 100 at the 1800 block of S. 108th Street, West Allis	$240,000
2087	IL	Increasing the height on the IL Rt. 82 Railroad Underpass in Geneseo, IL	$2,400,000
2088	NC	U.S. 70 Goldsboro Bypass	$800,000
2089	CA	Vasco Road Safety Improvements, Contra Costa Transportation Authority and the County of Alameda Public Works, California	$800,000
2090	NY	Downtown Flushing Multimodal Connection Project, Queens	$880,000
2091	MD	Construct Safety and Operations Improvements at Martin Luther King, Jr., Blvd. and W. Baltimore Street in Baltimore	$2,000,000
2092	NY	Rehabilitate Riis Park Boardwalk	$300,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2093	TX	Construct 25 mile stretch of the 177-mile loop, between IH–45 south and SH 288	$9,200,000
2094	UT	Construction of Midvalley Highway, Tooele County, Utah	$800,000
2095	WA	Improve Willapa Hills bicycle and pedestrian trail between Chehalis and Pacific County	$700,000
2096	PA	Design and construct interchange and related improvements at I–83 Exit 18	$4,800,000
2097	VA	Northern Virginia Potomac Heritage National Scenic Trail	$800,000
2098	NC	Wilmington Area Port Access Improvements	$2,400,000
2099	OK	Construction of Midwest City Pedestrian Walkway	$800,000
2100			$0
2101	GA	Construct access roads on Airport Loop road in Hapeville	$1,600,000
2102	TN	Construct 2nd Creek Greenway, Knoxville, Tennessee	$548,560
2103	NE	Design, right-of-way and construction for the Louisville Bypass, Nebraska	$2,000,000
2104	HI	Construct Honoapiilani Highway Realignment	$2,400,000
2105	TN	Hamblen County, Tennessee U.S. 25E interchange improvements	$800,000
2106	IL	Construction of a new bicycle-pedestrian bridge in Wayne, IL	$960,000
2107	PA	David Lawrence Convention Center Phase IV-reconstruction of roadways assoc. with HQ hotel project	$960,000
2108	CO	I–70 and SH 58 Interchange: Reconstruction of existing ramps, building of missing ramps and ROW acquisition	$5,976,000
2109	OH	Reconstruct U.S. Route 6 (Lake Road). Rocky River	$2,640,000
2110	WA	Construct 6 mile span over I–5 in Thurston County to connect Chehalis Western Trail	$4,108,000
2111	IL	Extend Frank Scott Parkway East Road to Scott AFB, St. Clair County	$2,240,000
2112	OH	Reconfigure I–480 and Transportation Blvd. Interchange, Garfield Heights	$800,000
2113	NY	Rehabilitation of Route 100 from Virginia Road to Westchester Community College	$880,000
2114	TN	Restoration of historic L&N Depot, McMinn County, Tennessee	$16,000
2115	SD	Resurface 10 miles of U.S. 18 from Okreek to Carter on the Rosebud Indian Reservation	$1,840,000
2116	CA	Route 198 Expansion, from SR 99 to SR 43	$2,400,000
2117	WA	SR 543 Interstate 5 to International Boundary Enhancement in Blaine	$3,000,000
2118	MD	Rockville, MD Construction of Maryland Avenue and Market Street Intermodal Access Project	$3,200,000
2119	MN	U.S. Highway 212 expansion from Carver Cnty Rd. 147 to Cologne and from Cologne to Norwood Young America	$800,000
2120	VA	Vienna, VA Maple Avenue improvement project	$1,320,000
2121	IL	Village of South Jacksonville—West Vandalia Road upgrades	$762,058
2122			$0

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2218	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA	$1,600,000
2219	OH	Improvements to SR 91 in City of Twinsburg, OH	$1,560,000
2220	TX	Completion of U.S. 77 relief route around City of Robstown	$2,400,000
2221	NY	Improve Maple Avenue, Smithtown	$1,000,000
2222	HI	Replace and Rehabilitate Kamehameha Highway Bridges, Island of Oahu	$800,000
2223	TX	SH 71 from W of FM 20 to Loop 150, Bastrop County	$1,600,000
2224	IN	Construct U.S. 31 Plymouth to South Bend Freeway Project in Marshall and St. Joseph Counties, Indiana	$8,800,000
2225	LA	Plan and develop a 4-lane roadway, Jeanerette to U.S. 90 connection	$160,000
2226	LA	Construct I–12 and LA 1088 Interchange	$2,400,000
2227	CA	4 lane widening/safety improvements on State Route 25 from Hollister to Gilroy	$2,928,000
2228	NY	Comprehensive traffic congestion mitigation study of Hauppauge Industrial Park and surrounding area	$600,000
2229	NY	Develop an identity and signage program for the Erie Canalway National Heritage Corridor	$800,000
2230	CO	Dillon Drive Overpass at Interstate 25 in Pueblo	$3,200,000
2231	NY	Improvements at highway-rail crossings along the Southern Tier Extension Railroad in Allegany, Cattaraugus, and Steuben Counties	$900,000
2232	FL	Depot Ave. Enhancements, Gainesville	$4,800,000
2233	CA	Interstate 15 and Winchester Road Interchange Project	$1,600,000
2234	PA	Construct the Eastern Inner Loop in Centre County around State College, PA	$4,000,000
2235	NJ	Streetscape Improvements along Berlin Road between Gibbsboro Road and White Horse Road in Lindenwold Borough	$800,000
2236	FL	SR 70 improvements in Highland, DeSoto and Okeechobee Counties	$1,600,000
2237	GA	Streetscape-Albany	$400,000
2238	GA	Streetscape-Richland	$160,000
2239	MO	Construct four lanes for Route 5 in Camden County	$8,000,000
2240	IL	Improve Cottage Grove intersection, South Chicago Avenue and 71st Street	$800,000
2241	NY	Study, design, and reconstruction of pedestrian walkways, the Bronx	$750,000
2242	MS	Upgrade roads in Anguilla and Rolling Fork, Sharkey County	$600,000
2243	TX	For center to center communication link between highway traffic transportation management centers	$800,000
2244	OH	Upgrade the interchange of Interstates 270 and 71 in Franklin County, Ohio	$2,105,600
2245	CA	U.S. 101 Corridor Improvements—Route 280 to the Capitol-Yerba Buena Interchange	$4,000,000
2246	CA	Rancho Vista Blvd. Widening Project	$2,800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2247	NJ	Newark Access Variable Message Signage System	$400,000
2248	IA	Construct SW Connector, West Des Moines	$1,600,000
2249	IA	U.S. 30 reconstruction, near Tama	$3,200,000
2250	GA	Construction of interchange on I–985 north of SR 13, Hall County, Georgia	$3,200,000
2251	MI	Marquette County, Realignment of 3200 feet of County Road 492 from U.S. 41 north to County Road HD	$400,000
2252	WI	Realign U.S. 8 near Cameron, Barron County	$1,600,000
2253	PA	Restoration of PA422, in Berks County, including slab repair and diamond grinding	$800,000
2254	CA	Monte Vista Avenue Grade Separation, Montclair, California	$1,600,000
2255	NY	Deploy intermodal chassis ITS project in New York	$1,600,000
2256	NY	Reconstruction of Route 590 in the Town of Irondequoit, NY	$6,000,000
2257	NY	Design and Construction of Downtown Jamestown Connector Trail	$1,600,000
2258	LA	Further construction to improve draining at Clearview Parkway (LA 3152) and Earhart Expressway (LA 3139)	$2,640,000
2259	MI	Houghton County, Rehabilitate 2 piers and remove old bridge caissons for Sturgeon River Bridge	$216,000
2260	AK	Make necessary improvements to Indian River Road in City and Borough of Sitka	$2,000,000
2261	MN	Reconstruct CSAH 61 from Barnum to TH 210 at Carlton, and improve Munger Trail	$1,680,000
2262	TX	Build I–30 Trinity River Bridge, Dallas, Texas	$800,000
2263	AK	Realign rail track to eliminate highway-rail crossings and improve highway safety and transit times	$5,000,000
2264	MS	Relocate SR 44 from SR 198 to Pierce Road, Columbia	$3,200,000
2265	AL	Interstate 565 west extension towards Decatur	$1,600,000
2266	MO	Roadway Improvements on Rt. 21 from Hayden Road to Lake Lorraine	$4,000,000
2267	IL	Halsted Bridge over North Branch Canal Reconstruction, City of Chicago	$480,000
2268	VA	Town of Pound Riverwalk—Construction of pedestrian riverwalk in Town of Pound	$80,000
2269	IL	U.S. 67 west of Jacksonville, IL Bypass to east of IL 100	$1,600,000
2270	NY	Village of Wappingers Falls North Mesier Ave	$600,000
2271	AR	War Eagle Bridge Rehabilitation—Benton County, Arkansas	$640,000
2272	WI	Build additional staircases, landscape, and other improvements to the marsupial bridge at the Holton St. Viaduct in Milwaukee	$640,000
2273	TN	Washington County, Tennessee SR 36 widening	$800,000
2274	MI	Westland, Ann Arbor Trail between Farmington and Merriman	$2,520,000
2275	MI	White Lake and Commerce, pave Cooley Lake Road Between Ripple Way and Havenwood	$400,000
2276	GA	Bridge replacement on County Road 183–FAS Route 1509, Peach County	$450,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2301	NH	Reconstruction and relocation of the intersection of Maple Avenue and Charleston Road in Claremont	$400,000
2302	OH	Construct highway-rail crossing safety upgrades at 3 grade crossings in Madison Village, OH	$240,000
2303	WA	Cultural and Interpretive Center (Hanford Reach National Monument) facility, Richland, WA	$1,280,000
2304	NY	Implement Improvements for Pedestrian Safety in New York County	$600,000
2305	NY	Construction of and improvements to Main Street in the Town of Eden	$320,000
2306	GA	SR 85 widening from Adams DR to I–75 and reconstruct the Forest Parkway interchange, Clayton County	$1,200,000
2307	GA	Jogging and Bicycle Trails around CSU, Columbus	$400,000
2308	PA	Design, engineering, ROW acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign in Throop Borough, Lackawanna County	$160,000
2309	IL	Reconstruct Winter Ave, existing 1 lane RR subway, and 1 lane bridge to provide access to Winter Park in Danville	$4,320,000
2310	OR	Construct highway and pedestrian access to Macadam Ave. and street improvements as part of the South Waterfront development, Portland	$7,200,000
2311	TX	Relocation of 10th Street near McAllen-Miller International Airport	$600,000
2312	IL	Construct pedestrian tunnel at railroad crossing in Winfield, IL	$800,000
2313	IN	Construct Margaret Avenue Safety and Capacity Enhancement Project	$2,400,000
2314	TX	Construct Loop 574 from BU 77 to I–35 in McLennan Co	$1,600,000
2315	NY	Construction of a bicycle/pedestrian off road scenic pathway from the Niagara Falls City Line to the southerly Lewiston Town/Village Line along the Niagara Gorge, Town of Lewiston, Village of Lewiston, Niagara County	$1,840,000
2316	FL	Construct new bridge from West-Florida Turnpike to CR 714 to 36th Street—Cross S. Fork of St. Lucie River—Indian Street to U.S. 1 on east side	$4,000,000
2317	WI	Recondition SH 16 from Columbus to SH 26 (Dodge County, Wisconsin)	$4,000,000
2318			$0
2319	NY	Riverwalk in Irvington development	$200,000
2320	OH	Road resurfacing and improvements in the Village of Bentleyville, OH	$560,000
2321	PA	Improvements to Stella Street rail-highway crossing in Wormleysburg, PA	$600,000
2322	CT	Construct Entrance Ramp at Route 8 Exit 11, Shelton, CT	$800,000
2323	AL	Pedestrian Improvements for Leeds, AL	$160,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2350	NY	Construct the Auburn Connector Road Corridor, Auburn, NY	$800,000
2351	MA	Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 146 and Millbury Street, Worcester	$6,400,000
2352	CA	Improve I–8 off ramp to the Desert Farming Institute, Imperial County	$800,000
2353	KS	Construct bike and pedestrian path along K–10 between Douglas and Johnson Counties	$400,000
2354	HI	Construct Bike Lanes on Kalanianaole Highway, vicinity of Makapuu to Keolu Drive	$240,000
2355	TX	Donna/Rio Bravo International Bridge	$1,600,000
2356	IL	Improve Sheridan Road, Evanston	$1,600,000
2357	MD	Intercounty Connector	$3,200,000
2358	MI	Resurfacing of Ten Mile Road in St. Clair Shores	$716,800
2359	NY	Conduct studies to consider transportation planning and community involvement for infrastructure projects that address congestion relief in New York City	$1,200,000
2360	MO	Construct an extension of MO 740 from U.S. 63 to the I–70 Lake of the Woods Interchange	$2,000,000
2361	LA	Construct improvements to Enterprise Blvd. in Iberville Parish; and LA 1/I–10 Connector Study; and improvements to LA 10/Zachary Taylor Parkway	$3,200,000
2362	NY	Monroe County ITS project	$720,000
2363	MO	Roadway improvement on I–44 in Phelps County, Missouri	$800,000
2364	MA	Rt. 128/95 ramp Northbound to Kendrick Street, Needham	$1,400,000
2365	IN	Realign State Road 312, Hammond	$3,330,313
2366	PA	Design, engineering, ROW acquisition and construction of surface improvements to the area adjacent to Exit 168 of Interstate 81 at the Wachovia Arena in Wilkes-Barre Township	$200,000
2367	GA	SR 92 relocation from Durelee Road to SR 92 at Malone, including grade separation, Douglas County, Georgia	$6,400,000
2368	IN	Construct I–69 Evansville to Indianapolis, Indiana	$11,200,000
2369	CA	Construct fourth bore of Caldecott Tunnel on SR 24, California	$1,600,000
2370	TN	Construct interchange on I–40 in Wilson County	$800,000
2371	IN	Construct service road parallel to I–69 in the City of Anderson, Indiana	$3,200,000
2372	NY	Croton-on-Hudson, NY Restoration of Van Cortlandt Manor entrance road	$2,000,000
2373	OH	Construction and repair of pedestrian walkways along Lake Shore Blvd. in Lakeline Village, OH	$231,200
2374	MD	Reconstruct MD 32 from MD 108 to I–70 in Howard County	$3,040,000
2375	NY	Repair and Improve Streets in Astoria damaged by water main breaks	$1,400,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2402	CA	Interstate 15, California Oaks Road Interchange Project	$1,600,000
2403	TX	Choate Road overpass to eliminate at-grade intersection between Choate Rd. and SH 146	$7,840,000
2404	OH	Construction of I–75 Austin Road Interchange, Montgomery County, Ohio	$6,000,000
2405	CA	Acquire lands for mitigation adjacent to U.S. 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project	$400,000
2406	TX	Construct U.S. Business 287 through the Trinity Uptown Project from 7th St. NE to 11th St. NE in Fort Worth	$6,400,000
2407	KS	Construct K–10 and Lone Elm Road interchange, Lenexa	$4,000,000
2408	OH	Construct connector road between SR 79 and Thornwood Drive in Licking County	$5,000,000
2409	NH	Construct Pedestrian, Bicycle bridge in Keene	$640,000
2410	FL	Coral Way, SR 972 Highway Beautification, Phase One, Miami, Florida	$1,200,000
2411	TN	Develop historic preservation transportation enhancement project, Sumner Co. and surrounding counties	$108,000
2412	NY	Develop terminal facilities for water taxi projects in New York City	$4,400,000
2413	WI	Expand U.S. 151 between Dickeyville and Belmont	$1,600,000
2414	NY	Improve bicycle and pedestrian safety, NY 25, Jamesport	$240,000
2415	PA	PA Route 183 widening and ramp enhancement, Bern Township	$1,600,000
2416	IN	Reconstruct Hoosier Heartland Highway, Wabash, Huntington and Miami County Indiana segments	$800,000
2417	GA	Replace sidewalks, upgrade lighting, and install landscaping, Soperton	$400,000
2418	LA	Lafayette, LA Implementation of Intelligent Transportation System	$8,800,000
2419	NY	Conduct improvements to I–87—Exit 18 Interchange	$2,000,000
2420	IL	To construct an extension of U.S. 51 from 9 miles south of Moweaqua to 4.6 miles south of Moweaqua	$1,600,000
2421	IL	Upgrade roads, The Village of Hillside	$800,000
2422	MS	Upgrade safety devices at Front Street rail crossing, Ellisville	$40,000
2423	CO	U.S. 287—Ports-to-Plains Corridor in Colorado	$6,133,333
2424	AZ	Many Farms, Apache County—For the Construction of N8086 and N8084 on the Navajo Nation	$480,000
2425	VA	Construct I–95 Interchange at Temple Ave, Colonial Heights	$1,600,000
2426	KS	Route designation, environmental clearance, final design and right-of-way acquisition for Crawford County, KS corridor of U.S. Highway 69	$3,200,000
2427	CA	U.S. 395 Realignment and Widening Project	$400,000
2428	IL	To connect about a 2-mile segment through Collinsville at two or three lanes	$1,600,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2506	SD	Resurface U.S. Highway 18 from Lake Andes to U.S. Highway 50 on Yankton Sioux Reservation	$960,000
2507	TX	Lajitas Relief Route	$1,200,000
2508	WY	U.S. 85 Passing Lanes	$1,600,000
2509	MA	Design and Construct Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester	$2,000,000
2510	NY	Little Falls Access: Repair and reconstruct High School and Lower School Road	$192,000
2511	FL	Replace Columbus Drive Bridge	$3,200,000
2512			$0
2513	MI	Construction of two railroad-highway grade separations on Farm Lane north of Mount Hope Road	$1,840,000
2514	CA	Widen Atlantic Bl bridge over the Los Angeles River in Vernon	$800,000
2515	CA	Widen Bundy Drive between Wilshire and Santa Monica Boulevards in the City of Los Angeles	$3,400,000
2516	AL	To provide four lanes on U.S. 80, Perry County, Marengo County, and Sumter County	$11,200,000
2517	CA	Widen Maine Avenue in Baldwin Park	$300,000
2518	NM	Ease traffic congestion and improve intersection safety by identifying alternative alignment to U.S. 84/285 and NM 68 through Espanola	$1,600,000
2519	MS	Widen MS Hwy 19 between Philadelphia and Collinsville, MS	$10,000,000
→ 2520	NY	Construct the Fire Island ferry terminal facility, Patchogue	$1,600,000
2521	IL	IL 8 from East Peoria to Washington, IL	$762,056
2522	NJ	Preliminary engineering for missing connections of NJ 23 and I–80	$1,200,000
2523	ME	Penobscot Riverfront Development for bicycle trails, amenities, and traffic circulation improvements, Bangor and Brewer	$2,800,000
2524	IL	Restoration and reconstruction of the central business district street. Cambridge, IL	$960,000
2525	NC	Widen NC 150 from Cherryville to Lincolnton	$800,000
2526	NY	Second phase of the Grand Concourse improvements from East 166th St. to East 171st St	$8,000,000
2527	VT	U.S. Route 7 and U.S. Route 4 road improvements for the City of Rutland	$2,848,000
2528	IL	Improve 63rd Street, Chicago	$1,600,000
2529	MI	Alcona County, Reconstruction of Ritchie Road from Village of Lincoln to Hubbard Lake road	$650,400
2530	SC	Construct roadway btwn I–26 and U/S/ 1 in Lexington County. Intermodal connector from U.S. 1 to I–26 and I–77. SC 302 and SC 602 improvements	$1,600,000
2531	OR	Agness Road, Curry County	$2,000,000
2532	NY	Rehabilitation of Sharon Drive in the Town of Poughkeepsie	$260,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2533	TX	Conduct study of I–10 and U.S. 190 with a focus on congestion relief and the need for a military and emergency relief transportation corridor	$160,000
2534	MD	MD 85 at I270	$4,000,000
2535	GA	SR 36 passing lanes north of Jackson to Newton County line, Butts County, Georgia	$2,440,000
2536	VA	I–66 and Route 29 Gainesville Interchange Project	$8,000,000
2537	NY	Construct and extend existing pedestrian streetscape areas in Lynbrook	$800,000
2538	CA	Construct traffic intersection island improvements on North side of Olympic Blvd. where Irolo St. and Normandie Ave. split in Koreatown, Los Angeles	$200,000
2539	WA	Improvements in the SR 9 corridor in Snohomish County	$1,200,000
2540	PA	Replace a highway railcrossing in Osborne Borough, PA	$1,720,000
2541	AL	Pedestrian Improvements for Centerpoint, AL	$533,334
2542	CA	Replace twin 2 lane bridge with single 4 lane bridge on SR 138 over Big Rock Wash	$400,000
2543	CA	State Route 86S and Ave. 50 highway safety grade separation	$800,000
2544	TX	Construct Fredericksburg Road-Medical Drive grade separation in San Antonio	$3,040,000
2545	PA	For design, engineering, ROW acquisition, and construction of a connector road between the Valmont Industrial Park and Pennsylvania Rt. 924 at Cranberry Creek	$400,000
2546	AR	Interstates 30/440/530 Interchanges/For interchange improvements, Little Rock	$1,200,000
2547	NJ	Rehabilitation of Benigno Boulevard from I295 to Route 168 in Bellmawr	$320,000
2548	PA	Preconstruction studies for improvement to U.S. 22 from Irving Street to Mickley Road	$800,000
2549	IL	Establish transportation museum on Navy Pier, Chicago	$432,000
2550	WA	Continuing construction of I–90, Spokane to Idaho State Line	$2,640,000
2551	VA	Improve transportation infrastructure for visitors to Jamestown 2007	$425,520
2552	AR	Highway 67: Kiehl Avenue—Vandenberg Boulevard: rehabilitating and widening Highway 67 from four to six lanes from Kiehl Ave. to Vandenberg Blvd	$2,960,000
2553	NY	Install Improvements for Pedestrian Safety including in the vicinity of PS X81	$250,000
2554	GA	Memorial Drive Corridor	$1,600,000
2555	VA	Route 11 improvements in Maurertown, Virginia	$800,000
2556	PA	Street improvements, Whitemarsh Township	$1,200,000
2557	VT	Construction of the Lamoille Valley Rail Trail for the Vermont Association of Snow Travelers	$5,814,789
2558	CO	I–76: Colorados Northeast Gateway	$6,133,334
2559	VA	Construct Maersk Terminal interchange in Portsmouth	$1,600,000
2560	GA	I–75 Welcom Project	$200,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2586	MA	Reconstruct North Washington Street Bridge to connect Boston and Charlestown	$4,000,000
2587	MS	Upgrade roads in Fayette (U.S. Highway 61 and 33), Jefferson County	$320,000
2588	MN	Heritage Center at the Grand Portage National Monument	$1,400,000
2589	NY	Redesign and reconstruction of the Putnam Rail-Trail, Bronx	$500,000
2590	OR	Highway 34/Corvallis Bypass Intersection	$2,100,000
2591	CA	Install traffic signal on Balboa Blvd. at Knollwood Shopping Center	$96,000
2592	MA	Chelsea Street Bridge Reconstruction	$9,000,000
2593	AL	Pedestrian Improvements for Northport, AL	$213,334
2594	NV	Construct widening of U.S. 50A from Fernley to Leeteville Junction	$4,000,000
2595	WA	Rebuild and widen Cemetery Road bridge over U.S. Bureau of Reclamation canal near Othello, WA	$160,000
2596	FL	Roadway construction of SW 62—SW 24 Avenue in Gainesville	$1,600,000
2597	WA	SR 2/Kelsey Street Intersection Improvements in Monroe	$832,000
2598	NY	Town of Southeast construction and repaving of town roads	$240,000
2599	MI	Reconstruct Third Ave. from Saginaw St. to Flint River, City of Flint	$2,400,000
2600	PA	Upgrade circuit for gates and lights at 31st Street in Allentown, PA USDOT crossing number 592410G to constant warning time devices	$220,000
2601	NV	Construct U.S. 95 Widening from Rainbow Blvd. to Kyle Canyon	$6,400,000
2602	IN	Improve campus streets to increase pedestrian safety and ease vehicular congestion in the City of Anderson, Indiana	$1,600,000
2603	PA	Schaefferstown Bypass, PA Route 501, Lebanon	$1,600,000
2604	PA	Design, engineering, ROW acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign in Dupont Borough, Luzerne County	$160,000
2605	GA	Intersection improvement at Lake Dow Road and SR 81 Harris Drive at SR 42	$480,000
2606	CA	Replace South Access to the Golden Gate Bridge—Doyle Drive	$8,000,000
2607	IL	Resurface Yellow Banks Road, Franklin County	$320,000
2608	AL	CR 52 from U.S. 31 (Pelham) and continuation of CR 52 in Jefferson County, known as Morgan Road, to I–459, including proposed Highway 261 bypass around old town Helena	$8,000,000
2609	IL	Intersection Reconstruction at U.S. 12–IL 31 Tryon Grove Road	$720,000
2610	NY	Streetscape of Herald and Greeley Squares in New York City	$400,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2833	PA	Corridor improvements for PA 72 from PA 283 to PA Turnpike	$800,000
2834	AR	Construction of I–49, Highway 71: Highway 22 to Highway 71 near Jenny Lind	$6,000,000
2835	CA	Provide landscape enhancement of an existing open culvert on Atherton Street, Long Beach	$1,200,000
2836	NY	Rehabilitate Guy Lombardo Avenue and construct drainage improvements and new sidewalks and curb cuts in Freeport, NY	$956,000
2837	IA	I–35 interchange improvements, Ankeny	$4,000,000
2838	PA	Improve Freemansburg Avenue and its intersections at Route 33	$1,600,000
2839	NJ	Pedestrian facilities and street lighting on Route 551 from Route 130 to Chestnut Street, Brooklawn	$320,000
2840	IL	I–57 and I–294 Interchange	$2,400,000
2841	FL	New Kings Rd. Pedestrian Overpass and Enhancements, Jacksonville	$1,600,000
2842	TX	Grimes Co., TX Bridge Improvement Project	$400,000
2843	CA	Crenshaw Blvd. Rehabilitation, Maricopa St. to Sepulveda Blvd., City of Torrance	$800,000
2844	VA	Engineering and Right-of-Way for Interstate 73 in Roanoke County	$1,200,000
2845	GA	Johnson Ferry Road Glenridge Drive Widening, Abernathy Road to Hammond Drive	$2,000,000
2846	GA	Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park	$6,160,000
2847	OH	Intersection improvements and related road improvements in the City of Chardon, OH	$489,600
2848	WV	Construct Coalfields Expressway	$5,760,000
2849	CA	Improve pedestrian and biking trails within East Bay Regional Park District, Contra Costa County	$800,000
2850	MA	Berkshire County Bike Paths, Design and Construction	$4,000,000
2851	MI	Ogemaw County, Overlay of Fairview Road to improve network of all-season truck routes	$295,680
2852	VA	Old Mill Road Extension	$800,000
2853	PA	Construct Campbelltown Connector, Lebanon County	$2,000,000
2854	NJ	Construct Rt. 40 Reconstruction from Rt. 77 to Elmer Lake, Elmer, Salem County	$2,400,000
2855	OH	Design and Construct Riverwalk and adjacent facilities, Warren, Trumbull Co	$1,200,000
2856	CA	Realign SR 4 within the City of Oakley	$1,600,000
2857	IL	Construct recreational trail from Spring Creek Forest Preserve to Greene Valley Forest Preserve in DuPage County, IL	$320,000
2858	MN	Construct trail link between Bruce Vento Regional Trail and Mississippi River Corridor in St. Paul	$1,200,000
2859	FL	Construct Interstate-4/Crosstown Connector	$800,000
2860	UT	Add lights to road from Halchita to Mexican Hat on the Navajo Nation	$200,000
2861	CA	Construct off ramp at Interstate 8/Imperial Avenue Interchange, El Centro	$2,400,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2922	MI	Monroe Area Highway-Railway Crossing Improvements, City of Monroe	$5,120,000
2923	OH	Conduct study of new interchange at Routes 161/37 and Cherry Valley Road in Licking County, Ohio	$2,000,000
2924	CT	Enfield, Connecticut make improvements to South Maple Street Bridge	$2,328,000
2925	NY	Conduct studies, if necessary, and construct infrastructure projects for Governor's Island	$3,200,000
2926	NY	Harlem River Park and Bikeway	$800,000
2927	CT	Make Improvements to Plainfield Cemetery Road	$160,000
2928	SC	Construct grade separation and interchange improvements at U.S. 521, Lancaster County	$800,000
2929	NJ	Replacement of the Magnolia Avenue Bridge over Routes 1 and 9	$800,000
2930			$0
2931	MI	Resurfacing of Frazho Road in Roseville	$1,024,000
2932	CA	Construct 213th Street pedestrian bridge to provide safe passage for pedestrians and wheelchairs, Carson	$800,000
2933	MO	Conduct impact studies for Missouri River Bridge siting in Kansas City, MO	$4,000,000
2934	CA	Construction of Lenwood Road Grade Separation in Barstow, CA	$1,200,000
2935	PA	Improvements to Frankford Avenue from Cottman Avenue to Harbison Avenue	$1,000,000
2936	IN	Revelop Hazeldell Road, Hamilton County, Indiana	$800,000
2937	AK	Road Improvements and upgrades to service road areas and miscellaneous projects within Northstar Borough	$5,000,000
2938	OH	Rehabilitation or replacement of highway-rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties	$288,000
2939	MI	Otsego County, Resurfacing and widening of Parmater Rd	$294,400
2940	WA	Realign West Main Street through Kelso	$2,000,000
2941	TN	Reconstruct State Route 109 from I–40 in Wilson County to Portland in Sumner County	$800,000
2942	PA	Redesigning the intersection of U.S. 322/High Street and Rosedale Ave	$1,200,000
2943	DE	Replacement of the Indian River Inlet Bridge, Sussex County, Delaware	$4,800,000
2944	FL	Construct link from I–95 to I–10 through Clay County with terminus points SR 23 to CAR 739B	$4,000,000
2945	MN	Construct ramps and new bridge over Interstate 35 at CSAH 17, and reconstruct CSAH 17 from west County Line to CSAH 30, Chisago County	$5,616,595
2946	CT	Conduct multimodal study of Route 8 corridor between Beacon Falls-Seymour town line and Exit 40	$800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2947	AR	Hwy 65 improvements in Van Buren County, including construction of passing lanes, bridge improvements, intersection improvements and other roadway improvements	$1,200,000
2948	AZ	Scott Ranch Road. Navajo County—Connect White Mountain Road (SR 260) and Penrod Road (SR 77)	$1,000,000
2949	NY	Construction of Pedestrian and Bike Trail campus access and improvements, St. Bonaventure, NY	$500,000
2950	NY	Eastern Laurelton Area Improvements, Queens, New York	$6,880,000
2951	NY	Bicycle and pedestrian safety improvements, Main Street, Riverhead	$1,200,000
2952	AL	Construct County Road 83 corridor from Foley Beach Express to I–10	$8,000,000
2953	PA	Design and construct improvements to PA 465 from Walnut Bottom Rd. to PA 641 and at I–81 Exit 44	$3,096,400
2954	IL	Reconstruct and Widen Route 60 Bridge over I–94 in Lake Forest	$9,000,000
2955	VA	Improve Downtown Staunton, Virginia, Streetscape	$1,200,000
2956	PA	Route 322 Halls Run Upgrades from the intersection of Horsecreek Road to Mapleshade Road—Venango County	$1,360,000
2957	PA	Design, engineering, ROW acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign in Wilkes-Barre	$2,000,000
2958	IN	SR 56 Reconstruction, Aurora, Indiana	$4,096,000
2959	MI	Study and implement transportation system alternatives in the vicinity of U.S. 31/M 46	$2,800,000
2960	MA	Longfellow Bridge Rehabilitation	$3,000,000
2961	IL	For Village of Bolingbrook to construct Remington Blvd. extension	$400,000
2962	AZ	Design and Construction of Rio Salado Pedestrian Bridge in Tempe, AZ	$2,400,000
2963	MI	Study to determine replacement options for obsolete and structurally deteriorating bridge (Trenton-Grosse Isle Bridge) including approach roadways, Charter County of Wayne	$3,200,000
2964	PA	Mount Joy Bridge Replacement on Route 230	$360,000
2965	CA	Modifies 9 traffic signals between Willow Road and Middlefield Road and Hamilton Avenue, Menlo Park	$240,000
→ 2966	OH	Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park	$400,000
2967	OR	To study the feasibility of widening Hwy 26 from the Hwy 217 interchange to the Cornelius Pass exit	$992,000
2968	GA	Athens-Clarke County Greenway Enhancement Project	$1,856,000
2969	WA	Improve Wahkiakum County Ferry landing	$250,000
2970	IL	Irving Park Bridge over the Chicago River	$3,200,000
2971	MI	Design, right-of-way and construction of passing relief lanes and improvements necessary on M–55, between M–37 and M–115	$1,760,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3054	OH	Construct interchange improvements at SR 46 and 82 in Howland Township, Trumbull Co	$450,000
3055	GA	Widen and construct U.S. 84 Connector By-pass from west of U.S. 84 SR 119 west of Hinesville to U.S. 84 SR 196 south of Flemington, Liberty County, Georgia	$2,400,000
3056	IL	Project is a stand-alone roadway improvement consisting of the complete reconstruction of the roadway, The Village of Forest Park	$800,000
3057	MI	Jackson Freeway Modernization Project. I–94 Modernization Project from Michigan State Route 60 [M60] easterly to Sargent Road	$12,800,000
3058	VA	Smart Travel and Traffic Management Systems in Salem and Staunton District, Virginia	$400,000
3059	OH	Construct Great Miami River Multi-Use Trail, Miami County, Ohio	$1,016,000
3060	DC	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail	$800,000
3061	MI	Study road runoff in Little Black Creek between U.S. 31 and Seaway Drive	$320,000
3062	CA	Conducts environmental review of proposed improvements related to the connection of Dumbarton Bridge to Highway 101	$400,000
3063	NY	Construction of and improvements to Union Road in West Seneca	$800,000
3064	WI	Upgrade I–43 between State Highway 140 and East County Line in Rock County, Wisconsin	$2,400,000
3065	NJ	Separation of the intersection of 13th Street and the Lehigh Rail Line through bridge or tunnel in Manville, NJ	$844,000
3066	CA	Construct parking facility and improve access to Imperial Valley Expo	$302,000
3067	CA	Develop bicycle paths and pedestrian access to Third Avenue, Chula Vista	$240,000
3068	IL	Upgrade County Highways 18 and 22 in conjunction with State I–57 interchange plan north of Mattoon	$1,600,000
3069	CA	Widen and Reconfigure Sepulveda and Culver Boulevards, Culver City	$2,192,000
3070	OH	Construct interchange or other appropriate access on IR 70 west of existing mall road exit in Belmont County	$6,935,000
3071	AZ	Widen and expand the existing roadway and railroad overpass in the Houghton Road Corridor	$4,000,000
3072	OK	Construction of Duncan Bypass Grade Separation	$2,400,000
3073	SC	Pine Needles Widening and Bridge Replacement	$1,600,000
3074	CA	Olsen Road widening and roadway improvements in Simi Valley, California	$1,680,000
3075	GA	Streetscape project to upgrade sidewalks, lighting and streets, Jeffersonville	$500,000
3076	NY	Implement Diamond Grinding Measures on I–95, I–278, Mosholu Parkway, I–495, Grand Central Parkway, and Richmond Parkway	$700,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3077	MD	Upgrade Conduit System for Traffic Signal Systems, Street Lighting, and Traffic-related Video Cameras for Baltimore	$960,000
3078	WA	5th Street/US 2 Signalization Improvements in Sultan	$80,000
3079	WI	Implementation of recommendations contained in 2005 Safe Routes to School in Superior plan	$480,000
3080	LA	Widen and improve LaPalco Boulevard from Westwood Drive to U.S. 90, Jefferson Parish	$3,200,000
3081	NY	Realign Kirk Lake Drive in Carmel	$88,000
3082	NY	Town of Somers road reconstruction	$400,000
3083	OH	Upgrade grade crossing safety devices in Elyria and North Ridgeville	$761,600
3084	MS	Widen and improve Martin Bluff Road, Gautier	$2,400,000
3085	CA	Widen and reconstruct Washington Blvd. from westerly city boundary at Vernon to I–5 Fwy at Telegraph Rd. in Commerce	$2,400,000
3086	CA	San Diego, CA Interstate 5, Sorrento Valley Road and Genesee Avenue Interchange Project	$1,600,000
3087	OR	Widen I–5 between Portland, Oregon and Vancouver, Washington	$3,200,000
3088	LA	North-South Corridor from Houma/Thibodaux to I–10	$4,000,000
3089	GA	Warren County I–20 Frontage Road	$4,000,000
3090	KY	Widen KY 11 from U.S. 460 to the Mount Sterling Bypass, Montgomery County	$2,000,000
3091	OH	Traffic and safety improvements to county roadways in Geauga County, OH	$456,000
3092	CA	Develop bicycle paths and public park space adjacent to the New River, Calexico	$4,000,000
→ 3093	TN	Construction of the Foothills Parkway in the Great Smoky Mountains National Park	$7,500,000
3094	PA	Improvements to Torresdale Avenue from Harbison Avenue to Cottman Avenue	$1,000,000
3095	GA	Butner Road and Stonewall Tell Road, Fulton County	$800,000
3096	OH	Construction of highway-rail grade separations at intersections in Lima to improve motorist and pedestrian safety	$2,600,000
3097	OR	Siuslaw River Bridge, Florence	$4,250,000
3098	CA	Construct Cypress Avenue over-pass to separate Interstate 10 and Union Pacific Railroad tracks in Fontana	$2,400,000
3099	CA	Modify and reconfigure Kanan Road interchange along U.S. 101 in Agoura Hills	$4,000,000
3100	OH	Upgrade and widen intersection for SR 14 in Washingtonville	$800,000
3101	NM	Upgrade NM 434 from Mora north to Black Lake	$1,200,000
3102	NJ	Upgrade of Turnpike/Route 440 Interchange in Bayonne	$3,200,000
3103	LA	Widen LA 18 from Northrup Grumman/Avondale Shipyards to U.S. 90, Jefferson Parish	$2,000,000
3104	PA	Widen PA 896 between Strasburg Borough and U.S. 30	$960,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3186	MN	TH 36-Stillwater Bridge, ROW acquisition and Utility Relocation	$4,000,000
3187	IL	To construct Veterans Memorial Drive Extension: Will link Mount Vernon on the east side of I–57 with incorporated area lying west	$800,000
3188	MN	I–494 U.S. 169 Interchange Reconstruction, Twin Cities Metropolitan Area, Minnesota	$4,000,000
3189	AL	Jackson County Industrial Park Access Road, Hollywood	$800,000
3190	FL	North-South Corridor between Archer Road and Newberry Road	$2,400,000
3191	AK	Construct access road and a bridge crossing the Naknek River terminus points in South Naknek-King Salmon Highway	$3,000,000
3192	NY	Route 303 Orangeburg Road and Route 340 and Erie Street intersection	$800,000
3193	MS	Upgrade roads in Port Gibson (U.S. Highway 61), Claiborne County	$320,000
3194	GA	Construct Horsestamp Road Interchange on I–95 in Camden County, Georgia	$800,000
3195	MO	Upgrade Route 94 in St. Charles County from East of Harvester road to West of Mid-Rivers Drive	$9,600,000
3196	OH	Upgrade the I–71 interchange with SR 665 and widen SR 665 from Hoover Road on the east to a relocated Haughn Road on the west, in Grove City, OH	$11,200,000
3197	NY	Village of Highland Falls repaving and sidewalk construction of Berry Hill Road	$60,000
3198	PA	Westmoreland County, Pennsylvania, four lane limited access facility connecting State Road 119 to the Pennsylvania Turnpike (Sony Connector)	$3,200,000
3199	NJ	Edison National Historic Site Traffic Improvement Project to improve traffic flow and promote safety	$192,000
3200	IL	Construction of Eldamain Road over the Fox River	$4,000,000
3201	CA	Construction of a traffic signal at the intersection of Oso Ave. and Vanowen St	$100,000
3202	OR	Reroute U.S. 97 at Redmond, OR and improve the intersection of U.S. 97 and Oregon 126	$5,600,000
3203	CA	Widen and realign Cherry Avenue from 19th Street to one block south of Pacific Coast Highway, Signal Hill	$3,200,000
3204	AR	Fort Smith, Arkansas: Improvements to Jenny Lind Rd. and Ingersoll Rd	$6,000,000
3205	OH	Widen Pearl Road in Strongsville	$800,000
3206	CA	Interstate 5 and State Route 78 Interchange Improvements	$4,000,000
3207	OK	Improvements to SH 3 from Antlers to Broken Bow	$5,000,000
3208	KY	Construct the Albany Bypass in Clinton County	$4,800,000
3209	CA	Highway 74 and Interstate 215 Interchange Project	$800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3210	SC	Improve intersection and corridor on U.S. 278 to improve safety. Poss build frontage roads widen road and change traffic controls	$9,600,000
3211	WA	Port of Bellingham Transportation Enhancement Projects	$7,280,000
3212	OH	Rehabilitation of SR 53 from Miami St. to North city limits including approaches to the CSX railroad bridge, City of Tiffin	$800,000
3213	OH	Upgrade U.S. Route 30 between State Route 235 and Upper Sandusky in Hancock and Wyandot Counties	$8,072,000
3214	MN	Main Street streetscape reconstruction, 2nd Street from Ash Ave. to State Hwy 2, and Grand Utley Ave. from 2nd Street to 6th Street N. across State Hwy 2, Cass Lake	$1,520,000
3215	NJ	Warren County, NJ Route 57 and County Route 519 Intersection Improvements	$2,160,000
3216	HI	Widen Queen Kaahumanu Highway	$2,400,000
3217	CT	Widen Route 34, Derby	$2,400,000
3218	IN	Construction of County Road 17—Elkhart, IN	$4,000,000
3219	PA	Widen Route 666 in Forest County	$1,200,000
3220	CA	Upgrade Jepson Parkway at North and South Gates of Travis Air Force Base and widen Vanden Road segment, Solano County	$3,200,000
3221	CT	Widen Route 67, Seymour	$800,000
3222			$0
3223	CT	Widen Canal Street, Shelton, CT	$400,000
3224	NJ	Construct CR 521/Ocean Drive and Middle Thoroughfare Bridge Replacement, Cape May County	$1,600,000
3225	OR	I–205 widening, Clackamas County	$1,600,000
3226	OK	Construct interchange south of I–40 along Indian Nation Turnpike near Henryetta	$200,000
3227	MO	Complete upgrade of U.S. 40–61 to interstate status on two section, from I–70 to Lake St. Louis exit and Highway K to Highway DD	$1,600,000
3228	TX	Abilene, TX, Dyess Air Force Base North Entry Access Project with related improvements	$11,120,000
3229	CA	Construction and enhancements of trails in the Santa Monica Mountains National Recreation Area	$800,000
3230	KY	Construct South Airfield Road, Boone County, Kentucky	$2,400,000
3231	LA	Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor	$160,000
3232	NY	Construction of pedestrian walkways in Village of Northport	$80,000
3233	NV	Design and Construction of I–80 interchange in Fernley	$1,600,000
3234	OH	Eastgate Area Improvements, I–275 and SR 32, Clermont County	$3,360,000
3235	PA	Pennsylvania Turnpike-Interstate 95 Interchange Project, Bucks County, PA	$8,000,000
3236	GA	Commission a study and report regarding construction and designation of a new Interstate linking Augusta, Macon, Columbus, Montgomery, and Natchez	$80,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3368	FL	Acquire Right-of-Way for Ludlam Trail, Miami, Florida	$200,000
3369	NY	Construct Northern State Parkway and LIE access at Marcus Ave. and Lakeville Rd. and associated Park and Ride	$1,360,000
→ 3370	PA	Construct interim U.S. 422 improvements at Valley Forge river crossing	$800,000
3371	NY	Design and construction of Renaissance Square in Rochester, NY	$1,600,000
3372	AL	Alabama Hwy 36 Extension and Widening—Phase II	$240,000
3373	PA	Northfield site roadway extension from Rt. 60 to Industrial Park near the Pittsburgh International Airport	$400,000
→ 3374	OH	Plan and construct pedestrian trail along the Ohio and Erie Canal Towpath Trail in downtown Akron, OH	$760,000
3375	TX	Reconstruct I–30 Trinity River Bridge—Dallas, TX	$27,200,000
3376	TX	Reconstruct I–30 Trinity River Bridge—Dallas, TX	$800,000
3377	GA	Construction of interchange on I–985 north of SR 13, Hall County, Georgia	$800,000
3378			$0
3379	FL	Temple Terrace Highway Modification	$800,000
3380	WY	Burma Rd: Extension from I–90 to Lakeway Rd	$1,600,000
3381	NJ	Construct Western Blvd. extension from Northern Blvd. to S.H. Rt. 9, Ocean County, NJ	$3,200,000
3382	FL	Powerline Rearvision motor carrier backover motor carrier safety research	$800,000
3383	NH	Environmental mitigation at Sybiak Farm in Londonderry to offset effects of I–93 improvements	$1,200,000
3384	MI	East Grand River Improvements, Brighton Township, Michigan	$1,600,000
3385	KY	Replace Brent Spence Bridge, Kenton County, Kentucky	$1,600,000
3386	TX	Construction of projects that relieve congestion in and around the Texas Medical Center complex	$9,600,000
3387	CA	Hazel Avenue ITS Improvements, Folsom Blvd. to Placer County	$400,000
3388	FL	SR 688 Ulmerton Road widening (west of 38th street to west of I275)	$8,000,000
3389	NH	Environmental mitigation at Crystal Lake in Manchester to offset effects of I–93 improvements	$1,520,000
3390	VA	Widening I–95 between Rt. 123 and Fairfax County Parkway	$800,000
3391	PA	Armstrong County, PA Slatelick Interchange for PA 28 at SR 3017	$1,920,000
3392	OK	Reconstruct the I–44—Fort Still Key Gate Interchange	$800,000
3393	GA	Greene County, Georgia conversion of I–20 and Carey Station Road overpass to full interchange	$1,600,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3420	IL	For Cook County to reconstruct and widen 127th Street between Smith Road and State Street in Lemont	$360,000
3421	TN	Widen I–65 from SR 840 to SR 96, including interchange modification at Goose Creek Bypass, Williamson County	$776,000
3422	CA	Auburn Boulevard Improvements, City of Citrus Heights	$400,000
3423	LA	Bossier Parish Congestion Relief	$2,400,000
3424	LA	Fund the 8.28 miles of the El Camino East-West Corridor along LA 6 from LA 485 near Robeline, LA to I–49	$1,600,000
3425	FL	Bryan Dairy Road improvements from Starkey Road to 72nd Street	$3,200,000
3426	GA	Buckhead Community Improvements to rehabilitate State Road 141, including lane straightening, addition of median, installation of left turn bays at two intersections, addition of bicycle lanes, sidewalks, clear zones and landscape buffers	$800,000
3427	VA	Purchase specialized tunnel fire safety equipment, Hampton Roads	$640,000
3428	MI	Holmes Road Reconstruction—From Prospect Road to Michigan Avenue, Charter Township of Ypsilanti	$1,600,000
3429	TN	Construct a system of greenways in Nashville—Davidson County	$800,000
3430	UT	Improve pedestrian and traffic safety in Holladay	$2,000,000
3431	OH	Construction of road improvements from Richmond Road to Cuyahoga Community College, Warrensville Heights	$1,080,000
3432	OH	Construct road with access to memorial Shoreway, Cleveland	$800,000
3433	TX	North Cameron County East-West Railroad Relocation Project	$80,000
3434	OR	Construct Pathway From Multimodal Transit Station to Swanson Park, Albany	$520,000
3435	NY	Transportation Initiative to provide for a parking facility, in the vicinity of the Manhattan College Community	$500,000
3436	NY	Phase II Corning Preserve Transportation Enhancement Project	$4,800,000
3437	NY	Study of goods movement through I–278 in New York City and New Jersey	$1,200,000
3438	NY	Study and Implement Traffic Improvements to the area surrounding the Stillwell Avenue train station	$1,000,000
3439	CA	Expand Diesel Emission Reduction Program of Gateway Cities COG	$2,480,000
3440	TX	Construct pedestrian walkway on Houston Texas' Main Street Corridor	$1,000,000
3441	CA	Sacramento County, California—Watt Avenue Multimodal Mobility Improvements, Kiefer Boulevard to Fair Oaks Boulevard	$3,200,000
3442	NJ	Passaic River—Newark Bay Restoration and Pollution Abatement Project, Route 21	$400,000
3443	NJ	Downtown West Orange streetscape and traffic improvement program	$1,440,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3497	NY	Construction of and improvements to Hopkins Street, Buffalo	$160,000
3498	NY	Construction of and improvements to Main Street in the Town of Aurora	$400,000
3499	NY	Construction of and improvements to McKinley Parkway, Buffalo	$400,000
3500	NY	Construction of and improvements to Route 5 in the Town of Hamburg	$400,000
3501	NY	Construction of and improvements to South Park Avenue and Lake Avenue in the Village of Blasdell	$400,000
3502	NY	Construction of and improvements to South Park Avenue, Buffalo	$160,000
3503	NY	Construction of Bicycle Path and Pedestrian Trail in City of Buffalo	$640,000
3504	NY	Construction, redesign, and improvements to Fargo Street in Buffalo	$1,600,000
3505	TN	Improve existing two lane highway to a five lane facility on State Route 53 from South of I–24 to Near Parks Creek Road, Coffee County	$4,400,000
3506	ME	Improve portions of Route 116 between Lincoln and Medway to bring road up to modern standard	$3,500,000
3507	ME	Improve portions of Route 26 between Bethel and Oxford	$1,000,000
3508	NY	Road improvements and signage in City of Lackawanna	$400,000
3509	NJ	Belmont Ave. Gateway Community Enhancement Project, Haledon	$400,000
3510	TX	Conduct feasibility study for an off ramp on I–30 on to Hall Street for direct access to Baylor University Medical Center in Dallas	$800,000
3511	NJ	Livingston Pedestrian Streetscape Project along Mount Pleasant and Livingston Avenues	$720,000
→ 3512	MD	MD4 at Suitland Parkway	$4,000,000
3513	NJ	Pompton Lakes Downtown Streetscape	$800,000
3514	PA	Street improvements along North Broad Street, Hatfield Borough	$100,000
3515	PA	Street improvements to Old York Road, Jenkintown Borough	$800,000
3516	PA	Street improvements to Ridge Pike and Joshua Road, Whitemarsh Township	$640,000
3517	PA	Street improvements to Skippack Pike (Rt. 73), Whitpain Township	$480,000
3518	PA	Street Improvements, Upper Dublin Township	$1,200,000
3519	PA	Street Improvements, Upper Gwynedd Township	$300,000
3520	VA	Construct access road and roadway improvements to Chessie development site, Clifton Forge	$1,040,000
3521	WA	Fruitdale and McGarigle Arterial Improvements Project in Sedro Woolley, Washington	$760,000
3522	MS	Improve Ridge Road, Pearl River County	$800,000
3523	MS	Port Bienville Intermodal Connector, Hancock County	$2,400,000
3524	WA	Realign Airport Road/Springhetti Ave./Marsh Road in Snohomish County, Washington	$250,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3671	KY	The Kentucky Multi-Highway Preservation Project (plus-up)	$320,000
3672	AZ	Pave remaining stretch of the Turquoise Trail, BIA Route 4, which is a north-south road that joins AZ HW 160 in the north to AZ HW 264 in the south portion of BIA Route 4	$1,600,000
3673	AK	Improve marine intermodal facilities in Ketchikan	$14,000,000
3674	DC	Highway improvements to improve access to the Kennedy Center	$4,000,000
3675	KY	Construct two bridges across the Ohio River from Louisville to southern Indiana (plus-up)	$10,000,000
3676	OR	TransPacific Parkway Realignment Project, Coos County	$350,000
3677	AK	Planning, Design, and Construction of Knik Arm Bridge	$28,425,000
3678	AK	Intermodel facility improvements at the Port of Anchorage	$25,000,000
3679	AK	Upgrade city roads and construct a road and acquire a hovercraft to transit the bay between King Cove and Cold Bay in King Cove	$3,700,000
3680	AK	Municipal Road Paving—Kotzebue	$2,000,000
3681	AK	Various Road Improvements in Petersburg	$2,000,000
3682	AK	Construction and Improvements at Alaska Pacific University	$3,000,000
3683	AK	Various road improvements in the City of Kenai	$1,000,000
3684	AK	Float Plane Road in Aleknagik	$1,000,000
3685	AK	Olympic Circle road paving in Gridwood	$500,000
3686	AK	Coffman Cove road paving in Coffman Cove	$375,000
3687	AK	Port Saint Nicholas road improvements in Craig	$3,000,000
3688	AK	Construction of a road between Lake Lucille and Big Lake in Matanuska-Sustina Borough	$2,000,000
3689	AK	Hatcher Pass Ski Development Road in Matanuska-Sustina Borough	$1,000,000
3690	AK	Access roads for the Barrow Arctic Research Center in Barrow	$3,000,000
3691	AK	Intermodal ferry dock in Hoonah	$2,000,000
3692	AK	Construction of relocation road in Shishmaref	$5,000,000
3693	AK	Improvements to Lake Camp Road in Bristol Bay Borough	$3,000,000
3694	AK	Study on the feasibility of constructing a natural gas pipeline from the North Star Borough to South Central Alaska along the existing transportation corridors	$2,000,000
3695	AK	Soldotna: Keystone Drive Road improvements in Soldotna	$3,000,000
3696	AK	Metlakatla: Walden Point Road	$5,000,000
3697	AK	Anchorage: Traffic Congestion Relief	$5,000,000
3698	AK	Bristol Bay: Transportation improvements to the access road and a bridge crossing at the Naknek River	$3,000,000
3699	AK	Statewide: Road culvert replacement and repair to improve fish habitat	$5,000,000
3700	AK	Construction of a ferry between Anchorage and Port MacKenzie	$5,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3701	AK	Aleknagik: Wood River Bridge, or design, engineering, permitting, and construction	$3,000,000
3702	AK	Chignik: Inter-Village Road, for design, engineering, permitting, and construction	$5,000,000
3703	AK	Kotzebue: Cape Blossom Road, for design, engineering, permitting, and construction	$5,000,000
3704	AK	Fairbanks: Tanana River Bridge replacement, for design, engineering, permitting, and construction	$5,000,000
3705	AK	Transportation Improvements in Cook Inlet for the Westside development/Williamsport-Pile Bay Road	$2,000,000
3706	AK	Fairbanks/North Star Borough: Road improvements to service roads and other misc	$5,000,000
3707	AK	Upgrades for road access to McCarthy, AK, for design, engineering, permitting, and construction	$5,000,000
3708	AK	Upgrades on the Dalton Highway, for design, engineering, permitting, and construction	$4,500,000
3709	AK	Kotzebue: Municipal Road Paving Project	$2,000,000
3710	AK	Crooked Creek: Road to Donlin Mine, for design, engineering, permitting, and construction	$2,000,000
3711	AK	Kenai: Borough road improvements	$2,500,000
3712	AK	Wrangell: Road improvements	$4,000,000
3713	AK	Petersburg: Road improvements, including but not limited to design, engineering, permitting, and construction	$1,500,000
3714	AK	Ketchikan: Improve marine dry-dock and facilities	$2,000,000
3715	AK	Southeast: Planning, design, and EIS of Bradfield Canal Road	$2,000,000
3716	AK	Gustavus: Dock replacement for the Alaska Marine Highway	$3,000,000
3717	AK	Upgrades on the Richardson Highway, including but not limited to design, engineering, permitting, and construction	$4,500,000
3718	AK	Bethel: Dust Control Mitigation for Rural Roads	$1,500,000
3719	AK	Nome: Dust Control Mitigation for Rural Roads	$1,500,000
3720	AK	Sitka: Improvements to Indian River Road, including but not limited to design, engineering, permitting, and construction	$500,000
3721	AK	Anchorage: handicapped and pedestrian access construction, surfacing and other improvements for 2006 National Veterans' Wheelchair Games	$2,000,000
3722	AK	Statewide: Mobility coalition—Job access transportation	$250,000
3723	AK	AK-North Pole: Homestead Road/North Pole High School Boulevard Extension Project	$500,000
3724	AK	Fairbanks: O'Connor Road Bridge Replacement	$250,000
3725	AK	Anchorage: Transportation Improvements to the Creekside development	$3,000,000
3726	AK	Anchorage: Dimond Center Intermodal Facility, including but not limited to design, engineering, permitting, and construction	$2,500,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3925	GA	Hwy 78 Corridor Improvement Gwinnett County	$4,000,000
3926	GA	Transportation improvements to I–285 interchange at Atlanta Rd. Cobb Co	$18,000,000
3927	GA	Queens Road widening and reconstruction Cobb Co	$1,500,000
3928	GA	Widening Cedarcrest Rd. from Paulding Co. to Governor's Towne	$500,000
3929	GA	City of Duluth sidewalk and streetscape improvements	$300,000
3930	GA	East Hiram Parkway, from SR 92 to U.S. 278, Paulding County new location	$1,000,000
3931	GA	Transportation improvements to U.S. 84 Connector/Bypass from west of U.S. 84/SR 119 west of Hinesville to U.S. 84/SR 196 south of Flemington, Liberty County	$1,000,000
3932	GA	Transportation improvements to SR 746/SE Rome Bypass from SR 101 U.S. 411 Floyd Co	$1,000,000
3933	GA	Transportation improvements to I–575 from I–75/Cobb north to Sixes Rd/Cherokee for HOV	$1,000,000
3934	GA	Upgrade SR 316 from I–85 to SR 10 Loop, Gwinnett, Barrow, Oconee Counties new interchanges and HOV lanes	$1,000,000
3935	GA	SR 204/Abercorn Street from King George Boulevard to Rio Road widening	$1,000,000
3936	GA	SR 96 from I–75 to old Hawkinsville Road widening and reconstruction	$1,000,000
3937	GA	SR 40 from west of CR 61 to SR 25/US 17 widening	$1,000,000
3938	GA	SR 247 Connector Improvements from SR 11/US 41 to SR 247, Warner Robbins widening and intersection	$2,000,000
3939	GA	I–285/I–20 West—Reconstruct interchange	$2,000,000
3940	GA	Johnson Ferry Road/Glenridge Drive widening from Abernathy Road to Hammond Drive, Fulton County	$2,500,000
3941	GA	SR 15 From Clayton City limits to North Carolina lane widening	$2,000,000
3942	GA	SR 105 from Cannon Bridge Road to Walnut Street widening	$2,000,000
3943	GA	SR 369 from Cherokee Circle to CR 267/Hightower Circle Truck Lanes, Forsyth County passing lanes	$1,500,000
3944	GA	SR 369 widening from SR 9 to SR 306 and interchange at SR 400, Forsyth County	$1,900,000
3945	GA	Widen SR 20 from CR 293 to CS 5231, Forsyth County	$1,600,000
3946	GA	Transportation improvements to SR 306 at CR 65/Waldrip Road, Forsyth County	$2,200,000
3947	GA	Transportation improvements to U.S. 411 Connector from U.S. 41 to I–75, Bartow County	$2,000,000
3948	GA	Construct access roads on Airport Loop road in Hapeville	$3,000,000
3949	GA	Warren County I–20 Frontage Road	$5,000,000
3950	GA	Kennesaw National Battlefield Park for land acquisition in carrying out viewshed protection and wildlife abatement	$3,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4258	LA	Upgrade LA 28 to four lanes from LA 121 to LA 465	$1,000,000
4259	LA	Rehabilitation of Street Routes Project in Bogalusa	$500,000
4260	LA	Construction of I–10 Access Rd., Crowley, LA	$500,000
4261	LA	Replace Kerner Ferry Bridge Jefferson Parish Bayou Barataria	$500,000
4262	LA	Peters Road improvements in Plaquemines Parish	$500,000
4263	LA	Improvements to LA 46 in St. Bernard Parish	$100,000
4264	LA	Baton Rouge Intelligent Transportation System	$1,000,000
4265	MA	Reconstruct Chelsea Street Bridge in Boston	$6,000,000
4266	MA	Design and construct downtown roadway and streetscape enhancements in Worcester	$4,500,000
4267	MA	Design and construct Rt. 24 Interchange in Fall River and Freetown	$5,500,000
4268	MA	Design and construct multimodal improvements and facilities in New Bedford	$5,500,000
4269	MA	Construct access improvements to the Lawrence Gateway Project, Lawrence	$2,500,000
4270	MA	Construct pedestrian and vehicular access improvements on the existing Brightman Street Bridge in Fall River	$500,000
4271	MA	Northern Avenue Bridge rehabilitation in Boston	$6,000,000
4272	MA	Construct Phase II of the Quincy Center Concourse Extension in Quincy	$6,000,000
4273	MA	Design and construct downtown roadway and streetscape improvements in North Adams	$2,000,000
4274	MA	Construct Holyoke Canalwalk and streetscape improvements in Holyoke	$3,500,000
4275	MA	Road improvements between Museum Road and Forsyth Way in Boston	$3,000,000
4276	MA	Design and construct access improvements and intermodal facilities at the former South Weymouth Naval Air Station in South Weymouth	$8,000,000
4277	MA	Design and construct Boston National Park traveler information system and visitor center in Boston	$7,000,000
4278	MA	Construct Haverhill intermodal center access and vehicle capacity improvements in Haverhill	$3,000,000
4279	MA	Design and construct roadway and streetscape improvements in Franklin	$5,000,000
4280	MA	Construct Lechmere Station area roadway and access improvements in Cambridge	$5,000,000
4281	MA	Design and construct Assembly Square multimodal access improvements in Somerville	$5,000,000
4282	MA	Construct downtown roadway and corridor improvements in Gloucester	$3,000,000
4283	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester	$2,000,000
4284	MA	Construct Melnea Cass Corridor improvements in Boston	$4,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4285	MA	Construct Southeastern Massachusetts freight rail corridor improvements in Bristol County	$5,000,000
4286	MA	Reconstruct Rt. 24/Rt. 140 Interchange, replace bridge and ramps, widen and extend acceleration and deceleration lanes	$4,000,000
4287	MA	Design and construct Rt. 20 access road in Westfield	$2,000,000
4288	MA	Reconfigure Kilby-Gardner-Hammond area road network in Worcester	$2,000,000
4289	MD	I–70 Improvement Project: Frederick, MD	$13,400,000
4290	MD	Construction and dualization of MD 404 in Queen Anne's, Talbot and Caroline Counties	$11,000,000
4291	MD	Construct U.S. 220 MD 53 North/South Corridor	$9,200,000
4292	MD	Upgrade MD 175 in Anne Arundel county between MD 170 and BW Parkway	$6,700,000
4293	MD	Construct a visitor center and related roads, and parking serving Fort McHenry	$5,300,000
4294	MD	Construct Assateague Island National Seashore visitors center and related road improvements	$6,300,000
4295	MD	Construction of new interchange at MD 5, MD 373 and Brandywine Rd	$4,000,000
4296	MD	Rehabilitate Pennington Avenue Drawbridge, Baltimore	$5,500,000
4297	MD	Construction and dualization of U.S. 113	$3,200,000
4298	MD	Construct MD 5 Hughesville Bypass	$3,000,000
4299	MD	Construct U.S. 40, MD 715 interchange at Aberdeen Proving Ground	$3,000,000
4300	MD	Construct MD 4 at Suitland Parkway	$2,800,000
4301	MD	Baltimore Rail Tunnel improvement study	$3,000,000
4302	MD	Construct Allegheny Highlands pedestrian/bicycle trail	$2,000,000
4303	MD	Upgrade MD 210 from MD 228 to I–495	$2,000,000
4304	MD	Patuxent Research Refuge Road improvements	$3,000,000
4305	MD	Rehabilitate roadways around East Baltimore Life Science Park	$2,200,000
4306	MD	Construction of new Baltimore water taxi terminals	$2,000,000
4307	MD	Upgrade I–95, I–495, MD 5/Branch Avenue Metro Access	$1,800,000
4308	MD	Construct Blackwater National Wildlife Refuge visitors center, trails and road improvements	$1,500,000
4309	MD	Edgewood, MD train station streetscaping and parking improvements	$1,500,000
4310	MD	Roadway improvements from intersection of U.S. 29 in Montgomery Co. along Industrial Parkway thru to FDA access/Cherry Hill Road	$2,000,000
4311	MD	Roadway access improvements, boardwalks, and pier construction at Hanover Street and West Cromwell, Baltimore	$1,500,000
4312	MD	MD 295 BWI access improvements	$1,200,000
4313	MD	Construction of Maryland Ave. and Market St. intermodal access project, including pedestrian safety improvements and Baltimore Rd. corridor, Rockville	$800,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4314	MD	Construct Woodrow Wilson Bridge Anacostia River wetlands mitigation project	$1,600,000
4315	MD	Construct Potomac River Gorge stormwater mitigation project	$500,000
4316	ME	I–295 improvements in Portland	$15,000,000
4317	ME	Construction of Calais/St. Stephan Border Crossing Project, Calais	$4,000,000
4318	ME	Improvements and construction of the Lewiston-Auburn Highway, Lewiston	$2,000,000
4319	ME	Replacement of Waldo-Hancock bridge and construction of related pedestrian walkways	$18,000,000
4320	ME	Transportation improvements for Maine East-West Corridor Project	$18,000,000
4321	ME	Augusta Memorial Bridge improvements, Augusta	$6,000,000
4322	ME	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements	$5,000,000
4323	ME	Construction of an Intermodal Center in Acadia Park, Bar Harbor	$4,000,000
4324	ME	Replacement of the Route 201–A "covered" bridge, Norridgewock	$6,000,000
4325	ME	Repair and improvements of Richmond-Dresden Bridge, Richmond-Dresden	$3,750,000
4326	ME	Access and traffic improvements to Route 15 in Brewer	$1,250,000
4327	ME	State of Maine Pedestrian and Bicycle Trail Project	$1,000,000
4328	ME	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements	$20,000,000
4329	ME	Construction of the Gorham Village Bypass, Gorham	$2,000,000
4330	ME	Improvements for statewide bike and pedestrian projects	$1,000,000
4331	ME	Repair and improvement of Harpswell Cribstone Bridge, Harpswell	$3,000,000
4332	ME	Repair and improvement of Deer Isle-Sedgwick Bridge, Deer Isle-Sedgwick	$10,000,000
4333	MI	Plan and construct, land acquisition, Detroit West Riverfront Greenway	$9,000,000
4334	MI	Reconstruct and widen I–94 in Kalamazoo	$8,000,000
4335	MI	Construct Interchange at I–675 and M–13 (Washington Avenue), Northbound exit, in Saginaw	$8,000,000
4336	MI	Rehabilitate bridge lift over Black River on 7th Street Bridge in Port Huron	$5,000,000
4337	MI	Reconstruct I–75 from North of U.S.–2 to Sault Ste. Marie and reconstruct the existing roadway, Sault Ste. Marie	$6,000,000
4338	MI	Construct at-grade crossing and I–75 interchange to reconnect Milbocker and McCoy Roads and construct overpass to reconnect Van Tyle to South Wisconsin Road in Gaylord	$5,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4339	MI	Improvements to Trowbridge Road Extension to Farm Lane, Ingham County, Farm Lane between Mount Hope Road and Trowbridge Road with underpasses for CN and CSX railroad crossings	$9,000,000
4340	MI	Allen Road under the CN Railroad Grade Separation, Woodhaven	$6,000,000
4341	MI	Blue Water Bridge Plaza improvements and relocation of segments of I–94 and I–69	$5,000,000
4342	MI	West Portage Avenue realignment, Sault Ste. Marie	$2,000,000
4343	MI	Construct road improvements to Van Dyke Road, from I–696 to Red Run Drain, City of Warren	$8,000,000
4344	MI	Construction of the I–696 and Northwestern Highway Interchange Freeway ramps at Franklin Road in Southfield	$3,000,000
4345	MI	Construct road improvements to Miller Road from I–75 to Linden Road, Flint Township	$2,500,000
4346	MI	University of Michigan Health Systems auto crash notification system	$1,500,000
4347	MI	Alger County, repaving a portion of H–58 between Sullivan Creek towards Little Beaver Road	$1,000,000
4348	MI	Jackson Road Boulevard Extension, utilizing fly ash and recycled concrete in road surface	$1,000,000
4349	MN	Transportation improvements for City of Moorhead SE Main GSI, 34th St. and I–94 Interchange and Moorhead Comprehensive Rail Safety Program in Moorhead	$5,000,000
4350	MN	Reconstruct I–35E from University Avenue to Maryland Avenue in St. Paul	$5,000,000
4351	MN	Construct last segment of the Victory Drive project to link Victory Drive with Highway 14 in Blue Earth County	$2,000,000
4352	MN	Phase III construction of Trunk Highway 610–10	$9,000,000
4353	MN	U.S. Trunk Highway 14 from One Mile West of Waseca to Owatonna	$4,000,000
4354	MN	Construction of 8th Street North: Stearns CR 120 to TH 15 in St. Cloud	$2,000,000
4355	MN	Design, engineering, and ROW acquisition to reconstruct Trunk Highway 95 bridge in North Branch	$750,000
4356	MN	Construction and right-of-way acquisition for interchange at TH 65 and TH 242 in Blaine	$2,000,000
4357	MN	Design, construct, and expand TH 241 in the City of St. Michael	$2,500,000
4358	MN	Design, construct, and acquire right-of-way for St. Croix River Crossing in Stillwater	$9,000,000
4359	MN	Design and construction of Cedar Avenue Busway in Dakota County	$5,000,000
4360	MN	Planning and Pre-Design for Twin Cities Bioscience Corridor in St. Paul	$3,000,000
4361	MN	TH 23—Construction of 4-Lane Bypass in Paynesville	$2,500,000
4362	MN	I–494 U.S. 169 interchange reconstruction, Twin Cities Metropolitan Area	$2,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4391	MO	Upgrade Route 59 at rail crossing in St. Joseph, MO	$3,000,000
4392	MO	Realignment and bridge replacement over First Creek from east of 2nd Street to Route 169 on MO 92, Clay County	$2,000,000
4393	MO	Roadway improvements on Rt. 21 from Hayden Road to Lake Lorraine	$2,000,000
4394	MO	Construct Interstate flyover at Hughes Road and Liberty Drive to 76th Street. Part of Liberty Parkway Project, Liberty	$4,000,000
4395	MO	I–55 Redesign, Cape Girardeau County	$2,000,000
4396	MS	Widening of I–55 from Highway 304 in DeSoto County to TN State line	$20,240,000
4397	MS	Upgrade U.S. 78 to Interstate standards from the MS/TN State line to the MS/AL State line	$8,000,000
4398	MS	For construction and ROW acquisition U.S. 49 from South of Florence to I–20	$26,400,000
4399	MS	To upgrade Old Fannin Road connecting Highway 25 to Spillway Road in Rankin County	$6,400,000
4400	MS	Plan and construct an intermodal connector linking I–20 to Hwy 49, Pearl-Richland	$10,000,000
4401	MS	Airport Parkway/Pearl River Bridge for ROW acquisition and construction of west segment between I–55 and Highway 475 at Jackson International Airport, with connector to Highway 25	$8,960,000
4402	MS	Byram-Clinton/Norrell Corridor—Connects the Norrell Road Interchange on I–20 to the Byram-Clinton Multimodal Corridor on I–55	$15,000,000
4403	MS	Lake Harbour Drive Extension, Ridgeland—Connects U.S. Highway 51 to Highland Colony Parkway	$10,000,000
4404	MS	Transportation Improvements for Greenville Bypass—Highway 82—U.S. Highway 82 bypass between Greenville and Leland	$10,000,000
4405	MS	Transportation Improvements for Port Connector Road, Claiborne County	$10,000,000
4406	MS	Transportation Improvements for South Entrance Loop—Mississippi State University	$10,000,000
4407	MS	Lynch Street Extension to Metro Parkway, Jackson—An extension of the Metro Parkway that connects intermodal traffic between the Metro Center Area and Jackson State University	$5,000,000
4408	MS	Transportation improvements for Highway 7 and Highway 49 Connector, Greenwood	$5,000,000
4409	MS	Transportation improvements for Pearl-Pirates Cove Interchange, Pearl	$5,000,000
4410	MS	Transportation improvements for Washington Street/Old U.S. Highway 61, Vicksburg	$5,000,000
4411	MS	Star Landing Corridor, Southaven	$5,000,000
4412	MT	Transportation improvements for MT 78 Corridor Development	$10,000,000
4413	MT	Transportation improvements for Bench Boulevard Connection and Corridor Project, Billings	$17,000,000
4414	MT	Transportation improvements for Babcock to Kagy Project, Bozeman	$5,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4415	MT	Transportation improvements for Townsend—South Project, U.S. 287	$10,000,000
4416	MT	Transportation improvements for Cutbank Railroad Overpass, Cutbank	$6,000,000
4417	MT	Transportation improvements for Havre—East Project, including Glasgow to Poplar, U.S. 2	$10,000,000
4418	MT	Transportation improvements for Lonepine North and East Project, MT 28	$7,000,000
4419	MT	U.S. 93 transportation improvement projects between Lolo and Hamilton	$15,000,000
4420	MT	U.S. 2 transportation improvement projects between North Dakota State Line and Browning	$20,000,000
4421	MT	MT 3 transportation improvement projects between Billings and Great Falls	$15,000,000
4422	MT	MT 16, reconstruction of roadway and structures northeast of Glendive	$7,000,000
→4423	MT	Develop and reconstruct Two Medicine Bridge, U.S. 2, East of Glacier National Park	$25,000,000
4424	MT	U.S. 93 Ninepipe to Ronan transportation improvement projects	$8,000,000
4425	NC	Construction of the southbound lane of U.S. 321 bridge replacement over the Catawba River in Caldwell and Catawba Counties	$2,160,000
4426	NC	Construction and expansion of Little Sugar Creek Greenway Charlotte	$3,155,000
4427	NC	Falls of Neuse Road Widening and Improvement, Raleigh	$3,000,000
4428	NC	Interstate 20 Extension study	$5,000,000
4429	NC	Transportation improvements at Piedmont Triad Research Park, Winston Salem	$2,000,000
4430	NC	Plan, design, and construct the 10th street Connector Project in Greenville	$1,500,000
4431	NC	Randall Parkway Widening and Improvement, Wilmington	$3,000,000
4432	NC	Widen Derita Road from Poplar Tent Road in Concord to the Cabarrus Mecklenburg County line, Concord	$3,400,000
4433	NC	Construction improvements to Highway 10 in Newton	$1,020,000
4434	NC	U.S. 64 upgrade and improvement between Raleigh, NC and Rocky Mount	$5,000,000
4435	NC	Construction and improvement of I–73, I–74, U.S. 220, in Montgomery and Randolph Counties	$2,200,000
4436	NC	U.S. 1 Bypass and improvements around Rockingham	$1,000,000
4437	NC	Norfolk Southern Intermodal System, Charlotte	$4,000,000
4438	NC	Design and construction of the Airport Area Roadway Network, High Point	$1,000,000
4439	NC	Independence Boulevard Extension, Wilmington	$3,000,000
4440	NC	Design, engineering, and construction of I–77/Catawba Avenue Interchange Cornelius	$5,000,000
4441	NC	Eliminate highway-railway crossings in City of Fayetteville	$4,000,000
4442	NC	Construction of I–74 between I–40 and U.S. 220, High Point	$6,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4471	ND	Reconstruction of U.S. 85 north of Grassy Butte to Long-X Bridge near Teddy Roosevelt National Park North Unit	$6,500,000
4472	ND	ND 22 Reconstruction from 15th St. to North Corporate Limits in Dickinson	$2,000,000
4473	ND	ND 200 Reconstruction from Jct. ND 49 at Beulah to Hazen	$3,500,000
4474	ND	North Bound I–29 Reconstruction from south of ND 15 to Near Grand Forks	$8,000,000
4475	ND	East Bound I–94 Reconstruction from Near South Heart to Dickinson	$7,000,000
4476	ND	ND 294/12th Avenue N Reconstruction and Bridge Widening in Fargo	$11,000,000
4477	ND	Replace Red River Valley Bridge at Drayton, ND	$3,100,000
4478	ND	U.S. 12 improvements between Bowman and Hettinger	$10,000,000
4479	ND	U.S. 83/North Broadway Reconstruction in Minot	$10,000,000
4480	ND	Mandan Avenue Reconstruction in Mandan	$2,000,000
4481	ND	ND 127 Reconstruction from ND 11 N. to Wahpeton	$3,000,000
4482	ND	U.S. 83 Reconstruction from Max to ND 23 SB	$6,000,000
4483	ND	U.S. 281 Reconstruction from Carrington to Jct. ND 15	$4,000,000
4484	NE	Construction of the Columbus, Nebraska North Arterial Road	$1,400,000
4485	NE	U.S. 34 Missouri River Bridge relocation and replacement	$500,000
4486	NE	Missouri River Bridges between U.S. 34, I–29 in Iowa and U.S. 75 in Nebraska	$1,200,000
4487	NE	Design, right-of-way and construction of Nebraska Highway 35 between Norfolk to South Sioux City	$4,000,000
4488	NE	Transportation improvements for U.S. 81 Meridian Bridge, Yankton	$1,800,000
4489	NE	Railroad Grade Separation Structures, Statewide	$6,000,000
4490	NE	Engineering, right-of-way and construction of the 23rd Street Viaduct in Fremont, Nebraska	$700,000
4491	NE	Design, right-of-way and construction of the Louisville bypass, Nebraska	$400,000
4492	NE	Construction of I–80/Cherry Avenue Interchange and East bypass, Kearney, Nebraska	$1,000,000
4493	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	$600,000
4494	NE	Construction of Heartland Expressway between Alliance and Minatare, NE	$8,000,000
4495	NE	New roads and overpass to relieve congestion and improve traffic flow for Antelope Valley—Lincoln, NE	$3,000,000
4496	NE	Design of right-of-way and construction of South and West beltway in Lincoln, NE	$2,000,000
4497	NE	Cuming Street Transportation improvement project in Omaha, NE	$900,000
4498	NE	Nebraska Intelligent Transportation Systems Statewide	$1,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4618	NY	Construction and Improvements to Soundview Connection Greenway from Bruckner Boulevard to Soundview Park	$800,000
4619	OH	Reconstruction of Cleveland Inner Belt and rehabilitation of the Central Viaduct Bridge, Cleveland, OH	$21,970,000
4620	OH	Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH	$8,200,000
4621	OH	Ramp and Roadway approaches on I–75 toward Brent Spence Bridge. Cincinnati, OH	$10,000,000
4622	OH	Rehabilitation of the Martin Luther King, Jr., Bridge. Toledo, OH	$2,000,000
4623	OH	Reconstruction, widening, and interchange upgrades to I–75 between Cincinnati and Dayton. Dayton, OH	$5,000,000
4624	OH	Replace the Edward N. Waldvogel Viaduct. Cincinnati, OH	$6,000,000
4625	OH	SR 8 safety improvement and road expansion project in Northern Summit County. OH	$2,600,000
4626	OH	Reconstruction of the 70/71 split in downtown Columbus, OH	$8,000,000
4627	OH	Widen U.S. 35 to three contiguous lanes from I–75 to I–675 in Montgomery County, OH	$4,000,000
4628	OH	Construct pedestrian bridge from east of Dock 32 to park. Cleveland, OH	$3,300,000
4629	OH	South Connector in Waverly from U.S. 23 to SR 104 to SR 220 for new development areas in a depressed Appalachian region. Waverly, OH	$4,100,000
4630	OH	Construct full movement interchange on I–75 at Austin/Miamisburg-Springboro Rd. and widen Miamisburg-Springboro Rd. from Wood Rd. to SR 741, Dayton, OH	$750,000
4631	OH	Reconstruct I–75/I–475 Interchange. Toledo, OH	$5,000,000
4632	OH	Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way. Cleveland, OH	$1,280,000
4633	OH	Construction of new bridges that will replace two unsafe spans that carry U.S. Route 62 across the Scioto River. Columbus, OH	$3,300,000
4634	OH	Construction of a full 4-way interchange at SR 44 and Shamrock Boulevard to replace current 2-way interchange of SR 44 and Jackson St. Painesville, OH	$400,000
4635	OH	Construction of interchange at SR 8 and Season Road, Cuyahoga Falls, OH	$2,800,000
4636	OH	Eliminate at-grade signalized intersections between North Fairfield Road and the Xenia Bypass on U.S. 35 in Greene County, OH	$3,000,000
4637	OH	Design and construct a Towpath Trail from southern Cuyahoga County through downtown Cleveland to Lake Erie. Cleveland, OH	$1,800,000
4638	OH	Reconstruct and widen SR 82, North Royalton, OH	$1,000,000
4639	OH	Construct connector between Crocker and Stearns County Highways. Westlake and North Olmsted, OH	$500,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4823	PA	Design and construct interchange improvements including sound barriers at I–83, Exit 19, or other projects designated by York County, MPO	$1,000,000
4824	PA	Construct the Alle-Kiski Bridge and Connector	$1,000,000
4825	PA	Reconfiguration of the Rochester Riverfront ramp	$1,000,000
4826	PA	Expand U.S. 422 between Indiana and Kittaning	$1,000,000
4827	PA	PATCO high-speed line fleet upgrade	$1,000,000
4828	PA	For interpretive signage and trails in Pittsburgh urban park land	$300,000
4829	PA	Construct rail crossings to access Schuylkill River Park, Philadelphia	$600,000
4830	PA	Repair and upgrade Cresheim Valley Drive, Philadelphia	$450,000
4831	PA	Improvements to Penn's Landing Ferry Terminal, Philadelphia	$400,000
4832	PA	Shippensburg University campus circulation improvements	$250,000
4833	PA	To incorporate a portion of Old Delaware Avenue as the South Philadelphia Port Access Road	$400,000
4834	PA	Construct a new interchange and additional northbound lane along SR 28 near Tarentum	$400,000
4835	PA	Linglestown Square, Lower Paxton Township	$250,000
4836	PA	Study the future needs of east-west road infrastructure in Adams County	$500,000
4837	PA	Completion and enhancements to the Pittsburgh Riverfront trail system	$500,000
4838	PA	Road impact study along Potomac River tributaries	$200,000
4839	PA	Da Vinci Center hydrogen fuel-celled transit vehicles	$200,000
4840	PA	Complete heritage tourism work plans for communities along SR 6	$100,000
4841	PA	Relocation of East Lake Road in Pyamatuning Township	$100,000
4842	RI	Transportation Improvements for the Apponaug Bypass	$22,000,000
4843	RI	Transportation Improvements for the Washington Secondary Bicycle Facility/Coventry Greenway/Trestle Trail (Coventry)	$4,000,000
4844	RI	Transportation Improvements for the Northwest Biketrail/Woonasquatucket River Greenway (Providence, Johnston)	$6,000,000
4845	RI	New Interchange constructed from I–195 to Taunton and Warren Avenue in East Providence	$7,000,000
4846	RI	Transportation Improvements for the Blackstone River Bikeway (Providence, Woonsocket)	$10,000,000
4847	RI	Transportation Improvements for the Jamestown Bridge Demolition—Bicycle Access/Trestle Span Demolition/Fishing Pier (N. Kingstown)	$4,000,000
4848	RI	Weybosset Street (200 Block) Streetscape and Drop-off Lane Improvement—Providence	$750,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4849	RI	Acquisition of fee or easement, construction of a trail, and site improvements in Foster	$1,000,000
4850	RI	Open space acquisition to mitigate growth associated with SR 4 and Interstate 95, by non-profit land conservation agencies through acquisition of fee or easement, with a match requirement of 50% of the total purchase price	$8,000,000
4851	RI	Replace Sakonnet Bridge	$7,000,000
4852	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor	$500,000
4853	RI	Bury the Power Lines at India Point	$2,500,000
4854	RI	Restore and Expand Maritime Heritage site in Bristol	$500,000
4855	RI	Transportation Improvements for the Colt State Park Bike Path	$2,000,000
4856	RI	Construct trails and facility improvements within the Rhode Island National Wildlife Refuge complex	$1,000,000
4857	RI	Improvements for the Commuter rail in Rhode Island	$5,000,000
4858	RI	Transportation Improvements for the East Main Road in Middletown	$5,000,000
4859	RI	Downtown Circulation Improvements Providence	$2,000,000
4860	RI	Transportation Improvements for the Route 138 (South Kingstown)	$4,000,000
4861	RI	Transportation Improvements for the Route 1 Gilbert Stuart Turnaround (N. Kingstown)	$2,750,000
4862	RI	Rehabilitate and improve Rt. 138 from Rt. 108 to Rt. 2	$12,000,000
4863	RI	Improve traffic circulation and road surfacing in downtown Providence	$5,000,000
4864	RI	Improve access to Pell Bridge in Newport	$5,000,000
4865	RI	Completion of Washington Secondary Bike Path from Coventry to Connecticut Border	$7,000,000
4866	RI	Replace Warren Bridge in Warren	$11,000,000
4867	RI	Rehabilitation of Stillwater Viaduct in Smithfield	$5,000,000
4868	RI	Completion of Woonasquatucket River Greenway from Johnston to Providence	$5,000,000
4869	RI	Replace Natick Bridge in Warwick and West Warwick	$5,000,000
4870	SC	Construction of I–73 from Myrtle Beach, SC to I–95, ending at the NC State line	$10,000,000
4871	SC	Widening of U.S. 278 to six lanes in Beaufort County, SC between Hilton Head Island and SC 170	$15,000,000
4872	SC	Engineering, design and construction of a Port Access Road connecting to I–26 in North Charleston, SC	$10,000,000
4873	SC	Improvements to U.S. 17 in Beaufort and Colleton Counties to improve safety between U.S. 21 and SC 64	$10,000,000
4874	SC	Widening of SC 9 in Spartanburg County from SC 292 to Rainbow Lake Road	$2,000,000
4875	SC	Complete Construction of Palmetto Parkway Extension (I–520) Phase II to I–20	$3,000,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4898	SD	Reconstruction of U.S. 14/Medary Ave. to 22nd Ave., Brookings	$3,000,000
4899	SD	Extension of Main Street and replacement of rail crossing, Mobridge	$1,500,000
4900	SD	Reconstruction and paving of BIA Route 27, Wounded Knee-Porcupine Butte	$6,000,000
4901	SD	Purchase critical conservation easements along the Heartland Expressway (Highway 79) adjacent to Custer State Park and Wind Cave National Park	$2,000,000
4902	SD	Reconstruction and paving of streets on the Flandreau Indian Reservation	$2,000,000
4903	SD	Construct Exit 61 I–90 Rapid City (Heartland Expressway)	$15,116,000
4904	SD	Construct SD 1806 from U.S. 83 East/15.6 miles toward Lower Brule	$862,000
4905	SD	Construct Wagner Community Streets, Yankton Reservation	$200,000
4906	SD	Construct Marty Community Streets, Yankton Reservation	$200,000
4907	SD	Construct Riverfront Walking trail between 4th Ave. and Main Street, Mobridge	$300,000
4908	SD	Reconstruct Exit 79—I–29 in Sioux Falls (12th Street)	$12,323,000
4909	SD	East Anamosa St. extension to east/north and lacrosse St. road and bridge	$6,127,000
4910	SD	To replace bridge over Missouri River, I–90 in Chamberlain	$15,000,000
4911	SD	Winter Maintenance Decision Support System/ SD DOT	$1,000,000
4912	SD	Reconstruct U.S. 14 to U.S. 83 junction, Pierre East	$2,000,000
4913	SD	Resurface U.S. 12 from McLaughlin east 14.2 miles in Standing Rock Reservation	$2,472,000
4914	SD	Reconstruct I–90 loop in Mitchell (Burr to Sanborn)	$3,000,000
4915	SD	Road Construction Activities Turner County	$1,000,000
4916	SD	Pavement restoration U.S. 12 2.1 miles from west of Penn St. to east of Melgaard in Aberdeen	$1,000,000
4917	SD	BIA route 3/ Tribal Farm Rd. reconstruction and paving	$6,000,000
4918	SD	BIA route 15 resurfacing between red scaffold and cherry creek to Ziebach county Rd. 33	$5,000,000
4919	SD	For Okreek to Carter grading and resurfacing U.S. 18 west of Okreek to Carter	$2,250,000
4920	SD	Acquisition of road maintenance equipment for Oglala, Rosebud and Cheyenne River Sioux Tribes	$3,000,000
4921	SD	Construct bike path in Vermillion	$750,000
4922	SD	Construct Rail Spur in Brookings	$750,000
4923	SD	Asphalt overlay to extend Lewis and Clark Highway 1804 in Charles Mix County leading to Platte Creek Recreation Area	$600,000
4924	SD	South Dakota Department of Transportation; for those projects it has identified as its highest priorities	$3,450,000
4925	TN	University of Tennessee Joint Institute for Advanced Materials in Knoxville	$20,000,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4926	TN	Center for Advanced Intermodal Transportation Technologies at the University of Memphis	$5,000,000
4927	TN	College Street Corridor, Phase II, Great Smoky Mountain Heritage Highway Cultural and Visitors Center, Maryville	$8,000,000
4928	TN	Plan and construct N. Tennessee Boulevard enhancements, Murfreesboro	$6,000,000
4929	TN	North Second Street Corridor Upgrade, Memphis	$10,000,000
4930	TN	Engineer, design and construction of connector road from I–75 interchange across Enterprise South Industrial Park to Hwy 58 in Hamilton County	$10,000,000
4931	TN	Construct force protection barriers along U.S. Highway 41–A at Fort Campbell	$4,000,000
4932	TN	Upgrade roads for Slack Water Port facility and industrial park, Lake County, TN	$1,500,000
4933	TN	Plan and construct Rutherford County visitor's center/transportation information hub, City of Murfreesboro	$2,000,000
4934	TN	Reconstruct connection with Hermitage Avenue to Cumberland River Bluff in Nashville	$5,000,000
4935	TN	Six lane extension from Airways Boulevard to South Highland Avenue in Jackson	$4,000,000
4936	TN	Plough Boulevard Interchange with Winchester Road in Memphis	$2,500,000
4937	TN	Construction of a pedestrian bridge in Alcoa	$200,000
4938	TN	Construct visitor interpretive center at the Gray Fossil Site in Gray	$1,800,000
4939	TN	Expansion of SR 11W from Rutledge to Bean Station in Grainger County	$5,000,000
4940	TN	Construction of Knob Creek Road in Washington County, Tennessee	$2,500,000
4941	TN	Riverside Drive Cobblestone Restoration and Walkway, Memphis	$2,500,000
4942	TN	Reconstruction of sidewalks, curbs, and streetscape improvements within the Memphis Central Biomedical District, Memphis, Tennessee	$5,000,000
4943	TN	Develop intelligent transportation signage for access points at Fort Campbell, Tennessee	$2,200,000
4944	TN	Construction of SR 32/U.S. 321 from SR 73 at Wilton Springs road to near I–40 in Cocke County, Tennessee	$5,000,000
4945	TN	Improvements to I–40 interchange at I–240 East of Memphis (Phase II)	$5,000,000
4946	TN	Warren County Mountain View Industrial Park access road, Warren County, TN	$1,500,000
4947	TN	Widen U.S. Highway 127 to 4 lanes between Jamestown, Tennessee and I–40	$2,000,000
4948	TN	Widen a railroad underpass and make access improvements to the I–275 industrial business park in Knoxville	$5,000,000
4949	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County	$500,000
4950	TN	Construct overpass at Highway 321 and Highway 11 Loudon County	$1,300,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4951	TN	Construction of an Interchange on Highway 64 (APD 40) adjacent to I–75 Exit 20 in the City of Cleveland, TN for increased safety ...	$1,250,000
4952	TN	Construct trails and recreational facilities at the Warriors Path State Park in Kingsport ..	$500,000
4953	TN	Construct the Melton Lake greenway in Oak Ridge	$650,000
4954	TN	Access road improvements for regional hospital in Morristown	$1,000,000
4955	TN	Johnson County, Tennessee for a trails system	$500,000
4956	TN	Access road from the James H. Quillen VA Medical Center to U.S. 11–E in Mountain Home	$1,000,000
4957	TN	Widen I–65 from SR 840 to SR 96, including interchange modification at Goose Creek bypass, Williamson County	$2,000,000
4958	TN	Acquire and construct trail and bikeway along S. Chickamauga Creek in Chattanooga	$500,000
4959	TN	Improve Streetscape and pavement repair, Carter County	$500,000
4960	TN	Improve Streetscape and pavement repair, McMinn County	$500,000
4961	TN	Improve Streetscape and pavement repair, Maury County	$500,000
4962	TN	Improve, Streetscape and pavement repair, Lincoln County	$500,000
4963	TN	Improve Streetscape and pavement repair, Dyer County	$500,000
4964	TN	Improve Streetscape and pavement repair, Smith County	$500,000
4965	TN	Improve Streetscape and pavement repair, Henry County	$500,000
4966	TN	Improve Streetscape and pavement repair, Obion County	$500,000
4967	TN	Improve Streetscape and pavement repair, Sumner County	$500,000
4968	TN	Replace Unitia Bridge in Loudon County	$200,000
4969	TN	Sullivan, Washington Counties, Tennessee SR 75 widening	$500,000
4970	TN	Sevier County, TN SR 66 widening	$500,000
4971	TN	Develop the East Hickman County and Oak Hill Community Greenway Projects, Hickman County	$200,000
4972	TN	SR 397 extension from SR 96W to U.S. 431N to Franklin	$500,000
4973	TN	U.S. 412 from the Madison County Line to Parsons TN in Henderson and Decatur Counties	$500,000
4974	TN	Construction of the Foothills Parkway in Smoky Mountains National Park, Sevier County	$10,000,000
4975	TN	Construct Transportation and Heritage museum, Townsend	$400,000
4976	TN	Plan and construct access road for the Overton County Industrial Park, Overton County	$300,000
4977	TN	Construct system of greenways in Nashville—Davidson County	$500,000
4978	TN	Improve Streetscape and pavement repair, Roane County	$500,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
5036	UT	Construction of 200 North Street highway-rail graded crossing separation, Kaysville	$5,000,000
5037	UT	Forest Street Improvements, Brigham City	$2,500,000
5038	UT	Bear River Migratory Bird Refuge Access Road Improvements, Box Elder County	$5,500,000
5039	UT	Construction and Rehabilitation of 13th East in Sandy City	$5,000,000
5040	UT	Transportation Improvements to 200 East Minor Arterial, Logan City	$1,000,000
5041	UT	Provo, Utah Westside Connector from I–15 to Provo Municipal Airport	$1,000,000
5042	UT	Improve pedestrian and traffic safety in Holladay	$2,000,000
5043	VA	I–66 Improvements and Route 29 Interchange at Gainesville	$20,000,000
5044	VA	Construct Meadowcreek Parkway Interchange, Charlottesville	$25,000,000
5045	VA	Construct South Airport Connector Road, Richmond International Airport	$2,000,000
5046	VA	I–264/Lynnhaven Parkway/Great Neck Road Interchange	$2,000,000
5047	VA	Improvements to Coalfields Connector, Route 460, Buchanan County	$12,000,000
5048	VA	Rt. 460 Improvements	$5,000,000
5049	VA	National Park Service transportation improvements to Historic Jamestowne in FY 2006	$2,000,000
5050	VA	Manage freight movement and safety improvements to I–81	$3,500,000
5051	VA	Route 50 Traffic Calming, Gilberts Corner	$8,000,000
5052	VA	Smart Road Research and Operations, Blacksburg	$6,000,000
5053	VA	Replacement of Robertson Bridge, Danville	$5,000,000
5054	VA	I–64/City Line Road Interchange	$5,000,000
5055	VA	Dominion Boulevard Improvements, Route 17, Chesapeake	$8,000,000
5056	VA	National Park Service, Appalachian Trail, High Top Mountain land acquisition, FY 2006	$500,000
5057	VA	Widen I–66 westbound inside the Capital Beltway	$22,000,000
5058	VA	Construct I–73 near Martinsville,	$7,000,000
5059	VA	The Journey Through Hallowed Ground Rt. 15 scenic corridor management planning and implementation, FY 2006	$1,000,000
5060	VA	Widening I–95 between Rt. 123 and Fairfax County Parkway	$10,000,000
5061	VA	Widen Route 17 in Stafford	$1,000,000
5062	VA	Construct Old Mill Road extension	$2,000,000
5063	VA	Improvements to public roadways within the campus boundaries of the Virginia Biotechnology Park, Richmond	$1,000,000
5064	VA	Widen Route 262 in Augusta County	$2,000,000
5065	VA	Bristol Train Station—Historic preservation and rehabilitation of former Bristol, VA train station	$1,000,000
5066	VA	Interstate 81 ITS message signs	$500,000
5067	VA	Improvements to Route 15, Farmville	$1,000,000
5068	VA	Route 11 improvements in Maurertown (Shenandoah County)	$500,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
5069	VA	Improve Route 42 (Main Street) in Bridgewater	$500,000
5070	VA	Widen Rolfe Highway to the Surry Ferry landing approach bridge in FY 2006	$1,000,000
5071	VA	Engineering and right-of-way for Interstate 73 in Roanoke County	$1,000,000
5072	VA	Double stack clearance of tunnels on the Norfolk and Western Mainline in Virginia located on the Heartland Corridor	$5,000,000
5073	VA	Construction and improvements from Route 60 to Mariners Museum and USS Monitor Center	$1,000,000
5074	VA	Route 221 improvements in Forest	$500,000
5075	VT	U.S. Route 2 Improvements in Danville	$5,000,000
5076	VT	Vermont Statewide Rural Advanced Traveller System and Fiber Construction	$10,000,000
5077	VT	Main Street Bridge, Johnson	$3,600,000
5078	VT	Pearl Street Bridge, Johnson	$1,400,000
5079	VT	Church Street Improvements in Burlington	$6,000,000
5080	VT	Burlington Waterfront Transportation Improvements	$3,500,000
5081	VT	Colchester Campus Road Project	$1,000,000
5082	VT	Essex Junction Downtown Transportation Improvements	$1,000,000
5083	VT	U.S. Route 2/I–89 Interchange Improvements in South Burlington	$3,000,000
5084	VT	I–91 Reconstruction at Derby Line, VT Port of Entry	$6,000,000
5085	VT	Design and Construction of Montpelier Downtown Redevelopment Project	$4,000,000
5086	VT	Design and construction of dry span bridge in Swanton	$5,000,000
5087	VT	Vermont Transportation Coordinated Use Facility in Berlin	$2,000,000
5088	VT	St. Lawrence and Atlantic Railroad Upgrades in Northeastern Vermont	$5,000,000
5089	VT	Vermont I–89 Exit 14 Upgrades	$4,000,000
5090	VT	Construct Bennington Bypass (North Leg)	$20,000,000
5091	VT	Improve Federal Street, St. Albans	$1,500,000
5092	VT	Improvements to U.S. Rt. 7 from Brandon to Pittsford	$15,000,000
5093	VT	Improvements to U.S. Rt. 7 in Charlotte	$4,000,000
5094	VT	Design and construction of roundabouts/traffic circles at U.S. Rt. 7/Rt. 7A in Manchester and U.S. Rt. 7/VT Rt. 103 in Clarendon	$2,500,000
5095	VT	Improvements to I–91 between Hartford, VT and Derby line	$15,000,000
5096	VT	Transportation Improvements to Vermont Park and Ride	$2,500,000
5097	VT	Transportation Improvements to Bellows Falls Tunnel	$2,000,000
5098	VT	Improvements to River Rd/U.S. Rt. 2 in Lunenberg	$2,000,000
5099	WA	SR 518 corridor—Improvements to SR 518–509 interchange and addition of eastbound travel lane on a portion of the corridor	$4,000,000
→ 5100	WA	Design and construct pedestrian land bridge spanning SR 14	$2,500,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
5101	WA	Riverside Avenue Improvements, Phases 2 and 3, Spokane	$2,500,000
5102	WA	Hanford Reach National Monument Road Improvement	$1,500,000
5103	WA	Town Square Roadway and Pedestrian Improvements, Burien	$2,500,000
5104	WA	SR 704 Cross-Base Highway Improvements, Spanaway Loop Road to SR 7	$2,000,000
5105	WA	Tukwila Southcenter Parkway Improvements, Tukwila	$3,000,000
5106	WA	Federal Way Triangle—Conduct final engineering work for the reconstruction of the I–5—SR 18 interchange	$4,000,000
5107	WA	U.S. 12 Burbank to Walla Walla: Construct new four lane highway for portion of U.S. 12	$2,500,000
5108	WA	Reconstruction of SR 99 (Aurora Ave. N) between N 145th St. and N 205th St	$1,000,000
5109	WA	Access Downtown Phase II: I–405 Downtown Bellevue Circulation Improvements	$1,500,000
5110	WA	Seattle Ferry Terminal Redevelopment and Expansion	$2,000,000
5111	WA	Port of Bellingham Transportation Enhancement Projects	$2,500,000
5112	WA	Toroda Creek Road Improvements, Ferry County	$1,650,000
5113	WA	Toroda Creek Road Improvements, Okanogan County	$850,000
5114	WA	Conduct preliminary engineering and EIS for Columbia River Crossing in WA and OR	$1,000,000
5115	WA	U.S. 395, North Spokane Corridor Improvements	$2,000,000
5116	WA	116th St/Interstate 5 Interchange Reconstruction in Marysville	$1,000,000
5117	WA	SR 167—Right-of-way acquisition for a new freeway connecting SR 509 to SR 161	$7,500,000
5118	WA	Roadway and Pedestrian Improvements at Burien Town Square, Burien	$1,500,000
5119	WA	Complete analysis, permitting and right-of-way procurement for I–5/SR 501 Interchange Replacement in Ridgefield	$8,400,000
5120	WA	Construct improvements to Multimodal Terminal, Bainbridge Island	$2,500,000
5121	WA	Construct Intermodal Transit Facility, City of University Place	$3,250,000
5122	WA	Streetscape University Place Downtown, City of University Place	$2,800,000
5123	WA	Plan and Improve freight and goods transport—The West Cost Corridor Coalition in Washington State	$500,000
5124	WA	Continuing construction of I–90, Spokane to Idaho State Line	$7,300,000
5125	WA	Tukwila Urban Access Improvement—Address necessary improvements to Southcenter Parkway in Tukwila to relieve congestion	$1,750,000
5126	WA	Takoma—Lincoln Ave. Grade Separation	$1,500,000
5127	WA	Widen SR 202/SR 520 to Sahalee Way, King County	$1,750,000

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
5151	WI	Construct a bicycle/pedestrian path from Waunakee to Westport	$500,000
5152	WI	Construct an alternative connection to divert local traffic from I–90, a major highway, and allow movement through the Gateway commercial development project	$1,000,000
5153	WI	Reconstruct Highway 151 from American Parkway to Main Street, Sun Prairie	$2,000,000
5154	WI	Replace Highway 10 bridge over the Chippewa River near Durand	$2,000,000
5155	WI	Construct Eau Claire bypass on U.S. 53 in Eau Claire	$2,000,000
5156	WI	Replace the 17th Street Lift Bridge, Two Rivers	$2,000,000
5157	WI	Pioneer Road Rail Grade Separation (Fond du Lac, Wisconsin)	$1,000,000
5158	WI	Upgrade Highway 26 between Janesville and Watertown	$3,000,000
5159	WV	Construct King Coal Highway-Red Jacket Segment, Mingo County	$38,000,000
5160	WV	Plan, design, and construct New Ohio River Bridge, South of Wellsburg, Brooke County	$18,000,000
5161	WV	Plan, design, and construct Route 9 Martinsburg Bypass	$13,000,000
5162	WV	Upgrade Route 10 Logan Co	$7,000,000
5163	WV	Construct Coalfields Expressway	$11,000,000
5164	WV	Widen and reconstruct U.S. Rt. 35, Putnam County	$27,000,000
5165	WV	Construct Shawnee Parkway	$1,000,000
5166	WY	Burma Rd: Extension from I–90 to Lakeway	$2,500,000
5167	WY	U.S. 26–287: repair road from Dubois to Moran Junction, Wyoming to improve access to Yellowstone National Park (Togwotee Pass Reconstruction)	$25,000,000
5168	WY	WYO 59: add lanes between Gillette and Douglas, Wyoming for improved safety and access	$10,000,000
5169	WY	Casper West Belt Loop: connect three National Highway System routes (WYO 220, U.S. 20–26 and I–25)	$21,000,000
5170	WY	I–80: reconstruct section of I–80 near Rock Springs, Wyoming for improved safety	$19,000,000
5171	WY	I–25: Widen and resurface approximately eight miles of I–25 in Johnson County, Wyoming between Buffalo and Kaycee	$5,000,000
5172	WY	I–90: create I–90/Burma Road overpass to increase community and emergency access in Gillette, Wyoming	$2,500,000
5173	WY	U.S. 85: add passing lanes on U.S. 85 between Newcastle and Lusk, Wyoming to increase safety	$5,000,000

SEC. 1703. TECHNICAL AMENDMENTS TO TRANSPORTATION PROJECTS.

(a) TEA–21.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

* * * * * * *

"Improve the ramp configuration at the I–476 PA Turnpike Landsdale Interchange";

(17) in item number 1447 by striking "Extend" and all that follows through "Valparaiso" and inserting "Design and construction of interchange at I–65 and 109th Avenue, Crown Point"; and

(18) in item number 1474 by adding at the end the following: ", widen Cuyahoga SR 87, and $4,000,000 of the amount authorized to construct grading separation at Front Street, Berea".

(b) ISTEA.—Item number 32 in the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) is amended by striking "Extension of 34th Street from IL Rt. 15 to County Road 10" and inserting "Extension and improvements of 34th Street".

Subtitle H—Environment

SEC. 1801. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Section 147 of title 23, United States Code, is amended to read as follows:

"§ 147. Construction of ferry boats and ferry terminal facilities

"(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

"(b) FEDERAL SHARE.—The Federal share of the cost of construction of ferry boats, ferry terminals, and ferry maintenance facilities under this section shall be 80 percent.

"(c) ALLOCATION OF FUNDS.—The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing ferries, that—

"(1) provide critical access to areas that are not well-served by other modes of surface transportation;

"(2) carry the greatest number of passengers and vehicles; or

"(3) carry the greatest number of passengers in passenger-only service.

"(d) SET-ASIDE FOR PROJECTS ON NHS.—

"(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 2005 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

"(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

"(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

"(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

"(e) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

"(f) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by striking the item relating to section 147 and inserting the following:

"147. Construction of ferry boats and ferry terminal facilities.".

23 USC 129 note.

(c) CONFORMING REPEAL.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is repealed.

23 USC 147 note.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out section 147 of title 23, United States Code, by section 1101 of this Act, there are authorized to be appropriated such sums as may be necessary to carry out such section 147 for fiscal year 2006 and each fiscal year thereafter. Such funds shall remain available until expended.

23 USC 129 note.

(e) NATIONAL FERRY DATABASE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.—Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

Deadline.

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter;

Public information.

(B) ensure that the database is easily accessible to the public; and

(C) make available, from the amounts made available for the Bureau of Transportation Statistics by section 5101 of this Act, not more than $500,000 for each of fiscal years 2006 through 2009 to establish and maintain the database.

(f) TERRITORY FERRIES.—Section 129(c)(5) of title 23, United States Code, is amended by striking "the Commonwealth of Puerto Rico" each place it appears and inserting "any territory of the United States".

SEC. 1802. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Section 162(a) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "the roads as" and all that follows and inserting "the roads as—

"(A) National Scenic Byways;

"(B) All-American Roads; or

"(C) America's Byways."; and

(2) by striking paragraph (3) and inserting the following:

"(3) NOMINATION.—

"(A) IN GENERAL.—To be considered for a designation, a road must be nominated by a State, an Indian tribe, or a Federal land management agency and must first be designated as a State scenic byway, an Indian tribe scenic byway, or, in the case of a road on Federal land, as a Federal land management agency byway.

"(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

"(i) jurisdiction over the road; or

"(ii) responsibility for managing the road.

"(C) SAFETY.—An Indian tribe shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).

"(4) RECIPROCAL NOTIFICATION.—States, Indian tribes, and Federal land management agencies shall notify each other regarding nominations made under this subsection for roads that—

"(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

"(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.".

(b) GRANTS AND TECHNICAL ASSISTANCE.—Section 162(b) of such title is amended—

(1) in paragraph (1) by inserting "and Indian tribes" after "provide technical assistance to States";

(2) in paragraph (1)(A) by striking "designated as" and all that follows through "; and" and inserting "designated as—

"(i) National Scenic Byways;

"(ii) All-American Roads;

"(iii) America's Byways;

"(iv) State scenic byways; or

"(v) Indian tribe scenic byways; and"; and

(3) in paragraph (1)(B) by inserting "or Indian tribe" after "State";

(4) in paragraph (2)(A) by striking "Byway or All-American Road" and inserting "Byway, All-American Road, or 1 of America's Byways";

(5) in paragraph (2)(B)—

(A) by striking "State-designated" and inserting "State or Indian tribe"; and

(B) by striking "designation as a" and all that follows through "; and" and inserting "designation as—

"(i) a National Scenic Byway;

"(ii) an All-American Road; or

"(iii) 1 of America's Byways; and"; and

(6) in paragraph (2)(C) by inserting "or Indian tribe" after "State".

(c) ELIGIBLE PROJECTS.—Section 162(c) of such title is amended—

(1) in paragraph (1) by inserting "or Indian tribe" after "State";

(2) in paragraph (3)—

(A) by inserting "Indian tribe scenic byway," after "improvements to a State scenic byway,"; and

(B) by inserting "Indian tribe scenic byway," after "designation as a State scenic byway,"; and

(3) in paragraph (4) by striking "passing lane,".

(d) CONFORMING AMENDMENT.—Section 162(e) of such title is amended by inserting "or Indian tribe" after "State".

SEC. 1803. AMERICA'S BYWAYS RESOURCE CENTER.

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America's Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways, All-American Roads, and America's Byways with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,500,000 for fiscal year 2005 and $3,000,000 for each of fiscal years 2006 through 2009.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

23 USC 144 note.

SEC. 1804. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

(2) STATE.—The term "State" has the meaning such term has in section 101(a) of title 23, United States Code.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) collect and disseminate information on historic covered bridges;

(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;

(3) conduct research on the history of historic covered bridges; and

(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).

(2) ELIGIBLE PROJECTS.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge; or

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site.

(3) AUTHENTICITY REQUIREMENTS.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for each of fiscal years 2006 through 2009.

(e) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.

SEC. 1805. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES. 23 USC 144 note.

(a) IN GENERAL.—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.

(b) RECIPIENT RESPONSIBILITIES.—A recipient of the debris described in subsection (a) shall—

(1) bear the additional cost associated with having the debris made available;

(2) ensure that placement of the debris complies with applicable law; and

(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.

(c) DEFINITION.—In this section, the term "beneficial use" means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.

SEC. 1806. ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking "$1,500,000 for each of fiscal years 1998 through 2003" and inserting "$1,800,000 for each of fiscal years 2005 through 2009".

Missouri.
California.
Minnesota.
Wisconsin.
23 USC 217 note.

SEC. 1807. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a nonmotorized transportation pilot program to construct, in the following 4 communities selected by the Secretary, a network of nonmotorized transportation infrastructure facilities, including sidewalks, bicycle lanes, and pedestrian and bicycle trails, that connect directly with transit stations, schools, residences, businesses, recreation areas, and other community activity centers:

(1) Columbia, Missouri.

(2) Marin County, California.

(3) Minneapolis-St. Paul, Minnesota.

(4) Sheboygan County, Wisconsin.

(b) PURPOSE.—The purpose of the program shall be to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within selected communities.

(c) GRANTS.—In carrying out the program, the Secretary may make a grant of $6,250,000 per fiscal year for each of the communities set forth in subsection (a) to State, local, and regional agencies that the Secretary determines are suitably equipped and organized to carry out the objectives and requirements of this section. An agency that receives a grant under this section may suballocate grant funds to a nonprofit organization to carry out the program under this section.

(d) STATISTICAL INFORMATION.—In carrying out the program, the Secretary shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in communities participating in the program and assess how such changes decrease congestion and energy usage, increase the frequency of bicycling and walking, and promote better health and a cleaner environment.

(e) REPORTS.—The Secretary shall submit to Congress an interim report not later than September 30, 2007, and a final report not later than September 30, 2010, on the results of the program.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $25,000,000 for each of fiscal years 2006 through 2009.

* * * * * * *

(g) FLEXIBILITY IN THE STATE OF MONTANA.—The State of Montana may use funds apportioned under section 104(b)(2) of title 23, United States Code, for the operation of public transit activities that serve a nonattainment or maintenance area.

(h) AVAILABILITY OF FUNDS FOR STATE OF MICHIGAN.—The State of Michigan may use funds apportioned under section 104(b)(2) of such title for the operation and maintenance of intelligent transportation system strategies that serve a nonattainment or maintenance area.

(i) AVAILABILITY OF FUNDS FOR THE STATE OF MAINE.—The State of Maine may use funds apportioned under section 104(b)(2) of such title to support, through September 30, 2009, the operation of passenger rail service between Boston, Massachusetts, and Portland, Maine.

(j) AVAILABILITY OF FUNDS FOR OREGON.—The State of Oregon may use funds apportioned on or before September 30, 2009, under section 104(b)(2) of such title to support the operation of additional passenger rail service between Eugene and Portland.

(k) AVAILABILTY OF FUNDS FOR CERTAIN OTHER STATES.—The States of Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Ohio may use funds apportioned under section 104(b)(2) of such title to purchase alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)) or biodiesel.

Subtitle I—Miscellaneous

SEC. 1901. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 320—

(1) the following:

"§ 321. Signs identifying funding sources";

and

(2) the text of section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note).

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 320 the following:

"321. Signs identifying funding sources.".

(c) CONFORMING REPEAL.—Section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209) is repealed.

SEC. 1902. DONATIONS AND CREDITS.

Section 323 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (c) by inserting ", or a local government from offering to donate funds, materials, or services performed by local government employees," after "services"; and

(2) by striking subsection (e).

SEC. 1903. INCLUSION OF BUY AMERICA REQUIREMENTS IN TITLE 23.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 312—

(1) the following:

* * * * * * *

SEC. 1931. RICHARD NIXON PARKWAY, CALIFORNIA.

(a) DESIGNATION.—The segment of the Imperial Highway located between California State Route 91 and Esperanza Road in the State of California shall be known and designated as the "Richard Nixon Parkway".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway segment referred to in subsection (a) shall be deemed to be a reference to the "Richard Nixon Parkway".

SEC. 1932. AMO HOUGHTON BYPASS.

New York.

(a) DESIGNATION.—The 3-mile segment of Interstate Route 86 between its interchange with New York State Route 15 in the vicinity of Painted Post, New York, and its interchange with New York State Route 352 in the vicinity of Corning, New York, shall be known and designated as the "Amo Houghton Bypass".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway segment referred to in subsection (a) shall be deemed to be a reference to the "Amo Houghton Bypass".

SEC. 1933. BILLY TAUZIN ENERGY CORRIDOR.

Louisiana.

(a) DESIGNATION.—Louisiana Route 1 shall be known and designated as the "Billy Tauzin Energy Corridor".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway segment referred to in subsection (a) shall be deemed to be a reference to the "Billy Tauzin Energy Corridor".

SEC. 1934. TRANSPORTATION IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For each of fiscal years 2005 through 2009, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to make allocations in accordance with paragraph (2) to carry out each project described in the table contained in subsection (c), at the amount specified for each such project in that table.

(2) ALLOCATION PERCENTAGES.—Of the total amount specified for each project described in the table contained in subsection (c), 10 percent for fiscal year 2005, 20 percent for fiscal year 2006, 25 percent for fiscal year 2007, 25 percent for fiscal year 2008, and 20 percent for fiscal year 2009 shall be allocated to carry out each such project in that table.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Funds authorized to be appropriated to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(2) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title.

(c) TABLE.—The table referred to in subsections (a) and (b) is as follows:

* * * * * * *

Transportation Improvements—Continued

No.	State	Project Description	Amount
74.	IA	University of Iowa, Public Policy Center—Field Test of Onboard Computer Assessment of Highway User Fees	$4,000,000
75.	IA	Drake University, 28th and Carpenter Streets Improvements, Des Moines	$1,500,000
76.	IA	Loess Hills Scenic Byways/Resource Protection, Western Iowa	$330,000
77.	IA	Great River Road National Scenic Byway, Rivers to the Sea, Dubuque County	$5,000,000
78.	IA	Great River Road National Scenic Byway, Mud Lake Road, Dubuque County	$600,000
79.	IA	Great River Road National Scenic Byway, Renovating Old Fort Madision	$37,445
80.	IA	Great River Road National Scenic Byway, Louisa County	$1,700,000
81.	IA	Great River Road National Scenic Byway, Montrose	$73,500
82.	IA	Wapsi-Great Western Trail System, Mitchell and Howard Counties	$2,300,000
→ 83.	IA	Lewis and Clark Trail Study	$250,000
84.	IA	Recreation Trail, Comanche to Clinton	$2,100,000
85.	IA	Mississippi River Trail, Heritage Trail, Dubuque County	$1,680,000
86.	IA	Mississippi River Trail, Bridge at Credit Island, Davenport	$2,000,000
87.	IA	Mississippi River Trail, Leach Park in Bettendorf to Riverdale	$2,165,000
88.	IA	American Discovery Trail, Hoover Nature Trail connect to Ely	$200,000
89.	IA	American Discovery Trail, connection to Clear Creek Trail, Coralville	$450,000
90.	IA	Downtown Improvement Project, DeWitt	$1,700,000
91.	IA	19th Avenue North Connector, Clinton	$1,500,000
92.	IA	McCollister Boulevard, Iowa City (HP: 830)	$3,000,000
93.	IA	County Home Road, Linn County	$1,200,000
94.	IA	Collins Road, Cedar Rapids	$6,000,000
95.	IA	I–80/Middle Road Interchange Justification Report with Environmental Assessment, Bettendorf	$500,000

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Transportation Improvements—Continued

No.	State	Project Description	Amount
178.	MA	Design and construct downtown roadway and streetscape improvements in Brockton	$2,000,000
179.	MA	Design, engineering, and construction at I–93 The Junction Interchange, Andover, Tewksbury, and Wilmington	$4,000,000
180.	MA	Gainsborough St. and St. Botolph Street Improvements in Boston	$2,000,000
181.	MD	Upgrade MD 175 in Anne Arundel County between MD 170 and BW Parkway	$5,000,000
182.	MD	Improve U.S. 40, MD 715 interchange at Aberdeen Proving Ground	$5,000,000
→ 183.	MD	Upgrade MD 4 at Suitland Parkway	$5,000,000
→ 184.	MD	Construct Fort McHenry Visitors Center and related parking facilities	$2,000,000
185.	ME	Plan and construct North-South Aroostook highways to improve access to the St. John Valley, including Presque Isle Bypass and other improvements	$5,000,000
186.	ME	Repair and improvement of Deer Isle-Sedgwick Bridge	$3,000,000
187.	ME	Construction of Calais/St. Stephen Border Crossing Project	$1,000,000
188.	ME	Replacement of Waldo-Hancock Bridge	$1,000,000
189.	ME	Improvements and construction of U.S. Route 1A and State Route 9 in Bangor, Maine	$1,500,000
190.	ME	Planning and construction of the Gorham Bypass, Gorham, Maine	$2,500,000
191.	ME	Access and Traffic Improvements to Route 15 in Brewer, Maine	$500,000
192.	ME	Sedgewick—Deer Isle Bridge, Sedgewick, Maine	$3,000,000
193.	ME	Augusta Memorial Bridge improvements, Augusta, Maine	$1,000,000
194.	ME	Replacement of Waldo-Hancock and construction of related pedestrian walkways	$1,000,000
195.	ME	Research development of Cathodic Bridge Protection to extend the life of concrete bridges and Marine structures within varied climates	$500,000
196.	MI	Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit	$20,000,000

Transportation Improvements—Continued

No.	State	Project Description	Amount
197.	MI	Reconstruct and widen I–94 in Kalamazoo	$20,000,000
198.	MI	Construction of a new at-grade crossing and I–75 interchange to reconnect Milbocker and McCoy Roads and a new overpass to reconnect Van Tyle to South Wisconsin Road in Gaylord	$7,000,000
199.	MI	The Trowbridge Road Extension to Farm Lane, Ingham County, MI, Farm Lane between Mount Hope Road and Trowbridge Road with underpasses for CN and CSX railroad crossings	$6,000,000
200.	MI	East Riverfront, completion of Detroit Riverfront East Walkway, Detroit	$3,000,000
201.	MI	Alger County, Repaving a portion of H–58 between Sullivan Creek towards Little Beaver Road	$11,000,000
202.	MI	Jackson Road Boulevard Project, Scio Township	$5,000,000
203.	MI	Blue Water Bridge Plaza Expansion, Improve Highway connections along I–94 and I–69 Port Huron	$18,000,000
204.	MI	Midtown Detroit Greenway Loop, Detroit Cultural Center in Detroit	$2,000,000
205.	MI	Pinnacle Aeropark Access Project in Wayne County	$2,000,000
206.	MI	Washington Ave. Streetscape and rail relocation in Saginaw	$1,000,000
207.	MI	U.S. 131 widening from the Manistee River to north of M–113 in Grand Traverse County	$3,000,000
208.	MI	11 Mile Road Reconstruction—Berkley, Huntington Woods, Oak Park	$2,000,000
209.	MN	Phase III construction of Trunk Highway 610–10	$8,000,000
210.	MN	Polk, Pennington, Marshall County 10-Ton Corridor in Northwestern Minnesota	$2,000,000
211.	MO	Mississippi River Bridge St. Louis, Missouri	$25,000,000
212.	MO	I–29 Paseo Bridge Kansas City, Missouri	$50,000,000
213.	MO	Page Ave. Extension, Phase 2, St. Charles County, Missouri	$20,000,000
214.	MO	U.S. 67 Corridor from Butler to St. Francois County, Missouri line	$15,000,000
215.	MO	Lewis and Clark Expressway, 39th Street to Hwy 24, Jackson County, Missouri	$30,000,000
216.	MO	Hwy 54 Lake Ozark Bypass, Miller and Camden Counties, Missouri	$3,000,000

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Transportation Improvements—Continued

No.	State	Project Description	Amount
238.	MT	Develop and construct St. Mary water project road and bridge infrastructure including: New bridge and approaches across St. Mary River, stabilization and improvements to U.S. 89, and road/canal from Siphon Bridge to Spider Lake	$8,000,000
239.	MT	U.S. 2, corridor feasibility study, environmental review and construction, which may include construction of a 4-lane highway, for roadway sections from Glasgow east to the North Dakota State line, provided that all currently programmed highway improvement projects move forward	$10,000,000
240.	MT	Develop East Belgrade Interchange and connecting roadways to include environmental review	$8,000,000
241.	MT	Reconstruct Marysville Road consistent with final environmental document, Lewis and Clark County	$5,000,000
242.	MT	Develop and construct transportation enhancements including bicycle/pedestrian trails, landscaping, footbridges, parks, and river access on and in the vicinity of the Milltown Dam Site, Missoula County and Deer Lodge County	$5,000,000
243.	MT	Develop Billings bypass, Yellowstone County	$7,000,000
244.	MT	Develop Great Falls South Arterial, including environmental review	$4,500,000
245.	MT	Develop and construct Helena I–15 corridor consistent with final environmental document and record of decision	$10,000,000
246.	MT	Develop and construct U.S. 212 Red Lodge North	$22,000,000
247.	MT	Develop and construct Whitefish pedestrian and bicycle trails	$3,000,000
248.	MT	Develop and construct parking lot and transportation enhancements including bicycle/pedestrian trails and urban plaza, serving the City of Bozeman Public Library	$1,125,000
249.	MT	U.S. 2, Swamp Creek East roadway and bridge reconstruction, Lincoln County	$6,000,000
250.	MT	Russell Street reconstruction and bridge expansion over the Clark Fork River, Missoula	$6,000,000
251.	MT	Conrad I–15 North Interchange modifications to provide access east of the current interchange, Pondera County	$4,000,000
252.	MT	Develop and improve access road and structure serving the Port of Montana and Silicon Mountain Technology Park	$4,000,000

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Transportation Improvements—Continued

No.	State	Project Description	Amount
293.	NM	Reconstruction of NM18 in Lea County	$3,000,000
294.	NM	Reconstruction of U.S. 180 in Grant County	$3,000,000
295.	NM	Reconstruction of U.S. 491 from Tohatchi to Shiprock	$2,000,000
296.	NV	Hoover Dam Bypass—Boulder City Extension	$26,500,000
297.	NV	California Trail Interpretive Center roadside improvements and access infrastructure	$2,000,000
298.	NV	I–15 Widening north from U.S. 95 to Apex Road in Clark County	$26,500,000
299.	NV	V and T Railroad Reconstruction Project in Carson City	$10,000,000
300.	NV	Carson City Bypass Enhancement Project (Phase II), Carson City (GROW and NDOT)	$2,000,000
301.	NV	Laughlin-Bullhead City Colorado River Bridge	$18,000,000
302.	NV	Rail Access Corridor Enhancement in Reno	$15,000,000
303.	NY	Peace Bridge Redevelopment Project, Road Improvements, and Construction, Buffalo	$17,000,000
304.	NY	Improvements to Moynihan Station	$10,000,000
305.	NY	Design and Construction of Renaissance Square Intermodal Facility in Rochester	$4,000,000
306.	NY	Repair and Restoration of the Outdoor Area on 82nd Street and 5th Avenue	$3,000,000
307.	NY	Improvements to the New York Public Library vicinity	$3,000,000
308.	NY	Construction and Improvements to York Street in Auburn	$2,000,000
309.	NY	Streetscape, Roadway, and Improvements for the College of New Rochelle	$1,000,000
310.	NY	South Lexington and Post Road Streetscape Expansion in White Plains	$1,000,000
311.	NY	Planning and Interim Improvements for the Manhattan, Bronx, Yonkers Hudson River Greenway Link	$1,000,000
312.	NY	DestiNY USA Design, Research, Construction and Improvements	$5,000,000
313.	NY	Restoration of Vehicle Traffic to Main Street in Downtown Buffalo	$2,000,000

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Transportation Improvements—Continued

No.	State	Project Description	Amount
411.	VT	Improvements to Vermont interstates	$10,000,000
412.	VT	Vermont Institute of Natural Science turning lane on U.S. Rt. 4 in Woodstock	$300,000
413.	VT	Western Corridor Rail Improvements, ABRB&E, Vermont	$30,000,000
414.	VT	Design and Construction of the Bennington Welcome Center	$6,500,000
415.	VT	Improvements to the E. Alburg Railroad Trestle Swing Span	$5,000,000
416.	VT	Rehabilitation of Hartford Northbound and Southbound rest areas	$6,500,000
417.	VT	Improvements to the Island Line at South Street in South Hero	$2,000,000
418.	VT	Property acquisition and improvements for public access and viewshed protection for the Cedar Creek Vermont monument at the Cedar Creek and Belle Grove National Historical Park in Virginia	$2,000,000
419.	VT	Design and construction of the South Burlington City Center project	$5,000,000
420.	VT	Rehabilitation of statewide covered bridges	$6,200,000
421.	VT	Improvements to the Green Mountain Rail Line between Rutland and Bellows Falls	$2,500,000
422.	VT	Streetscape and road improvements in the Village of Enosburg Falls	$1,000,000
423.	VT	Signalization and storm drainage improvements to Main Street in Brattleboro	$3,000,000
424.	VT	Streetscape, trail and road improvements in Lamoille, Caledonia, Grand Isle and Chittenden Counties	$4,000,000
425.	VT	Vermont Statewide Transportation and Stormwater Projects	$6,000,000
426.	WV	Improvements to U.S. Rt.–35 in Putnam County	$25,000,000
427.	WV	Raleigh Street Extension Project in Martinsburg	$10,000,000
428.	VA	I–64/City Line Road Interchange in Virginia Beach	$5,000,000
429.	AS	Shoreline protection and drainage mitigation for Nuuuli village roads	$1,000,000
430.	AS	Village road improvements for Ta'u, Ofu, and Olosega-Sili counties in Manu'a district	$1,400,000

* * * * * * *

(2) EXCEPTION.—Nothing in paragraph (1) limits any expenditure with respect to—

(A) emergency relief in response to a development occurring after the date of enactment of this Act; or

(B) an authority under any other provision of law (including section 125 of such title).

(e) EFFECT OF SECTION.—Nothing in this section authorizes or provides funding for the construction, operation, or maintenance of an outlet at Devils Lake in the State of North Dakota.

SEC. 1938. TECHNOLOGY. Bridges.

States are encouraged to consider using a nondestructive technology able to detect cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.

SEC. 1939. BIA INDIAN ROAD PROGRAM. Alaska.

(a) LIMITATION ON APPLICABILITY OF CERTAIN RULE.—The final rule effective October 1, 2004, published in the Federal Register, July 19, 2004, at pages 43089, relating to the Indian reservation road program administered by the Bureau of Indian Affairs of the Department of the Interior, shall not apply to the following Alaska villages with respect to the following projects:

(1) Craig, Alaska, Craig Community Association, Point St. Nicholas Road improvements.

(2) Cordova, Alaska, Native Village of Eyak, Shepard's Point Road improvements.

(3) Hydaburg, Alaska, Hydaburg Community Association, Hydaburg community street improvements.

(4) Healy Lake, Alaska, Healy Lake Traditional, Cummings Road improvements.

(b) SPECIAL RULE.—For the villages listed in subsection (a), the Indian reservation road program shall be administered by the Bureau of Indian Affairs under the rules and regulations in effect before the adoption of the final rule referred to in subsection (a), and the Secretary shall pay, from amounts made available to carry out section 202(d) of title 23, United States Code, for fiscal year 2006 each of the tribal organizations referred to in subsection (a) for the Federal share of the costs of the projects listed in subsection (a).

SEC. 1940. GOING-TO-THE-SUN ROAD, GLACIER NATIONAL PARK, MONTANA.

(a) PROJECT AUTHORIZATION.—There is authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to resurface, repair, rehabilitate, and reconstruct the Going-to-the-Sun Road at Glacier National Park, Montana, in accordance with the framework identified in Alternative 3 (shared use alternative) of the environmental impact statement and record of decision dated 2003 and relating to the Going-to-the-Sun Road, to remain available until expended—

(1) $10,000,000 for fiscal year 2005;

(2) $10,000,000 for fiscal year 2006;

(3) $10,000,000 for fiscal year 2007;

(4) $10,000,000 for fiscal year 2008; and

(5) $10,000,000 for fiscal year 2009.

(b) FEDERAL SHARE.—The Federal share of the costs of the project described in subsection (a) shall be 100 percent.

* * * * * * *

Massachusetts.

SEC. 1948. EMERGENCY SERVICE ROUTE.

Notwithstanding any Federal law, regulation, or policy to the contrary, no Federal funds shall be obligated or expended for the demolition of the existing Brightman Street Bridge connecting Fall River and Somerset, Massachusetts, and the existing Brightman Street Bridge shall be maintained for pedestrian and bicycle access, and as an emergency service route.

Alaska.

SEC. 1949. KNIK ARM BRIDGE FUNDING CLARIFICATION.

The Secretary shall provide to the public entity known as the Knik Arm Bridge and Toll Authority, established by the State of Alaska, funds provided in items 2465 and 3677 in the table contained in section 1702, item 2 in the table contained in section 1934, and item 14 in the table contained in section 1302.

Louisiana.

SEC. 1950. LINCOLN PARISH, LA/I–20 TRANSPORTATION CORRIDOR PROGRAM.

(a) IN GENERAL.—The Secretary shall credit non-Federal expenditures paid on or after October 23, 2000, by project sponsors of the Lincoln Parish transportation and community and system preservation project funded by the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346), and the United States Route 167/I–20 interchange Interstate maintenance discretionary project funded by the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107–87), that are in excess of the non-Federal matching requirements for such projects as non-Federal contributions toward the non-Federal matching requirements for all LA/I–20 Transportation Corridor Program elements between Louisiana Route 149 and Louisiana Route 33.

(b) EXPIRATION OF AUTHORITY.—The authority to provide credit under subsection (a) expires on September 30, 2009.

SEC. 1951. BONDING ASSISTANCE PROGRAM.

Section 332 of title 49, United States Code, is amended by inserting at the end the following:

"(e) BONDING ASSISTANCE.—

"(1) IN GENERAL.—The Secretary, acting through the Minority Resource Center established under subsection (b), shall provide assistance in obtaining bid, payment, and performance bonds by disadvantaged business enterprises pursuant to subsection (b)(4).

"(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2005 through 2009 to carry out activities under this subsection.".

Virginia.

SEC. 1952. CONGESTION RELIEF.

The Secretary shall conduct a design and feasibility analysis to alleviate southbound traffic congestion along the George Washington Parkway, Virginia, between Interstate Route 495 and the 14th Street Bridge and shall take appropriate action in response to the results of that analysis.

SEC. 1953. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out, in accordance with title 23, United States Code, projects under section 1301 and 1302 of this Act.

SEC. 1954. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217(c) of title 23, United States Code, is amended by striking "in conjunction with such trails, roads, highways, and parkways".

SEC. 1955. CONVEYANCE TO THE CITY OF ELY, NEVADA.

Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey within 45 days after the date of enactment of this Act to the City of Ely, Nevada, subject to valid existing rights, without consideration, all right, title, and interest of the United States in the land located within the railroad corridor described in rights-of-way numbered Nev–043230, Nev–043231, Nev–043232, Nev–43240, Nev–043234, ELKO–03009, ELKO–03514, and CC–05887.

SEC. 1956. BROWNFIELDS GRANTS.

Section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)) is amended by adding at the end the following:

"(iii) EXCEPTION.—Notwithstanding clause (i)(IV), the Administrator may use up to 25 percent of the funds made available to carry out this subsection to make a grant or loan under this subsection to eligible entities that satisfy all of the elements set forth in section 101(40) to qualify as a bona fide prospective purchaser, except that the date of acquisition of the property was on or before January 11, 2002.".

SEC. 1957. TRAFFIC CIRCLE CONSTRUCTION, CLARENDON, VERMONT.

(a) IN GENERAL.—The State of Vermont agency of transportation shall— Deadlines.

(1) not later than August 1, 2005, commence planning for a traffic circle at the intersection of United States Route 7 and Vermont Route 103 in Clarendon, Vermont; and

(2) not later than August 1, 2007, complete construction of that traffic circle.

(b) FUNDING.—From amounts made available to the State of Vermont by this Act, the Secretary shall provide to the State of Vermont agency of transportation $1,000,000 for use in carrying out this section.

SEC. 1958. LIMITATION ON PROJECT APPROVAL. Florida.

Notwithstanding any provision of title 23, United States Code, the Secretary is prohibited from approving any Federal-aid highway project in Orange and Seminole Counties, Florida, which provides access from Interstate Route 4 to the right-of-way or median of Interstate Route 4 if tolls or toll facilities are used for the access to the right-of-way or median.

SEC. 1959. CROSS HARBOR FREIGHT MOVEMENT PROJECT. New York. New Jersey.

The Secretary shall provide to the public entity known as the Port Authority of New York and New Jersey, established by the States of New York and New Jersey, funds provided for project numbered 12 in section 1301 of this Act.

SEC. 1960. DENALI ACCESS SYSTEM PROGRAM.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

(1) by redesignating section 309 as section 310; and

(2) by inserting after section 308 the following:

"SEC. 309. DENALI ACCESS SYSTEM PROGRAM.

Deadline.

"(a) ESTABLISHMENT OF THE DENALI ACCESS SYSTEM PROGRAM.—Not later than 3 months after the date of enactment of the SAFETEA–LU, the Secretary of Transportation shall establish a program to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali access system program under this section.

"(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY COMMITTEE.—

Deadline.

"(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of the SAFETEA–LU, the Denali Commission shall establish a Denali Access System Program Advisory Committee (referred to in this section as the 'advisory committee').

"(2) MEMBERSHIP.—The advisory committee shall be composed of nine members to be appointed by the Governor of the State of Alaska as follows:

"(A) The chairman of the Denali Commission.

"(B) Four members who represent existing regional native corporations, native nonprofit entities, or tribal governments, including one member who is a civil engineer.

"(C) Four members who represent rural Alaska regions or villages, including one member who is a civil engineer.

"(3) TERMS.—

"(A) IN GENERAL.—Except for the chairman of the Commission who shall remain a member of the advisory committee, members shall be appointed to serve a term of 4 years.

"(B) INITIAL MEMBERS.—Except for the chairman of the Commission, of the eight initial members appointed to the advisory committee, two shall be appointed for a term of 1 year, two shall be appointed for a term of 2 years, two shall be appointed for a term of 3 years, and two shall be appointed for a term of 4 years. All subsequent appointments shall be for 4 years.

"(4) RESPONSIBILITIES.—The advisory committee shall be responsible for the following activities:

"(A) Advising the Commission on the surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads and facilities necessary to connect isolated rural communities to a road system.

"(B) Advising the Commission on considerations for coordinatedtransportation planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

"(C) Establishing a list of transportation priorities for Alaska Native village and rural community transportation projects on an annual basis, including funding recommendations.

"(D) Facilitate the Commission's work on transportation projects involving more than one region.

"(5) FACA EXEMPTION.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

"(c) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall allocate funding authorized and made available for the Denali access system program to the Commission to carry out this section.

"(2) DISTRIBUTION OF FUNDING.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

"(d) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

"(e) DESIGN STANDARDS.—Each project carried out under this section shall use technology and design standards determined by the Commission to be appropriate given the location and the functionality of the project.

"(f) MAINTENANCE.—Funding for a construction project under this section may include an additional amount equal to not more than 10 percent of the total cost of construction, to be retained for future maintenance of the project. All such retained funds shall be dedicated for maintenance of the project and may not be used for other purposes.

"(g) LEAD AGENCY DESIGNATION.—For purposes of projects carried out under this section, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.

"(h) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, funds made available to carry out this section may be used to meet the non-Federal share of the cost of projects under title 23, United States Code.

"(i) SURFACE TRANSPORTATION PROGRAM TRANSFERABILITY.—

"(1) TRANSFERABILITY.—In any fiscal year, up to 15 percent of the amounts made available to the State of Alaska for surface transportation by section 133 of title 23, United States Code, may be transferred to the Denali access system program.

"(2) NO EFFECT ON SET-ASIDE.—Paragraph (2) of section 133(d), United States Code, shall not apply to funds transferred under paragraph (1).

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for each of fiscal years 2006 through 2009.

"(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of any project carried out using such funds shall be determined in accordance with section 120(b).".

* * * * * * *

(B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by alcohol impaired driving.

SEC. 2021. SENSE OF THE CONGRESS IN SUPPORT OF INCREASED PUBLIC AWARENESS OF BLOOD ALCOHOL CONCENTRATION LEVELS AND DANGERS OF ALCOHOL-IMPAIRED DRIVING.

(a) FINDINGS.—Congress finds that—

(1) in 2003—

(A) 17,013 Americans died in alcohol-related traffic crashes;

(B) 40 percent of the persons killed in traffic crashes died in alcohol-related crashes; and

(C) drivers with blood alcohol concentration levels over 0.15 were involved in 58 percent of alcohol-related traffic fatalities;

(2) research shows that 77 percent of Americans think they have received enough information about alcohol-impaired driving and the way in which alcohol affects individual blood alcohol levels; and

(3) only 28 percent of the American public can correctly identify the legal limit of blood alcohol concentration of the State in which they reside.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Highway Traffic Safety Administration should work with State and local governments and independent organizations to increase public awareness of—

(1) State legal limits on blood alcohol concentration levels; and

(2) the dangers of alcohol-impaired driving.

23 USC 402 note.

SEC. 2022. EFFECTIVE DATE.

Sections 2002 through 2007 of this title (and the amendments and repeals made by such sections) shall take effect October 1, 2005.

TITLE III—PUBLIC TRANSPORTATION

Federal Public Transportation Act of 2005.
49 USC 5101 note.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Federal Public Transportation Act of 2005".

SEC. 3002. AMENDMENTS TO TITLE 49, UNITED STATES CODE; UPDATED TERMINOLOGY.

(a) AMENDMENTS TO TITLE 49.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 5301.

(b) UPDATED TERMINOLOGY.—Chapter 53 is amended—

(1) in the chapter heading by striking "MASS" and inserting "PUBLIC";

(2) in section 5310(h) by striking "Mass" and inserting "Public";

* * * * * * *

"(iii) constructing new or improving existing public transportation facilities to accommodate clean fuel buses; and

"(B) at the discretion of the Secretary, may include a project located in a nonattainment or maintenance area described in paragraph (4)(A) relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

"(3) MAINTENANCE AREA.—The term 'maintenance area' has the meaning such term has under section 101 of title 23.

"(4) RECIPIENT.—

"(A) IN GENERAL.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) for an area that, and a recipient for an urbanized area with a population of less than 200,000 that—

"(i) is designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

"(ii) is a maintenance area for ozone or carbon monoxide.

"(B) SMALLER URBANIZED AREAS.—In the case of an urbanized area with a population of less than 200,000, the State in which the area is located shall act as the recipient for the area under this section.

"(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to recipients to finance eligible projects.

"(c) CLEAN DIESEL BUSES.—Not more than 25 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

"(d) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

"(2) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to projects carried out under this section. Applicability.

"(e) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available to a project for 2 years after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1) shall be added to the amount made available in the following fiscal year.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5308 and inserting the following:

"5308. Clean fuels grant program.".

SEC. 3011. CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 is amended to read as follows:

"§ 5309. Capital investment grants

"(a) DEFINITIONS.—In this section, the following definitions apply:

* * * * * * *

made at the time projects are approved for entrance into preliminary engineering with—

"(i) estimates made at the time projects are approved for entrance into final design;

"(ii) costs and ridership when the project commences revenue operation; and

"(iii) costs and ridership when the project has been in operation for 2 years.

"(C) CONSIDERATIONS.—In making comparisons under subparagraph (B), the Secretary shall consider factors having an impact on costs and ridership not under the control of the contractor. The Secretary shall also consider the role taken by each contractor in the development of the project.

"(3) CONTRACTOR PERFORMANCE INCENTIVE REPORT.—Not later than 180 days after the enactment of the Federal Public Transportation Act of 2005, the Secretary shall submit to the committees referred to in subsection (k)(1) a report on the suitability of allowing contractors to public transportation agencies that undertake new fixed guideway capital projects under this section to receive performance incentive awards if a project is completed for less than the original estimated cost.

"(m) ALLOCATING AMOUNTS.—

"(1) FISCAL YEAR 2005.—Of the amounts made available or appropriated for fiscal year 2005 under section 5338(a)(3)—

"(A) $1,437,829,600 shall be allocated for new fixed capital projects under subsection (d);

"(B) $1,204,684,800 shall be allocated for capital projects for fixed guideway modernization; and

"(C) $669,600,000 shall be allocated for capital projects for buses and bus-related equipment and facilities.

"(2) FISCAL YEARS 2006 THROUGH 2009.—The amounts made available or appropriated for fiscal years 2006 through 2009 under sections 5338(b) and 5338(c) shall be allocated as follows:

"(A) MAJOR CAPITAL INVESTMENT GRANTS.—Of the amounts appropriated under section 5338(c)—

"(i) $200,000,000 for each of fiscal years 2007 through 2009 shall be allocated for projects for new fixed guideway capital projects of less than $75,000,000 in accordance with subsection (e); and

"(ii) the remainder shall be allocated for major new fixed guideway capital projects in accordance with subsection (d).

"(B) FIXED GUIDEWAY MODERNIZATION.—The amounts made available under section 5338(b)(2)(D) shall be allocated for capital projects for fixed guideway modernization.

"(C) BUSES AND BUS-RELATED EQUIPMENT AND FACILITIES.—The amounts made available under section 5338(b)(2)(E) shall be allocated for capital projects for buses and bus-related equipment and facilities.

"(3) FIXED GUIDEWAY MODERNIZATION.—The amounts made available for fixed guideway modernization under section 5338(b)(2)(D) for fiscal year 2006 and each fiscal year thereafter shall be allocated in accordance with section 5337.

"(4) PRELIMINARY ENGINEERING AND ALTERNATIVES ANALYSIS.—Not more that 8 percent of the allocation described in

paragraph (1)(A) may be expended on alternatives analysis and preliminary engineering.

"(5) PRELIMINARY ENGINEERING.—Not more than 8 percent of the allocation described in paragraph (2)(A) may be expended on preliminary engineering.

"(6) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1)(A) and (2)(A)—

"(A) $10,400,000 shall be available in fiscal year 2005 for capital projects in Alaska and Hawaii for new fixed guideway systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals;

"(B) $15,000,000 shall be available in each of fiscal years 2006 through 2009 for capital projects in Alaska and Hawaii for new fixed guideway ferry systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals; and

"(C) $5,000,000 shall be available for each of fiscal years 2006 though 2009 for payments to the Denali Commission under the terms of section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for docks, waterfront development projects, and related transportation infrastructure.

"(7) BUS AND BUS FACILITY GRANTS.—The amounts made available under paragraphs (1)(C) and (2)(C) shall be allocated as follows:

"(A) FERRY BOAT SYSTEMS.—$10,000,000 shall be available in each of fiscal years 2006 through 2009 for ferry boats or ferry terminal facilities. Of such funds, the following amounts shall be set aside for each fiscal year:

"(i) $2,500,000 for the San Francisco Water Transit Authority.

"(ii) $2,500,000 for the Massachusetts Bay Transportation Authority Ferry System.

"(iii) $1,000,000 for the Camden, New Jersey Ferry System.

"(iv) $1,000,000 for the Governor's Island, New York Ferry System

"(v) $1,000,000 for the Philadelphia Penn's Landing Ferry Terminal.

"(vi) $1,000,000 for the Staten Island Ferry.

"(vii) $650,000 for the Maine State Ferry Service, Rockland.

"(viii) $350,000 for the Swans Island, Maine Ferry Service.

"(B) FUEL CELL BUS PROGRAM.—The following amounts shall be set aside for the national fuel cell bus technology development program under section 3039 of the Federal Public Transportation Act of 2005:

"(i) $11,250,000 for fiscal year 2006.

"(ii) $11,500,000 for fiscal year 2007.

"(iii) $12,750,000 for fiscal year 2008.

"(iv) $13,500,000 for fiscal year 2009.

"(C) PROJECTS NOT IN URBANIZED AREAS.—Not less than 5.5 percent shall be available in each fiscal year for projects that are not in urbanized areas.

* * * * * * *

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5316 the following:

"5317. New freedom program.".

SEC. 3020. BUS TESTING FACILITY.

(a) FACILITY.—Section 5318(a) is amended to read as follows:

"(a) FACILITY.—The Secretary shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.".

(b) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—Section 5318(d) is amended by striking "under section 5309(m)(1)(C) of this title" and inserting "to carry out this section".

(c) ACQUIRING NEW BUS MODELS.—Section 5318(e) is amended to read as follows:

"(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a).".

SEC. 3021. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 is amended by striking section 5320 and inserting the following:

"§ 5320. Alternative transportation in parks and public lands

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, intra—agency agreement, or other agreement to carry out a qualified project under this section to enhance the protection of national parks and public lands and increase the enjoyment of those visiting the parks and public lands by—

"(i) ensuring access to all, including persons with disabilities;

"(ii) improving conservation and park and public land opportunities in urban areas through partnering with State and local governments; and

"(iii) improving park and public land transportation infrastructure.

"(B) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

"(2) USE OF FUNDS.—A grant, cooperative agreement, interagency agreement, intra—agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

"(3) ALTERNATIVE TRANSPORTATION FACILITIES AND SERVICES.—Projects receiving assistance under this section shall provide alternative transportation facilities and services that complement and enhance existing transportation services in national parks and public lands in a manner that is consistent with Department of Interior and other public land management policies regarding private automobile access to and in such parks and lands.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE AREA.—The term 'eligible area' means any federally owned or managed park, refuge, or recreational area that is open to the general public, including—

"(A) a unit of the National Park System;

"(B) a unit of the National Wildlife Refuge System;

"(C) a recreational area managed by the Bureau of Land Management;

"(D) a recreation area managed by the Bureau of Reclamation; and

"(E) a unit of the National Forest System.

"(2) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

"(3) ALTERNATIVE TRANSPORTATION.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service. Such term also includes a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft).

"(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

"(A) a Federal land management agency; or

"(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible

area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or nongovernmental participant.

"(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

"(A) is an activity described in section 5302(a)(1)(A), 5303, 5304, 5305, or 5309(b);

"(B) involves—

"(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of the Federal Public Transportation Act of 2005 with clean fuel vehicles; or

"(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

"(C) relates to the capital costs of coordinating the Federal land management agency public transportation systems with other public transportation systems;

"(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

"(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or

"(F) is any other alternative transportation project that—

"(i) enhances the environment;

"(ii) prevents or mitigates an adverse impact on a natural resource;

"(iii) improves Federal land management agency resource management;

"(iv) improves visitor mobility and accessibility and the visitor experience;

"(v) reduces congestion and pollution (including noise pollution and visual pollution); or

"(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

"(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

"(1) technical assistance in alternative transportation;

"(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

"(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

"(d) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year under section 5338(b)(2)(J) to carry out planning, research, and technical

assistance under this section, including the development of technology appropriate for use in a qualified project.

"(2) ADDITIONAL AMOUNTS.—Amounts made available under this subsection are in addition to amounts otherwise available to the Secretary to carry out planning, research, and technical assistance under this chapter or any other provision of law.

"(3) MAXIMUM AMOUNT.—No qualified project shall receive more than 25 percent of the total amount made available to carry out this section under section 5338(b)(2)(J) for any fiscal year.

"(e) PLANNING PROCESS.—In undertaking a qualified project under this section—

"(1) if the qualified participant is a Federal land management agency—

"(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

"(i) the metropolitan planning provisions under section 5303;

"(ii) the statewide planning provisions under section 5304; and

"(iii) the public participation requirements under section 5307(d); and

"(B) in the case of a qualified project that is at a unit of the National Park System, the planning process shall be consistent with the general management plans of the unit of the National Park System; and

"(2) if the qualified participant is a State or local governmental authority, or more than one State or local governmental authority in more than one State, the qualified participant shall—

"(A) comply with the metropolitan planning provisions under section 5303;

"(B) comply with the statewide planning provisions under section 5304;

"(C) comply with the public participation requirements under section 5307(d); and

"(D) consult with the appropriate Federal land management agency during the planning process.

"(f) COST SHARING.—

"(1) GOVERNMENT'S SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the Government's share of the net project cost to be provided to a qualified participant under this section.

"(2) CONSIDERATIONS.—In establishing the Government's share of the net project cost to be provided under this section, the Secretary shall consider—

"(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

"(B) the extent to which the qualified participant coordinates with a public transportation authority or private entity engaged in public transportation;

"(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

"(D) the clear and direct benefit to the qualified participant; and

"(E) any other matters that the Secretary considers appropriate to carry out this section.

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, funds appropriated to any Federal land management agency may be counted toward the remainder of the net project cost.

"(g) SELECTION OF QUALIFIED PROJECTS.—

"(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

"(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

"(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

"(B) the location of the qualified project, to ensure that the selected qualified projects—

"(i) are geographically diverse nationwide; and

"(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

"(C) the size of the qualified project, to ensure that there is a balanced distribution;

"(D) the historical and cultural significance of a qualified project;

"(E) safety;

"(F) the extent to which the qualified project would—

"(i) enhance livable communities;

"(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

"(iii) reduce congestion; and

"(iv) improve the mobility of people in the most efficient manner; and

"(G) any other matters that the Secretary of the Interior considers appropriate to carry out this section, including—

"(i) visitation levels;

"(ii) the use of innovative financing or joint development strategies; and

"(iii) coordination with gateway communities.

"(h) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

"(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if—

"(A) the qualified participant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

"(2) FINANCING COSTS.—

"(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

"(B) LIMITATION ON AMOUNT OF INTEREST.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

"(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

"(i) RELATIONSHIP TO OTHER LAWS.—

"(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5333(a) to the extent the Secretary determines to be appropriate.

"(2) OTHER REQUIREMENTS.—A qualified participant under this section shall be subject to any other requirements that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

"(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than $25,000,000—

"(A) the qualified project shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement in accordance with section 5309(g); and

"(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

"(j) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

"(k) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

"(1) GRANTS AND OTHER ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

"(A) conserve resources;

"(B) prevent or mitigate adverse environmental impact;

"(C) improve visitor mobility, accessibility, and enjoyment; and

"(D) reduce pollution (including noise pollution and visual pollution).

"(2) INFORMATION.—The Secretary may request and receive appropriate information from any source.

"(3) FUNDING.—Grants, cooperative agreements, contracts, and other agreements under paragraph (1) shall be awarded from amounts allocated under subsection (d)(1).

"(l) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a State infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

"(m) REPORTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects under this section to—

"(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(C) the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(2) ANNUAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(k)(1).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5320 and inserting the following:

"5320. Alternative transportation in parks and public lands.".

SEC. 3022. HUMAN RESOURCES PROGRAMS.

Section 5322 is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) FELLOWSHIPS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the public transportation field.

"(2) TERMS.—

"(A) PERIOD OF TRAINING.—A fellowship under this subsection may not be for more than 1 year of training in an institution that offers a program applicable to the public transportation industry.

"(B) SELECTION OF INDIVIDUALS.—A recipient of a grant for a fellowship under this subsection shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

"(C) AMOUNT.—A grant for a fellowship under this subsection may not be more than the lesser of $65,000 or 75 percent of the sum of—

"(i) tuition and other charges to the fellowship recipient;

"(ii) additional costs incurred by the training institution and billed to the grant recipient; and

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(g) NEW JERSEY TRANS-HUDSON MIDTOWN CORRIDOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall permit New Jersey Transit to enter into preliminary engineering on the New Jersey Trans-Hudson Midtown Corridor project. When evaluating the local share of such project in the new starts rating process, the Secretary shall give consideration to project elements of the New Jersey Trans-Hudson Midtown Corridor advanced with 100 percent non-Federal funds, including the purchase of bi-level rail equipment and the New Jersey Transit Light Rail River Line. Based upon the project's evaluations and ratings required under section 5309(d) of title 49, United States Code, the Secretary shall give strong consideration to the project for a full funding grant agreement.

(h) HOUSTON METRO.—

(1) LOCAL SHARE.—Notwithstanding any other provision of law, for the purpose of calculating the non-Federal share of the net project cost of any new fixed guideway capital project currently included in the Advanced Transit Program ("Metro Solutions Plan") sponsored by the Metropolitan Transit Authority of Harris County, Texas, the Secretary shall include $324,000,000 in State and local funds expended for the design and construction of the Red Line Light Rail Transit system that operates in Harris County, Texas.

(2) SPECIAL RULE.—No provision of this Act shall be construed to override or nullify the will of the voters who approved the Metro Solutions Plan as described on the ballot and in the accompanying Board resolutions, nor shall any provision of this Act be construed to override or nullify the terms and conditions of Metro Board Resolution No. 2003–77 or any applicable provision of State law or the charter of the City of Houston as in effect as of the date of enactment of this Act.

(3) AMENDMENT.—Section 178 of Public Law 108–447, division H (118 Stat. 3230), is amended by striking "49 USC 5309(e)(1)(A), 23 CFR 771.123, and 49 CFR 611.7." and inserting "49 U.S.C. 5309 and 49 CFR 611.7: *Provided*, That such projects shall retain their status in preliminary engineering should bus rapid transit be chosen as the locally preferred alternative during that phase.".

(i) EXEMPTION.—The Metra BNSF Naperville to Aurora Extension Project authorized under subsection (c) shall be exempted from all requirements related to criteria for grants for new fixed guideway capital projects under section 5309(d) of title 49, United States Code, and from regulations required under that section.

(j) RAIL CARS.—The project authorized by subsection (a)(31) includes an additional 52 rapid rail cars and project scope changes from amounts authorized by the Transportation Equity Act for the 21st Century.

SEC. 3044. PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUELS GRANT PROGRAM.

(a) PROJECTS.—Of the amounts made available to carry out section 5309(m)(2)(C) of title 49, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

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Project Description	FY 06	FY 07	FY 08	FY 09
22. Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements and landscape improvements to surface parking lots	$961,400	$1,003,200	$1,086,800	$1,128,600
23. Construct intermodal transportation and parking facility, City of Winter Park, Florida	$96,140	$100,320	$108,680	$112,860
24. Roma, TX Bus Facility	$100,947	$105,336	$114,114	$118,503
25. New York City, NY First Phase Implementation of Bus Rapid Transit System	$192,280	$200,640	$217,360	$225,720
26. Scottsdale, Arizona—Plan, design, and construct intermodal center	$480,700	$501,600	$543,400	$564,300
27. Sonoma County, CA Purchase of CNG buses	$96,140	$100,320	$108,680	$112,860
28. Camden, NJ Construction of the Camden County Intermodal Facility in Cramer Hill	$192,280	$200,640	$217,360	$225,720
29. Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	$192,280	$200,640	$217,360	$225,720
30. Sevier County, Tennessee—U.S. 441 bus rapid transit	$48,070	$50,160	$54,340	$56,430
31. St. Augustine, Florida—Intermodal Transportation and Parking Facility	$192,280	$200,640	$217,360	$225,720
32. Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	$384,560	$401,280	$434,720	$451,440

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Project Description	FY 06	FY 07	FY 08	FY 09
46. National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ	$192,280	$200,640	$217,360	$225,720
47. Phoenix, AZ Construct City of Phoenix paratransit facility (Dial-a-Ride)	$192,280	$200,640	$217,360	$225,720
48. Project provides for the engineering and construction of a transportation center in Paoli, Chester County	$192,280	$200,640	$217,360	$225,720
49. Columbus, Georgia—Buses and Bus Facilities	$186,319	$194,420	$210,622	$218,723
50. Cleveland, Ohio—University Circle intermodal facility	$1,634,380	$1,705,440	$1,847,560	$1,918,620
51. Cleveland, OH acquisition of buses Greater Cleveland Regional Transit Authority	$192,280	$200,640	$217,360	$225,720
52. Greensboro, North Carolina—Replacement buses	$1,111,378	$1,159,699	$1,256,341	$1,304,662
53. Johnson Co., KS Bus and bus related facilities (I–35 corridor), Johnson Co. Transit	$384,560	$401,280	$434,720	$451,440
54. City of Alameda, CA Plan, design, and construct intermodal facility	$384,560	$401,280	$434,720	$451,440
55. New Orleans, LA Intermodal Riverfront Center	$96,140	$100,320	$108,680	$112,860
56. Brooklyn, NY—Rehabilitation of Bay Ridge 86th Street Subway Station	$769,120	$802,560	$869,440	$902,880
57. Wilmington, NC Build Intermodal Center	$192,280	$200,640	$217,360	$225,720
58. Yabucoa, Puerto Rico—Trolley buses	$33,649	$35,112	$38,038	$39,501

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Project Description	FY 06	FY 07	FY 08	FY 09
94. Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	$19,228	$20,064	$21,736	$22,572
95. Gainesville, FL Bus Replacement	$769,120	$802,560	$869,440	$902,880
96. SEPTA Montgomery County Intermodal Improvements at Glenside and Jenkintown Station Parking Garages	$961,400	$1,003,200	$1,086,800	$1,128,600
97. Fredericksburg, Virginia—Improve and repair Fredericksburg Station	$480,700	$501,600	$543,400	$564,300
98. Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	$384,560	$401,280	$434,720	$451,440
99. Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	$269,192	$280,896	$304,304	$316,008
100. State of Wisconsin buses and bus facilities	$3,143,778	$3,280,464	$3,553,836	$3,690,522
101. Emeryville, CA Expand and Improve Intermodal Transit Center at Amtrak Station	$192,280	$200,640	$217,360	$225,720
102. Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	$384,560	$401,280	$434,720	$451,440
103. Longwood, Florida—Construct Intermodal Transportation Facility	$96,140	$100,320	$108,680	$112,860
104. Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	$96,140	$100,320	$108,680	$112,860
105. Akron, Ohio—West Market Street transit center and related pedestrian improvements	$124,982	$130,416	$141,284	$146,718

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Project Description	FY 06	FY 07	FY 08	FY 09
106. Sandy, Oregon Transit Bus Facility	$134,596	$140,448	$152,152	$158,004
107. Jacksonville, FL Paratransit Vehicles	$865,260	$902,880	$978,120	$1,015,740
108. Carson, CA Purchase two tripper buses	$96,140	$100,320	$108,680	$112,860
109. Bloomington, IN—Bus and transfer facility	$924,867	$965,078	$1,045,502	$1,085,713
110. Cobb County, GA Cobb County Smart Card Technology/Bus Facility Improvements	$192,280	$200,640	$217,360	$225,720
111. Construct West Houston and Fort Bend County, Texas—bus transit corridor	$384,560	$401,280	$434,720	$451,440
112. Mariposa, CA—Yosemite National Park CNG-Hydrogen transit buses and facilities	$480,700	$501,600	$543,400	$564,300
113. Snohomish County, WA Community Transit bus purchases and facility enhancement	$576,840	$601,920	$652,080	$677,160
114. Geneva, Illinois—Construct commuter parking deck for Metra Service	$769,120	$802,560	$869,440	$902,880
115. Rhode Island Statewide Bus Fleet	$1,153,680	$1,203,840	$1,304,160	$1,354,320
116. Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	$288,420	$300,960	$326,040	$338,580
117. Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	$96,140	$100,320	$108,680	$112,860
118. Attleboro, MA Construction, engineering, and site improvements at the Attleboro Intermodal Center	$384,560	$401,280	$434,720	$451,440

Project Description	FY 06	FY 07	FY 08	FY 09
266. Martinez, CA Intermodal Facility Restoration	$288,420	$300,960	$326,040	$338,580
267. Middletown, CT Construct intermodal center	$288,420	$300,960	$326,040	$338,580
268. Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	$384,560	$401,280	$434,720	$451,440
269. New London, Connecticut—Intermodal Transportation Center and Streetscapes	$96,140	$100,320	$108,680	$112,860
270. Vernon, Connecticut—Intermodal Center, Parking and Streetscapes	$1,461,328	$1,524,864	$1,651,936	$1,715,472
271. Bronx, NY Botanical Garden metro North Rail station Intermodal Facility	$192,280	$200,640	$217,360	$225,720
272. Bend, Oregon—replacement vans	$192,280	$200,640	$217,360	$225,720
273. Boston, MA Harbor Park Pavilion and Intermodal Station	$240,350	$250,800	$271,700	$282,150
274. Philadelphia, PA SEPTA's Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor	$269,192	$280,896	$304,304	$316,008
275. Jesup, Georgia—Train Depot intermodal center	$192,280	$200,640	$217,360	$225,720
276. Long Beach, CA Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	$384,560	$401,280	$434,720	$451,440
277. Shreveport, LA—Intermodal Transit Facility	$644,138	$672,144	$728,156	$756,162

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Project Description	FY 06	FY 07	FY 08	FY 09
328. New Jersey Transit Community Shuttle Buses	$96,140	$100,320	$108,680	$112,860
329. Quitman, Clay, Randolph, Stewart Co., GA Bus project	$48,070	$50,160	$54,340	$56,430
330. Framingham, MA Local Intra-Framingham Transit System enhancements	$346,104	$361,152	$391,248	$406,296
331. Gettysburg, Pennsylvania—transit transfer center	$172,860	$180,375	$195,407	$202,922
332. Long Beach, CA Park and Ride facility	$192,280	$200,640	$217,360	$225,720
333. Oak Harbor, WA Multimodal Facility	$192,280	$200,640	$217,360	$225,720
334. North Bend, Washington—Park and Ride	$153,824	$160,512	$173,888	$180,576
335. High Point, North Carolina—Bus Terminal	$1,153,680	$1,203,840	$1,304,160	$1,354,320
336. Dallas, TX Bus Passenger Facilities	$2,461,184	$2,568,192	$2,782,208	$2,889,216
337. Island Transit, WA Operations Base Facilities Project	$461,472	$481,536	$521,664	$541,728
338. Bronx, NY Intermodal facility near Exit 6 of the Bronx River Parkway	$48,070	$50,160	$54,340	$56,430
339. East San Diego County, California—Bus Maintenance Facility Expansion	$384,560	$401,280	$434,720	$451,440
340. New Jersey Intermodal Facilities and Bus Rolling Stock	$576,840	$601,920	$652,080	$677,160
341. San Gabriel Valley, CA—Foothill Transit Park and Rides	$1,826,660	$1,906,080	$2,064,920	$2,144,340
342. St. Paul, MN Union Depot Multimodal Transit Facility	$384,560	$401,280	$434,720	$451,440

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Project Description	FY 06	FY 07	FY 08	FY 09
415. Purchase Buses and construct bus facilities in Broward County, FL	$432,630	$451,440	$489,060	$507,870
416. Improve marine intermodal facilities in Ketchikan	$3,220,000	$3,360,000	$3,640,000	$3,780,000
417. Indianapolis, Indiana—Childrens Museum Intermodal Center	$192,280	$200,640	$217,360	$225,720
418. Windham, New Hampshire—Construction of Park and Ride Bus facility at Exit 3	$711,436	$742,368	$804,232	$835,164
419. Brooklyn, NY—Rehabilitation of Bay Ridge 86th Street Subway Station	$769,120	$802,560	$869,440	$902,880
420. Purchase Buses and construct bus facilities in Broward County, FL	$384,560	$401,280	$434,720	$451,440
421. Bayamon, Puerto Rico—Purchase of Trolley Cars	$163,438	$170,544	$184,756	$191,862
422. C Street Expanded bus facility and intermodal parking garage, Anchorage, AK	$1,150,000	$1,200,000	$1,300,000	$1,350,000
423. Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK	$575,000	$600,000	$650,000	$675,000
424. Sharon, PA—Bus Facility Construction	$96,140	$100,320	$108,680	$112,860
425. CITC Non-profit Services Center intermodal parking facility, Anchorage, AK	$690,000	$720,000	$780,000	$810,000
426. Abilene, TX Vehicle replacement and facility improvements for transit system	$76,912	$80,256	$86,944	$90,288
427. Alaska Native Medical Center intermodal parking facility	$1,150,000	$1,200,000	$1,300,000	$1,350,000

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Project Description	FY 06	FY 07	FY 08	FY 09
471. Beaver County, PA Transit Authority-Bus Replacement/Related Equipment Replacement	$229,000	$238,000	$259,000	$274,000
472. Berkshire, MA, Berkshire Regional Transit Authority Bus Maintenance Facility	$50,000	$30,000	$20,000	$0
473. Bi-State Development Agency-St. Louis Bridge Repair/Reconstruction, for any activity eligible under section 5309	$1,145,000	$1,190,000	$1,293,000	$1,372,000
474. Bi-State Development Agency-St. Louis Metro Bus Fare Collection Program	$3,665,000	$3,808,000	$4,139,000	$4,388,000
475. Black Hawk County, IA, UNI Multimodal Project	$687,000	$714,000	$776,000	$823,000
476. Bozeman, MT, Intermodal and parking facility	$168,000	$171,000	$175,000	$176,000
477. Brattleborough, VT, Intermodal Center	$600,000	$200,000	$200,000	$0
478. Bridgeport, CT Facility Expansion/Improvement	$350,000	$400,000	$500,000	$750,000
479. Broward County, FL—Bus and Bus Facilities	$458,000	$476,000	$517,000	$549,000
480. Brownsville Urban System, TX—City-Wide Transit Improvement Project	$916,000	$952,000	$1,035,000	$1,097,000
481. Butler Township, PA-Cranbury Area Transit Service	$802,000	$833,000	$905,000	$960,000
482. Cambria County, PA Transit Authority-Bus Replacements	$687,000	$714,000	$776,000	$823,000
483. Campobello Park, ME, Bus Acquisition	$22,000	$34,000	$0	$0
484. Capital Area Transit System-Baton Rouge BRT	$687,000	$714,000	$776,000	$823,000

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Project Description	FY 06	FY 07	FY 08	FY 09
567. Los Angeles, CA, LAX Intermodal Transportation Center Rail and Bus Facilities	$500,000	$550,000	$600,000	$850,000
568. Louisiana Department of Transportation and Development-Statewide Vehicles and Equipment	$229,000	$238,000	$259,000	$274,000
569. Lowell, MA, Lowell Regional Transit	$600,000	$800,000	$900,000	$1,150,000
570. Maine Department of Transportation-Acadia Intermodal Facility	$687,000	$714,000	$776,000	$823,000
571. MARC Intermodal Odenton and Edgewood Station Improvements	$368,000	$380,000	$380,000	$418,000
572. Marquette County, Michigan Transit Authority Bus passenger facility	$300,000	$300,000	$300,000	$300,000
573. Maryland Statewide Bus Facilities and Buses	$5,500,000	$5,750,000	$6,500,000	$7,250,000
574. Matsu, Alaska-Transit Needs	$115,000	$119,000	$129,000	$137,000
575. METRO of Harris County-Discretionary Bus Program	$2,291,000	$2,380,000	$2,587,000	$2,742,000
576. Metro Regional Transit Authority/City of Akron-Downtown Transit Center, Akron	$1,604,000	$1,666,000	$1,811,000	$1,919,000
577. Metro Transit/Metropolitan Council, MN-Bus/Bus Capital	$2,176,000	$2,261,000	$2,457,000	$2,606,000
578. Metropolitan Atlanta Rapid Transit Authority-Clean Fuel Buses	$2,291,000	$2,380,000	$2,587,000	$2,742,000
579. Metropolitan Transit Authority-Nashville Downtown Transit Transfer Facility	$2,749,000	$2,856,000	$3,104,000	$3,291,000
580. Miami-Dade Transit, FL—7th Avenue NW Transit Hub	$229,000	$238,000	$259,000	$274,000

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the Department, States, local governments, metropolitan planning organizations, and private sector entities.

"(3) MEMBERSHIP.—The advisory council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

"(4) TERMS OF APPOINTMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), members of the advisory council shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for 1 additional 3-year term.

"(B) CURRENT MEMBERS.—Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the SAFETEA-LU shall serve until the end of their appointed terms.

"(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the advisory council established under this subsection, except that section 14 of such Act shall not apply.".

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING.

(a) IN GENERAL.—Sections 134 and 135 of title 23, United States Code, are amended to read as follows:

"§ 134. Metropolitan transportation planning

"(a) POLICY.—It is in the national interest to—

"(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

"(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

"(b) DEFINITIONS.—In this section and section 135, the following definitions apply:

"(1) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

* * * * * * *

"(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 134.

"(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(h) FUNDING.—Funds set aside pursuant to section 104(f) of this title and section 5305(g) of title 49, shall be available to carry out this section.

"(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 134, and sections 5303 and 5304 of title 49, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this section and section 134, and sections 5303 and 5304 of title 49, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 134 and sections 5303 and 5304 of title 49, as appropriate.

"(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.".

(b) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States and metropolitan planning organizations. The Secretary shall not require a State or metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section. Beginning July 1, 2007, State or metropolitan planning organization plan or program updates shall reflect changes made by this section.

Guidelines.
23 USC 134 note.

Effective date.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the items relating to sections 134 and 135 and inserting the following:

"134. Metropolitan transportation planning.
"135. Statewide transportation planning.".

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

"§ 139. Efficient environmental reviews for project decision-making

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AGENCY.—The term 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) ENVIRONMENTAL REVIEW PROCESS.—

"(A) IN GENERAL.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(4) LEAD AGENCY.—The term 'lead agency' means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

"(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

"(6) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

"(7) PROJECT SPONSOR.—The term 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

"(8) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means any statewide agency of a State with responsibility for one or more modes of transportation.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 and may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

"(2) FLEXIBILITY.—Any authorities granted in this section may be exercised for a project, class of projects, or program of projects.

"(c) LEAD AGENCIES.—

"(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

"(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969.

"(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

"(4) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

"(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

"(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility—

"(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

"(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 is completed in accordance with this section and applicable Federal law.

"(d) PARTICIPATING AGENCIES.—

"(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

"(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

"(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

"(A) has no jurisdiction or authority with respect to the project;

"(B) has no expertise or information relevant to the project; and

"(C) does not intend to submit comments on the project.

"(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

"(A) supports a proposed project; or

"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

"(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

"(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

"(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

"(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

Procedures.

"(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

Notification.

"(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary that the environmental review process should be initiated.

"(f) PURPOSE AND NEED.—

"(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

"(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

"(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

"(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

"(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

"(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

"(4) ALTERNATIVES ANALYSIS.—

"(A) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

"(B) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

"(C) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

"(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

"(g) COORDINATION AND SCHEDULING.—

"(1) COORDINATION PLAN.—

"(A) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

"(B) SCHEDULE.—

"(i) IN GENERAL.—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

"(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

"(I) the responsibilities of participating agencies under applicable laws;

"(II) resources available to the cooperating agencies;

"(III) overall size and complexity of the project;

"(IV) the overall schedule for and cost of the project; and

"(V) the sensitivity of the natural and historic resources that could be affected by the project.

"(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

"(D) MODIFICATION.—The lead agency may—

"(i) lengthen a schedule established under subparagraph (B) for good cause; and

"(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

"(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

"(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

"(ii) made available to the public.

"(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

Federal Register, publication.

"(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

"(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(ii) the deadline is extended by the lead agency for good cause.

"(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

"(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(ii) the deadline is extended by the lead agency for good cause.

"(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

Notice.

"(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

"(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice. Notice.

"(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

"(h) ISSUE IDENTIFICATION AND RESOLUTION.—

"(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

"(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

"(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

"(4) ISSUE RESOLUTION.—

"(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor or the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies, the project sponsor, and the Governor (if the meeting was requested by the Governor) to resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

"(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Council on Environmental Quality, and shall publish such notification in the Federal Register. Deadline. Federal Register, publication.

"(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

"(j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

"(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under this title or chapter 53 of title 49, the Secretary may approve a request by the State to provide funds so made available under this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the projects in that State or participating in a State process that has been approved by the Secretary for that State. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State.

"(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

"(3) USE OF FEDERAL LANDS HIGHWAY FUNDS.—The Secretary may also use funds made available under section 204 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

"(4) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

"(5) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

"(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

"(1) JUDICIAL REVIEW.—Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

"(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

"(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

"(A) any practice of seeking, considering, or responding to public comment; or

"(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

"(l) LIMITATIONS ON CLAIMS.—

Deadlines.
Notices.
Federal Register, publication.

"(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency

for a highway or public transportation capital project shall be barred unless it is filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

"(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing such action.".

(b) EXISTING ENVIRONMENTAL REVIEW PROCESS.—Nothing in this section affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary under section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA–LU. 23 USC 139 note.

(c) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by inserting after the item relating to section 138 the following:

"139. Efficient environmental reviews for project decisionmaking.".

(d) REPEAL.—Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed. 23 USC 109 note.

SEC. 6003. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 324 the following:

"§ 325. State assumption of responsibilities for certain programs and projects

"(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

"(1) PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

"(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of the SAFETEA–LU, the Secretary may allow up to 5 States to participate in the pilot program.

"(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under

any Federal law as such requirements apply to the following projects:

"(A) Projects funded under section 104(h).

"(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

"(b) AGREEMENTS.—

Memorandum.

"(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

"(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

Deadlines.

"(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

"(4) COMPLIANCE.—

"(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

"(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

"(5) SOLE RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

"(6) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

"(c) SELECTION OF STATES FOR PILOT PROGRAM.—

"(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

"(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

Certification.

"(B) a certification that the State has the capability to assume such responsibilities.

"(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

Federal Register, publication.

"(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to

* * * * * * *

required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

"(2) SOLE RESPONSIBILITY.—A State that assumes responsibility under paragraph (1) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

"(c) MEMORANDA OF UNDERSTANDING.—

Public information. Notice.

"(1) IN GENERAL.—The Secretary and the State, after providing public notice and opportunity for comment, shall enter into a memorandum of understanding setting forth the responsibilities to be assigned under this section and the terms and conditions under which the assignments are made, including establishment of the circumstances under which the Secretary would reassume responsibility for categorical exclusion determinations.

"(2) TERM.—A memorandum of understanding—

"(A) shall have a term of not more than 3 years; and

"(B) shall be renewable.

"(3) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

"(4) MONITORING.—The Secretary shall—

"(A) monitor compliance by the State with the memorandum of understanding and the provision by the State of financial resources to carry out the memorandum of understanding; and

"(B) take into account the performance by the State when considering renewal of the memorandum of understanding.

"(d) TERMINATION.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

"(e) STATE AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under a memorandum of understanding shall be deemed to be a Federal agency for the purposes of the Federal law under which the responsibility is exercised.".

23 USC 301.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is further amended by adding after the item relating to section 325 the following:

"326. State assumption of responsibility for categorical exclusions.".

SEC. 6005. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is further amended by inserting after section 326 the following:

"§ 327. Surface transportation project delivery pilot program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the 'program').

"(2) ASSUMPTION OF RESPONSIBILITY.—

"(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

"(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project; but

"(ii) the Secretary may not assign—

"(I) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

"(II) any responsibility imposed on the Secretary by section 134 or 135.

"(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

"(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

"(b) STATE PARTICIPATION.—

"(1) NUMBER OF PARTICIPATING STATES.—The Secretary may permit not more than 5 States (including the States of Alaska, California, Ohio, Oklahoma, and Texas) to participate in the program.

"(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall promulgate regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum— Deadline. Regulations.

"(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

"(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

"(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

"(3) PUBLIC NOTICE.—

Deadline.

"(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application.

"(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

"(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

"(A) the regulatory requirements under paragraph (2) have been met;

"(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

"(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

"(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.

"(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

"(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

"(2) be in such form as the Secretary may prescribe;

"(3) provide that the State—

"(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

"(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

"(C) certifies that State laws (including regulations) are in effect that—

"(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

"(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

"(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed.

"(d) JURISDICTION.—

"(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

"(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (i).

"(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

"(g) AUDITS.—

"(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall conduct—

"(A) semiannual audits during each of the first 2 years of State participation; and

"(B) annual audits during each subsequent year of State participation.

"(2) PUBLIC AVAILABILITY AND COMMENT.—

"(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

"(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A). Deadline.

"(h) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

"(i) TERMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

"(2) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) notification of the determination of noncompliance; and

"(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

"(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by Secretary.".

23 USC 301.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is further amended by adding after the item relating to section 326 the following:

"327. Surface transportation project delivery pilot program.".

SEC. 6006. ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT; CONTROL OF NOXIOUS WEEDS AND AQUATIC NOXIOUS WEEDS AND ESTABLISHMENT OF NATIVE SPECIES.

(a) MODIFICATION TO NHS/STP FOR ENVIRONMENTAL RESTORATION, POLLUTION ABATEMENT, CONTROL OF NOXIOUS WEEDS AND AQUATIC NOXIOUS WEEDS.—

(1) MODIFICATIONS TO NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

"(Q) Environmental restoration and pollution abatement in accordance with section 328.

"(R) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.".

(2) MODIFICATIONS TO SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, is amended by striking paragraph (14) and inserting the following:

"(14) Environmental restoration and pollution abatement in accordance with section 328.

"(15) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.".

(b) ELIGIBLE ACTIVITIES.—Chapter 3 of title 23, United States Code, is further amended by adding after section 327 the following:

"§ 328. Eligibility for environmental restoration and pollution abatement

"(a) IN GENERAL.—Subject to subsection (b), environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) may be carried out to address water pollution or environmental degradation caused wholly or partially by a transportation facility.

"(b) MAXIMUM EXPENDITURE.—In a case in which a transportation facility is undergoing reconstruction, rehabilitation, resurfacing, or restoration, the expenditure of funds under this section for environmental restoration or pollution abatement described in subsection (a) shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration of the facility.

"§ 329. Eligibility for control of noxious weeds and aquatic noxious weeds and establishment of native species

"(a) IN GENERAL.—In accordance with all applicable Federal law (including regulations), funds made available to carry out this

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"(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature). Such elements shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

"(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f).".

SEC. 6008. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO TRANSPORTATION PROJECT PLANNING.

Section 109(c)(2) of title 23, United States Code, is amended—

(1) by striking "consider the results" and inserting "consider—

"(A) the results";

(2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(B) the publication entitled 'Flexibility in Highway Design' of the Federal Highway Administration;

"(C) 'Eight Characteristics of Process to Yield Excellence and the Seven Qualities of Excellence in Transportation Design' developed by the conference held during 1998 entitled 'Thinking Beyond the Pavement National Workshop on Integrating Highway Development with Communities and the Environment while Maintaining Safety and Performance'; and

"(D) any other material that the Secretary determines to be appropriate.".

SEC. 6009. PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

(a) PROGRAMS AND PROJECTS WITH DE MINIMIS IMPACTS.—

(1) TITLE 23.—Section 138 of title 23, United States Code, is amended—

(A) in the first sentence, by striking "it is hereby" and inserting the following: "(a) DECLARATION OF POLICY.—It is"; and

(B) by adding at the end the following:

"(b) DE MINIMIS IMPACTS.—

"(1) REQUIREMENTS.—

"(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

"(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (a)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (a)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

"(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

"(i) the transportation program or project will have no adverse effect on the historic site; or

"(ii) there will be no historic properties affected by the transportation program or project;

"(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

"(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

"(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

Notice.

"(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.".

(2) TITLE 49.—Section 303 of title 49, United States Code, is amended—

(A) by striking "(c) The Secretary" and inserting the following:

"(c) APPROVAL OF PROGRAMS AND PROJECTS.—Subject to subsection (d), the Secretary"; and

(B) by adding at the end the following:

"(d) DE MINIMIS IMPACTS.—

"(1) REQUIREMENTS.—

"(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the

Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

"(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (c)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (c)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

"(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

"(i) the transportation program or project will have no adverse effect on the historic site; or

"(ii) there will be no historic properties affected by the transportation program or project;

"(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

"(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

"(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

Notice.

"(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

"(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.".

23 USC 138 note.

(b) CLARIFICATION OF EXISTING STANDARDS.—

Deadline.
Regulations.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall (in consultation with affected agencies and interested parties) promulgate regulations that clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 303 of title 49, United States Code.

(2) REQUIREMENTS.—The regulations—

(A) shall clarify the application of the legal standards to a variety of different types of transportation programs and projects depending on the circumstances of each case; and

(B) may include, as appropriate, examples to facilitate clear and consistent interpretation by agency decision-makers.

(c) IMPLEMENTATION STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) conduct a study on the implementation of this section and the amendments made by this section; and

(B) commission an independent review of the study plan and methodology, and any associated conclusions, by the Transportation Research Board of the National Academy of Sciences.

(2) COMPONENTS.—In conducting the study, the Secretary shall evaluate—

(A) the processes developed under this section and the amendments made by this section and the efficiencies that may result;

(B) the post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects conducted under this section and the amendments made by this section; and

(C) the quantity of projects with impacts that are considered de minimis under this section and the amendments made by this section, including information on the location, size, and cost of the projects.

(3) REPORT REQUIREMENT.—The Secretary shall prepare—

(A) not earlier than the date that is 3 years after the date of enactment of this Act, a report on the results of the study conducted under this subsection; and

(B) not later than March 1, 2010, an update on the report required under subparagraph (A).

(4) REPORT RECIPIENTS.—The Secretary shall—

(A) submit the report, review of the report, and update required under paragraph (3) to—

(i) the appropriate committees of Congress;

(ii) the Secretary of the Interior; and

(iii) the Advisory Council on Historic Preservation; and

(B) make the report and update available to the public.

SEC. 6010. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS. 23 USC 512 note.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act. Regulations. Deadline.

(b) NATIONWIDE PROGRAMMATIC AGREEMENT.—

(1) DEVELOPMENT.—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term "intelligent transportation infrastructure and systems" means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in subtitle C of title V of this Act.

SEC. 6011. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)(2)) is amended by adding at the end the following:

"(E) The appropriate metropolitan planning organization shall redetermine conformity of existing transportation plans and programs not later than 2 years after the date on which the Administrator—

"(i) finds a motor vehicle emissions budget to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2004);

"(ii) approves an implementation plan that establishes a motor vehicle emissions budget if that budget has not yet been determined to be adequate in accordance with clause (i); or

"(iii) promulgates an implementation plan that establishes or revises a motor vehicle emissions budget.".

(b) FREQUENCY OF CONFORMITY DETERMINATION UPDATES.—Section 176(c)(4)(B)(ii) of the Clean Air Act (42 U.S.C. 7506(c)(4)(B)(ii)) is amended to read as follows:

"(ii) address the appropriate frequency for making conformity determinations, but the frequency for making conformity determinations on updated transportation plans and programs shall be every 4 years, except in a case in which—

"(I) the metropolitan planning organization elects to update a transportation plan or program more frequently; or

"(II) the metropolitan planning organization is required to determine conformity in accordance with paragraph (2)(E); and".

(c) TIME HORIZON FOR CONFORMITY DETERMINATIONS IN NONATTAINMENT AREAS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

"(7) CONFORMITY HORIZON FOR TRANSPORTATION PLANS.—

"(A) IN GENERAL.—Each conformity determination required under this section for a transportation plan under

* * * * * * *

26 USC 6720A note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

Approved August 10, 2005.

LEGISLATIVE HISTORY—H.R. 3 (S. 732):

HOUSE REPORTS: Nos. 109–12 and Pt. 2 (both from Comm. on Transportation and Infrastructure) and 109–203 (Comm. of Conference).
SENATE REPORTS: No. 109–53 accompanying S. 732 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Mar. 9, 10, considered and passed House.
Apr. 26–28, May 9–13, 16, 17, considered and passed Senate, amended.
July 29, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Aug. 10, Presidential remarks and statement.

O

Public Law 109–71
109th Congress

An Act

To revise the boundary of the Wind Cave National Park in the State of South Dakota.

Sept. 21, 2005
[S. 276]

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

Wind Cave National Park Boundary Revision Act of 2005.

SECTION 1. SHORT TITLE.

16 USC 141a note.

This Act may be cited as the "Wind Cave National Park Boundary Revision Act of 2005".

SEC. 2. DEFINITIONS.

16 USC 141a note.

In this Act:

(1) MAP.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) PARK.—The term "Park" means the Wind Cave National Park in the State.

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

(4) STATE.—The term "State" means the State of South Dakota.

SEC. 3. LAND ACQUISITION.

16 USC 141a note.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

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

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

16 USC 141a note.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 3(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

16 USC 141a note.

SEC. 5. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

Approved September 21, 2005.

LEGISLATIVE HISTORY—S. 276:

SENATE REPORTS: No. 109–21 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
July 26, considered and passed Senate.
Sept. 13, considered and passed House.

O

Public Law 109–93
109th Congress

An Act

Oct. 26, 2005
[S. 55]

To adjust the boundary of Rocky Mountain National Park in the State of Colorado.

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

Rocky Mountain National Park Boundary Adjustment Act of 2005.
16 USC 191 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rocky Mountain National Park Boundary Adjustment Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL PARCEL.—The term "Federal parcel" means the parcel of approximately 70 acres of Federal land near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(2) MAP.—The term "map" means the map numbered 121/80,154, dated June 2004.

(3) NON-FEDERAL PARCELS.—The term "non-Federal parcels" means the 3 parcels of non-Federal land comprising approximately 5.9 acres that are located near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(4) PARK.—The term "Park" means Rocky Mountain National Park in the State of Colorado.

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary shall accept an offer to convey all right, title, and interest in and to the non-Federal parcels to the United States in exchange for the Federal parcel.

Deadline.

(2) CONVEYANCE.—Not later than 60 days after the date on which the Secretary receives an offer under paragraph (1), the Secretary shall convey the Federal parcel in exchange for the non-Federal parcels.

(3) CONSERVATION EASEMENT.—As a condition of the exchange of land under paragraph (2), the Secretary shall reserve a perpetual easement to the Federal parcel for the purposes of protecting, preserving, and enhancing the conservation values of the Federal parcel.

(b) BOUNDARY ADJUSTMENT; MANAGEMENT OF LAND.—On acquisition of the non-Federal parcels under subsection (a)(2), the Secretary shall—

(1) adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels; and

(2) manage the non-Federal parcels as part of the Park, in accordance with any laws (including regulations) applicable to the Park.

Approved October 26, 2005.

LEGISLATIVE HISTORY—S. 55 (H.R. 774):

HOUSE REPORTS: No. 109–108 accompanying H.R. 774 (Comm. on Resources).
SENATE REPORTS: No. 109–19 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
July 26, considered and passed Senate.
Oct. 18, considered and passed House.

O

Public Law 109–97
109th Congress

An Act

Nov. 10, 2005
[H.R. 2744]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

* * * * * * *

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901–5902). 7 USC 2209g.

SEC. 703. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109. 7 USC 2225a.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to $33,340,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service. 7 USC 2209b.

* * * * * * *

SEC. 798. AMENABLE SPECIES.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

21 USC 603–605, 608, 609, 615, 617, 618, 620, 621.

(1) by striking "cattle, sheep, swine, goats, horses, mules, and other equines" each place it appears and inserting "amenable species";

21 USC 601.

(2) in section 1, by adding at the end the following new subsection:

"(w) The term 'amenable species' means—

"(1) those species subject to the provisions of this Act on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006; and

"(2) any additional species of livestock that the Secretary considers appropriate."; and

21 USC 619.

(3) in section 19—

(A) by striking "horses, mules, or other equines" and inserting "species designated by regulations in effect on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006"; and

(B) by striking "cattle, sheep, swine, or goats" and inserting "other amenable species".

21 USC 601 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the day after the effective date of section 794 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, is amended as follows:

Ante, p. 508.

(1) Under the heading "National Park Service, Construction"—

(A) by striking "of which" after "$301,291,000, to remain available until expended," and inserting "and";

(B) in the sixth proviso, by striking "hereinafter" and inserting "hereafter" and, after "Annex", inserting the following: "and the Blue Ridge Parkway Regional Destination Visitor Center"; and

(C) in the seventh proviso, by striking "solicitation and contract" and inserting "solicitations and contracts".

Ante, p. 509.

(2) Under the heading "National Park Service, Land Acquisition and State Assistance" by striking "$74,824,000" and inserting "$64,909,000".

Ante, p. 518.

(3) Under the heading "Departmental Management, Salaries and Expenses" by striking "$127,183,000" and inserting "$117,183,000".

Ante, p. 528.

(4) In title II, under the heading "Environmental Protection Agency, State and Tribal Assistance Grants"—

(A) before the period at the end of the first paragraph, insert ": *Provided further*, That of the funds made available under this heading in division I of Public Law 108–447, $300,000 is for the Haleyville, Alabama, North Industrial Area Water Storage Tank project: *Provided further*, That the referenced statement of the managers under the heading "Environmental Protection Agency, State and Tribal Assistance Grants" in Public Law 107–73, in reference to item 184, is deemed to be amended by striking "$2,000,000" and inserting "$29,945" and by inserting after

"improvements" the following: ", $500,000 to the City of Sheridan for water system improvements, $500,000 to Meagher County/Martinsdale Water and Sewer District for Martinsdale Water System Improvements, and $970,055 to the City of Bozeman for Hyalite Waterline and Intake"; and

(B) in the second paragraph strike "original". *Ante*, p. 530.

(5) Under the heading "Forest Service, Land Acquisition" by striking "land that are encumbered" and all that follows through "under this section," and inserting the following: "lands that are encumbered by unpatented claims acquired under this section, or with previously appropriated funds,". *Ante*, p. 535.

(6) At the end of title IV—General Provisions, insert the following: *Ante*, p. 559.

"SEC. 440. REDESIGNATION OF WILDERNESS.

"(a) REDESIGNATION.—Section 140(c)(4) of division E of Public Law 108–447 is amended by striking 'National'. 16 USC 1132 note.

"(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the 'Gaylord A. Nelson National Wilderness' shall be deemed to be a reference to the 'Gaylord A. Nelson Wilderness'.".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

Approved November 10, 2005.

LEGISLATIVE HISTORY—H.R. 2744:

HOUSE REPORTS: Nos. 109–102 (Comm. on Appropriations) and 109–255 (Comm. of Conference).
SENATE REPORTS: No. 109–92 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 151 (2005):
June 8, considered and passed House.
Sept. 15, 19–22, considered and passed Senate, amended.
Oct. 28, House agreed to conference report.
Nov. 2, 3, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Nov. 10, Presidential statement.

O

Public Law 109–115
109th Congress

An Act

Nov. 30, 2005
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

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

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Department of Transportation Appropriations Act, 2006.

For necessary expenses of the Office of the Secretary, $84,900,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $11,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,485,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer; and not to exceed $3,120,000 shall be available for the Office of Emergency

* * * * * * *

Washington County Commuter Rail Project, Oregon, $15,000,000.

West Corridor Light Rail, Colorado, $5,000,000.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

49 USC 5338 note.

SEC. 140. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 141. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 142. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 143. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 145. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location.

Washington.

SEC. 146. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108–447 and Public Law 108–199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available

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Air carriers.
Ticket agents.

to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,450,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $25,200,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 160. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 161. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 162. None of the funds in this Act shall be available for salaries and expenses of more than 108 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 163. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 164. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 165. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad

* * * * * * *

(5) in subparagraph (F) (as redesignated by paragraph (3)), by striking "State Option" and all that follows through the period and inserting "(F) Subparagraphs (B), (C), (D) and (E) herein shall not apply to the States of West Virginia or Minnesota.".

SEC. 175. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for non-exclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

SEC. 176. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

"(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.".

(b) CONFORMING AMENDMENT.—Section 47110(d)(2)(A) is amended by striking "(A) the" and inserting "(A) except as provided in section 47108(e)(3), the". 49 USC 47110.

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: "For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.". Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon. 49 USC 40128 note.

SEC. 178. Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2006.".

SEC. 179. (a)(1) This section shall apply to a former employee of the Federal Aviation Administration, who— Applicability.

(A) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

* * * * * * *

This Act (including divisions A and B) may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006".

Approved November 30, 2005.

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109–153 (Comm. on Appropriations) and 109–307 (Comm. of Conference).

SENATE REPORTS: Nos. 109–106 accompanying S. 1446 and 109–109 (both from Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17–20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

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

Nov. 30, Presidential statement.

O

Public Law 109–117
109th Congress

An Act

Dec. 1, 2005
[H.R. 126]

To amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

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

SECTION 1. ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA.

(a) IN GENERAL.—The first subsection (b) of section 5 of Public Law 89–366 (16 U.S.C. 459g–4) is amended—

(1) in paragraph (1), by striking "100 free roaming horses" and inserting "not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses,";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or"; and

(3) in paragraph (5), by striking "100" and inserting "110".

(b) REPEAL OF DUPLICATE SUBSECTION.—Section 5 of Public Law 89–366 is further amended—

(1) in subsection (a), by striking "(a)" after "(a)"; and

(2) by striking the second subsection (b).

Approved December 1, 2005.

LEGISLATIVE HISTORY—H.R. 126:

SENATE REPORTS: No. 109–154 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Mar. 14, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 109–119
109th Congress

An Act

To authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

Dec. 1, 2005
[H.R. 606]

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

Angel Island Immigration Station Restoration and Preservation Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Angel Island Immigration Station Restoration and Preservation Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration

Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

Approved December 1, 2005.

LEGISLATIVE HISTORY—H.R. 606:

SENATE REPORTS: No. 109-157 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
May 23, considered and passed House.
Nov. 16, considered and passed Senate.

O

Public Law 109–120
109th Congress

An Act

To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

Dec. 1, 2005
[H.R. 1972]

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

Franklin National Battlefield Study Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Franklin National Battlefield Study Act".

SEC. 2. DEFINITIONS.

In this Act:

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

(2) STUDY AREA.—The term "study area" means the cities of Brentwood, Franklin, Triune, Thompson's Station, and Spring Hill, Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of sites in the study area relating to the Battle of Franklin to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on the study area of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System or other federally designated unit in the State of Tennessee.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

SEC. 4. REPORT.

Not later than 3 years after the date funds are made available for the study, the Secretary shall submit to the Committee on

Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Approved December 1, 2005.

LEGISLATIVE HISTORY—H.R. 1972:

HOUSE REPORTS: No. 109–289 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Nov. 15, considered and passed House.
Nov. 16, considered and passed Senate.

O

Public Law 109–131
109th Congress

An Act

Dec. 20, 2005
[S. 136]

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

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

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

Sec. 101. Payments for educational services.
Sec. 102. Authorization for park facilities to be located outside the boundaries of Yosemite National Park.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.
Sec. 202. Golden Gate National Recreation Area, California.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

Sec. 301. Short title.
Sec. 302. Redwood National Park boundary adjustment.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred

to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

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

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting "AND YOSEMITE NATIONAL PARK" after "ZION NATIONAL PARK";

(2) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "for transportation systems or" after "appropriated funds"; and

(3) in the second sentence by striking "facilities" and inserting "systems or facilities".

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

Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

16 USC 460bb note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate

National Recreation Area', numbered NPS–80,079E, and dated March 2004.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

Redwood National Park Boundary Adjustment Act of 2005. 16 USC 79a note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Redwood National Park Boundary Adjustment Act of 2005".

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking "(a) The area" and all that follows through the period at the end and inserting the following: "(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167/60502, and dated February, 2003.";

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) The map referred to in paragraph (1) shall be—

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

"(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California."; and

(3) in the second sentence—

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

"(3) The Secretary;" and

(B) by striking "one hundred and six thousand acres" and inserting "133,000 acres".

Approved December 20, 2005.

LEGISLATIVE HISTORY—S. 136:

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

O

Public Law 109–135
109th Congress

An Act

To amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Dec. 21, 2005
[H.R. 4440]

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

Gulf Opportunity Zone Act of 2005.

SECTION 1. SHORT TITLE; ETC.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Opportunity Zone Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.
Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Opportunity Zone.
Sec. 103. Housing relief for individuals affected by Hurricane Katrina.
Sec. 104. Extension of special rules for mortgage revenue bonds.
Sec. 105. Special extension of bonus depreciation placed in service date for taxpayers affected by Hurricanes Katrina, Rita, and Wilma.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Gulf Coast Recovery Bonds.
Sec. 302. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 303. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 304. Authority for undercover operations.
Sec. 305. Disclosures of certain tax return information.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

Sec. 401. Short title.
Sec. 402. Amendments related to Energy Policy Act of 2005.
Sec. 403. Amendments related to the American Jobs Creation Act of 2004.
Sec. 404. Amendments related to the Working Families Tax Relief Act of 2004.
Sec. 405. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 406. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.

Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.
Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.
Sec. 412. Clerical corrections.
Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109–53.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GO ZONES

"Sec. 1400M. Definitions.
"Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

"SEC. 1400M. DEFINITIONS.

"For purposes of this part—

"(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

"(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

"(3) RITA GO ZONE.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

"(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

"(5) WILMA GO ZONE.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

"(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which

a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

"SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

"(a) TAX-EXEMPT BOND FINANCING.—

"(1) IN GENERAL.—For purposes of this title—

"(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

"(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

"(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

"(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

"(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

"(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

"(C) such bond is designated for purposes of this section by—

"(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

"(ii) in the case of any other bond, the Governor of such State,

"(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

"(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

"(3) LIMITATIONS ON BONDS.—

"(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term 'qualified project costs' means—

"(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

"(B) the cost of acquisition, construction, reconstruction, and renovation of—

* * * * * * *

(relating to expensing of environmental remediation costs) shall be applied—

"(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

"(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

"(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

"(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

"(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

"(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

"(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

"(A) the limitation which would (but for this subsection) apply under such subparagraph, or

"(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

"(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

"(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

"(A) is a corporation the stock of which is publicly traded on an established securities market, or

"(B) is a real estate investment trust.

"(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

"(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

"(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

"(i) such property was held by the taxpayer—

* * * * * * *

(2) by adding at the end the following new subparagraph:

"(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).".

26 USC 1361 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows "the following build-down method:" and inserting the following:

$$\text{"RVC} = \frac{\text{AV–VNM}}{\text{AV}} \times 100\text{"}.$$

(2) In paragraph (3)(A), by striking all that follows "the following build-up method:" and inserting the following:

$$\text{"RVC} = \frac{\text{VOM}}{\text{AV}} \times 100\text{"}.$$

(3) In paragraph (4)(A), by striking all that follows "the following net cost method:" and inserting the following:

$$\text{"RVC} = \frac{\text{NC–VNM}}{\text{NC}} \times 100\text{"}.$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Approved December 21, 2005.

LEGISLATIVE HISTORY—H.R. 4440:

CONGRESSIONAL RECORD, Vol. 151 (2005):
Dec. 7, considered and passed House.
Dec. 16, considered and passed Senate, amended. House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Dec. 21, Presidential remarks.

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Public Law 109–146
109th Congress

An Act

Dec. 22, 2005
[H.R. 358]

To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

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

Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the "Little Rock Nine" (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2007"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the

Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) CREDITABLE FUNDS.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of the Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

Approved December 22, 2005.

LEGISLATIVE HISTORY—H.R. 358:

HOUSE REPORTS: No. 109–134, Pt. 1 (Comm. on Financial Services).
CONGRESSIONAL RECORD, Vol. 151 (2005):
June 27, considered and passed House.
Nov. 18, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendment.

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Public Law 109–148
109th Congress

An Act

Dec. 30, 2005
[H.R. 2863]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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

Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.
Department of Defense Appropriations Act, 2006.

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,191,287,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,788,101,000.

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TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey. 10 USC 1584 note.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the Notification.

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rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $100,000,000.

(2) From "Operation and Maintenance, Navy", $50,000,000.

(3) From "Operation and Maintenance, Air Force", $100,000,000.

SEC. 8095. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,100,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,100,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

Grants.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8096. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: *Provided*, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8097. Up to $2,125,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8098. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $33,350,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $3,850,000 to the Intrepid Sea-Air-Space Foundation; $1,000,000 to the Pentagon Memorial Fund, Inc.; $4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; $500,000 to the Westchester County World Trade Center

Grants.

Memorial; $1,000,000 to the Women in Military Service for America Memorial Foundation; $2,000,000 to The Presidio Trust; $500,000 to George Mason University for the Clinic for Legal Assistance to Servicemembers; $850,000 to the Fort Des Moines Memorial Park and Education Center; $1,000,000 to the American Civil War Center at Historic Tredegar; $1,500,000 to the Museum of Flight, American Heroes Collection; $1,000,000 to the National Guard Youth Foundation; $2,550,000 to the United Services Organization; $1,700,000 to the Dwight D. Eisenhower Memorial Commission; $1,000,000 to the Iraq Cultural Heritage Assistance Project; $1,350,000 to the Pacific Aviation Museum-Pearl Harbor; $1,500,000 to the Red Cross Consolidated Blood Services Facility; $150,000 to the Telluride Adaptive Sports Program; $4,000,000 to T.H.A.N.K.S USA; $1,500,000 to the Battleship Texas Foundation to Restore and Preserve the Battleship Texas; and $1,000,000 to the Pennsylvania Veterans Museum Media Armory.

Military working dog.

SEC. 8099. Notwithstanding section 2583(a) of title 10, United States Code, but subject to the limitations of section 2583(e) of title 10, United States Code, during the current fiscal year the Secretary of the military department concerned may make a military working dog available for adoption by its former handler.

Federal budget. 10 USC 221 note.

SEC. 8100. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8101. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8102. Of the amounts provided in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8103. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*,

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DIVISION B

Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO AND PANDEMIC INFLUENZA, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to address hurricanes in the Gulf of Mexico and pandemic influenza for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For necessary expenses of "Working Capital Fund" related to the consequences of Hurricane Katrina, $35,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $9,200,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of grants for the water, waste disposal, and wastewater facilities programs authorized under section 306(a) and 306A of the Consolidated Farm and Rural Development Act, $45,000,000: *Provided,* That funds made available under this paragraph shall remain available until expended to respond to damage caused by hurricanes that occurred during the 2005 calendar year: *Provided further,* That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to hurricanes and other natural disasters, $17,200,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

(TRANSFER OF FUNDS)

In addition, of the amounts appropriated under this heading in Public Law 109–62, $1,500,000 shall be transferred to the "Disaster Assistance Direct Loan Program Account" for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

Accumulated leave.
Employment and labor.

SEC. 401. Notwithstanding 10 U.S.C. 701(b), the Secretary of the Department of Homeland Security may authorize a member on active duty who performed duties in support of Hurricanes Katrina or Rita disaster relief operations and who, except for this section, would lose any accumulated leave in excess of 60 days at the end of fiscal year 2005, to retain an accumulated leave total not to exceed 120 days leave. Leave in excess of 60 days accumulated under this section is lost unless it is used by the member before October 1, 2007.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, $19,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $5,300,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management", for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $16,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for "Leaking Underground Storage Tank Program", not to exceed $85,000 per project, $8,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

* * * * * * *

"(A) who is in a population specified in such declaration, and with respect to whom the administration or use of the covered countermeasure satisfies the other specifications of such declaration; or

"(B) who uses the covered countermeasure, or to whom the covered countermeasure is administered, in a good faith belief that the individual is in the category described by subparagraph (A).

"(3) COVERED INJURY.—The term 'covered injury' means serious physical injury or death.

"(4) DECLARATION.—The term 'declaration' means a declaration under section 319F–3(b).

"(5) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is determined, in accordance with subsection (b), to be a covered individual who sustains a covered injury.".

This Act may be cited as the "Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006".

Approved December 30, 2005.

LEGISLATIVE HISTORY—H.R. 2863:

HOUSE REPORTS: Nos. 109–119 (Comm. on Appropriations) and 109–359 (Comm. of Conference).
SENATE REPORTS: No. 109–141 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 151 (2005):
June 20, considered and passed House.
Sept. 29, 30, Oct. 3–7, considered and passed Senate, amended.
Dec. 19, House agreed to conference report.
Dec. 21, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Dec. 30, Presidential statement.

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Public Law 109–152
109th Congress

An Act

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

Dec. 30, 2005
[S. 205]

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

Buffalo Soldiers Commemoration Act of 2005.
16 USC 431 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers Commemoration Act of 2005".

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.

(c) COOPERATIVE AGREEMENTS.—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account ("account") to pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

(c) USE OF ACCOUNT.—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 205:

SENATE REPORTS: No. 109-24 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
July 26, considered and passed Senate.
Dec. 18, considered and passed House.

O

Public Law 109–153
109th Congress

An Act

To provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Dec. 30, 2005
[S. 652]

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

Benjamin Franklin National Memorial Commemoration Act of 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benjamin Franklin National Memorial Commemoration Act of 2005".

SEC. 2. BENJAMIN FRANKLIN NATIONAL MEMORIAL.

The Secretary of the Interior may provide a grant to the Franklin Institute to—

(1) rehabilitate the Benjamin Franklin National Memorial (including the Franklin statue) in Philadelphia, Pennsylvania; and

(2) develop an interpretive exhibit relating to Benjamin Franklin, to be displayed at a museum adjacent to the Benjamin Franklin National Memorial.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000.

(b) REQUIRED MATCH.—The Secretary of the Interior shall require the Franklin Institute to match any amounts provided to the Franklin Institute under this Act.

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 652:

SENATE REPORTS: No. 109–147 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Nov. 16, considered and passed Senate.
Dec. 18, considered and passed House.

O

Public Law 109–154
109th Congress

An Act

Dec. 30, 2005
[S. 1238]

To amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

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

Public Lands Corps Healthy Forests Restoration Act of 2005.
16 USC 1701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Lands Corps Healthy Forests Restoration Act of 2005".

SEC. 2. AMENDMENTS TO THE PUBLIC LANDS CORPS ACT OF 1993.

(a) DEFINITIONS.—Section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722) is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (13), respectively;

(2) by inserting after paragraph (7) the following:

"(8) PRIORITY PROJECT.—The term 'priority project' means an appropriate conservation project conducted on eligible service lands to further 1 or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), as follows:

"(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.

"(B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.

"(C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.

"(D) To protect, restore, or enhance forest ecosystem components to—

"(i) promote the recovery of threatened or endangered species;

"(ii) improve biological diversity; or

"(iii) enhance productivity and carbon sequestration."; and

(3) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

"(12) SECRETARY.—The term 'Secretary' means—

"(A) with respect to National Forest System land, the Secretary of Agriculture; and

"(B) with respect to Indian lands, Hawaiian home lands, or land administered by the Department of the Interior, the Secretary of the Interior.".

(b) QUALIFIED YOUTH OR CONSERVATION CORPS.—Section 204(c) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(c)) is amended—

(1) by striking "The Secretary of the Interior and the Secretary of Agriculture are" and inserting the following:

"(1) IN GENERAL.—The Secretary is"; and

(2) by adding at the end the following:

"(2) PREFERENCE.—

"(A) IN GENERAL.—For purposes of entering into contracts and cooperative agreements under paragraph (1), the Secretary may give preference to qualified youth or conservation corps located in a specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged to carry out projects within the area.

"(B) PRIORITY PROJECTS.—In carrying out priority projects in a specific area, the Secretary shall, to the maximum extent practicable, give preference to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged.".

(c) CONSERVATION PROJECTS.—Section 204(d) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(d)) is amended—

(1) in the first sentence—

(A) by striking "The Secretary of the Interior and the Secretary of Agriculture may each" and inserting the following:

"(1) IN GENERAL.—The Secretary may"; and

(B) by striking "such Secretary" and inserting "the Secretary";

(2) in the second sentence, by striking "Appropriate conservation" and inserting the following:

"(2) PROJECTS ON INDIAN LANDS.—Appropriate conservation"; and

(3) by striking the third sentence and inserting the following:

"(3) DISASTER PREVENTION OR RELIEF PROJECTS.—The Secretary may authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private land as part of a Federal disaster prevention or relief effort.".

(d) CONSERVATION CENTERS AND PROGRAM SUPPORT.—Section 205 of the Public Lands Corps Act of 1993 (16 U.S.C. 1724) is amended—

(1) by striking the heading and inserting the following:

"SEC. 205. CONSERVATION CENTERS AND PROGRAM SUPPORT.";

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

"(a) ESTABLISHMENT AND USE.—

"(1) IN GENERAL.—The Secretary may establish and use conservation centers owned and operated by the Secretary for—

"(A) use by the Public Lands Corps; and

"(B) the conduct of appropriate conservation projects under this title.

"(2) ASSISTANCE FOR CONSERVATION CENTERS.—The Secretary may provide to a conservation center established under paragraph (1) any services, facilities, equipment, and supplies

that the Secretary determines to be necessary for the conservation center.

"(3) STANDARDS FOR CONSERVATION CENTERS.—The Secretary shall—

"(A) establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under paragraph (1); and

"(B) ensure that the standards established under subparagraph (A) are enforced.

"(4) MANAGEMENT.—As the Secretary determines to be appropriate, the Secretary may enter into a contract or other appropriate arrangement with a State or local government agency or private organization to provide for the management of a conservation center."; and

(3) by adding at the end the following:

"(d) ASSISTANCE.—The Secretary may provide any services, facilities, equipment, supplies, technical assistance, oversight, monitoring, or evaluations that are appropriate to carry out this title.".

(e) LIVING ALLOWANCES AND TERMS OF SERVICE.—Section 207 of the Public Lands Corps Act of 1993 (16 U.S.C. 1726) is amended—

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

"(a) LIVING ALLOWANCES.—The Secretary shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount established by the Secretary."; and

(2) by adding at the end the following:

"(c) HIRING.—The Secretary may—

"(1) grant to a member of the Public Lands Corps credit for time served with the Public Lands Corps, which may be used toward future Federal hiring; and

"(2) provide to a former member of the Public Lands Corps noncompetitive hiring status for a period of not more than 120 days after the date on which the member's service with the Public Lands Corps is complete.".

(f) FUNDING.—The Public Lands Corps Act of 1993 is amended—

(1) in section 210 (16 U.S.C. 1729), by adding at the end the following:

"(c) OTHER FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under section 211 are in addition to amounts allocated to the Public Lands Corps through other Federal programs or projects."; and

(2) by inserting after section 210 the following:

16 USC 1730.

"SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $12,000,000 for each fiscal year, of which $8,000,000 is authorized to carry out priority projects and $4,000,000 of which is authorized to carry out other appropriate conservation projects.

"(b) DISASTER RELIEF OR PREVENTION PROJECTS.—Notwithstanding subsection (a), any amounts made available under that subsection shall be available for disaster prevention or relief projects.

"(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for any fiscal year to carry out this title shall remain available for obligation and expenditure

until the end of the fiscal year following the fiscal year for which the amounts are appropriated.".

(g) CONFORMING AMENDMENTS.—The Public Lands Corps Act of 1993 is amended—

(1) in section 204 (16 U.S.C. 1723)—

(A) in subsection (b)—

(i) in the first sentence, by striking "Secretary of the Interior or the Secretary of Agriculture" and inserting "Secretary";

(ii) in the third sentence, by striking "Secretaries" and inserting "Secretary"; and

(iii) in the fourth sentence, by striking "Secretaries" and inserting "Secretary"; and

(B) in subsection (e), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary";

(2) in section 205 (16 U.S.C. 1724)—

(A) in subsection (b), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary"; and

(B) in subsection (c), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary";

(3) in section 206 (16 U.S.C. 1725)—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(II) by striking "such Secretary" and inserting "the Secretary";

(ii) in the third sentence, by striking "Secretaries" and inserting "Secretary"; and

(iii) in the fourth sentence, by striking "Secretaries" and inserting "Secretary"; and

(B) in the first sentence of subsection (b), by striking "Secretary of the Interior or the Secretary of Agriculture" and inserting "the Secretary"; and

(4) in section 210 (16 U.S.C. 1729)—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(ii) in paragraph (2), by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(B) in subsection (b), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary".

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 1238 (H.R. 2875):

HOUSE REPORTS: No. 109-273, Pt. 1 accompanying H.R. 2875 (Comm. on Resources).

SENATE REPORTS: No. 109-152 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Nov. 16, considered and passed Senate.

Dec. 18, considered and passed House.

Public Law 109-156
109th Congress

An Act

Dec. 30, 2005
[S. 1310]

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

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

Delaware Water Gap National Recreation Area Improvement Act.
16 USC 461 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware Water Gap National Recreation Area Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term "pipeline" means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term "Recreation Area" means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and

necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size. Certification.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking "at noon on September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or September 30, 2015"; and

(B) in paragraph (2)—

(i) by striking "noon on September 30, 2005" and inserting "the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(ii) by striking "not exceed $25 per trip" and inserting the following: "be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed $40 per trip".

16 USC 463 note.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking "2006" and inserting "2007".

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 1310 (H.R. 3124):

HOUSE REPORTS: No. 109–334 accompanying H.R. 3124 (Comm. on Resources).
SENATE REPORTS: No. 109–194 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Dec. 16, considered and passed Senate.
Dec. 18, considered and passed House.

O

Public Law 109–163
109th Congress

An Act

Jan. 6, 2006
[H.R. 1815]

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

National Defense Authorization Act for Fiscal Year 2006.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2006".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

SUBTITLE B—ARMY PROGRAMS

Sec. 111. Multiyear procurement authority for utility helicopters.
Sec. 112. Multiyear procurement authority for modernized target acquisition designation sight/pilot night vision sensors for AH–64 Apache attack helicopters.
Sec. 113. Multiyear procurement authority for conversion of AH–64A Apache attack helicopters to the AH–64D Block II configuration.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Report on Army Modular Force Initiative.

SUBTITLE C—NAVY PROGRAMS

Sec. 121. Virginia-class submarine program.
Sec. 122. LHA Replacement (LHA(R)) amphibious assault ship program.
Sec. 123. Cost limitation for next-generation destroyer program.
Sec. 124. Littoral Combat Ship (LCS) program.
Sec. 125. Prohibition on acquisition of next-generation destroyer through a single shipyard.

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TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SUBTITLE A—GENERAL DEPARTMENT OF DEFENSE MANAGEMENT MATTERS

Sec. 901. Parity in pay levels among Under Secretary positions.
Sec. 902. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.
Sec. 903. Standardization of authority for acceptance of gifts and donations for Department of Defense regional centers for security studies.
Sec. 904. Directors of Small Business Programs in Department of Defense and military departments.
Sec. 905. Plan to defend the homeland against cruise missiles and other low-altitude aircraft.
Sec. 906. Provision of audiovisual support services by White House Communications Agency on nonreimbursable basis.
Sec. 907. Report on establishment of a Deputy Secretary of Defense for Management.
Sec. 908. Responsibility of the Joint Chiefs of Staff as military advisers to the Homeland Security Council.
Sec. 909. Improvement in health care services for residents of Armed Forces Retirement Home.

SUBTITLE B—SPACE ACTIVITIES

Sec. 911. Space Situational Awareness Strategy and space control mission review.
Sec. 912. Military satellite communications.
Sec. 913. Operationally responsive space.
Sec. 914. Report on use of Space Radar for topographical mapping for scientific and civil purposes.
Sec. 915. Sense of Congress regarding national security aspect of United States preeminence in human spaceflight.

SUBTITLE C—CHEMICAL DEMILITARIZATION PROGRAM

Sec. 921. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.
Sec. 922. Chemical demilitarization facilities.

SUBTITLE D—INTELLIGENCE-RELATED MATTERS

Sec. 931. Department of Defense Strategy for Open-Source Intelligence.
Sec. 932. Comprehensive inventory of Department of Defense Intelligence and Intelligence-related programs and projects.
Sec. 933. Operational files of the Defense Intelligence Agency.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of emergency supplemental appropriations for fiscal years 2005 and 2006.
Sec. 1003. Increase in fiscal year 2005 general transfer authority.
Sec. 1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.
Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2006.

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.
Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.
Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
Sec. 1014. Transfer of battleships U.S.S. WISCONSIN and U.S.S. IOWA.
Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
Sec. 1016. Report on leasing of vessels to meet national defense sealift requirements.
Sec. 1017. Establishment of the USS Oklahoma Memorial and other memorials at Pearl Harbor.
Sec. 1018. Authority to use National Defense Sealift Fund to purchase certain maritime prepositioning ships currently under charter to the Navy.

SUBTITLE C—COUNTER-DRUG ACTIVITIES

Sec. 1021. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.

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PART III—AIR FORCE CONVEYANCES

Sec. 2861. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
Sec. 2862. Land conveyance, Air Force property, Jacksonville, Arkansas.
Sec. 2863. Land conveyance, Air Force property, La Junta, Colorado.
Sec. 2864. Lease, National Imagery and Mapping Agency site, St. Louis, Missouri.

SUBTITLE E—OTHER MATTERS

Sec. 2871. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.
Sec. 2872. Transfer of excess Department of Defense property on Santa Rosa and Okaloosa Island, Florida, to Gulf Islands National Seashore.
Sec. 2873. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.
Sec. 2874. Assessment of water needs for Presidio of Monterey and Ord Military Community.
Sec. 2875. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.
Sec. 2876. Sense of Congress regarding community impact assistance related to construction of Navy landing field, North Carolina.
Sec. 2877. Sense of Congress on establishment of Bakers Creek Memorial.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

SUBTITLE B—OTHER MATTERS

Sec. 3111. Reliable Replacement Warhead program.
Sec. 3112. Rocky Flats Environmental Technology Site.
Sec. 3113. Report on compliance with Design Basis Threat issued by Department of Energy in 2005.
Sec. 3114. Reports associated with Waste Treatment and Immobilization Plant Project, Hanford Site, Richland, Washington.
Sec. 3115. Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.
Sec. 3116. Report on international border security programs.
Sec. 3117. Savannah River National Laboratory.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.
Sec. 3303. Authorization for disposal of tungsten ores and concentrates.
Sec. 3304. Disposal of ferromanganese.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.
Sec. 3502. Payments for State and regional maritime academies.
Sec. 3503. Maintenance and repair reimbursement pilot program.
Sec. 3504. Tank vessel construction assistance.
Sec. 3505. Improvements to the Maritime Administration vessel disposal program.
Sec. 3506. Assistance for small shipyards and maritime communities.
Sec. 3507. Transfer of authority for title XI non-fishing loan guarantee decisions to Maritime Administration.
Sec. 3508. Technical corrections.

Sec. 3509. United States Maritime Service.
Sec. 3510. Awards and medals.

10 USC 101 note. **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

SUBTITLE B—ARMY PROGRAMS

Sec. 111. Multiyear procurement authority for utility helicopters.
Sec. 112. Multiyear procurement authority for modernized target acquisition designation sight/pilot night vision sensors for AH-64 Apache attack helicopters.
Sec. 113. Multiyear procurement authority for conversion of AH-64A Apache attack helicopters to the AH-64D Block II configuration.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Report on Army Modular Force Initiative.

SUBTITLE C—NAVY PROGRAMS

Sec. 121. Virginia-class submarine program.
Sec. 122. LHA Replacement (LHA(R)) amphibious assault ship program.
Sec. 123. Cost limitation for next-generation destroyer program.
Sec. 124. Littoral Combat Ship (LCS) program.
Sec. 125. Prohibition on acquisition of next-generation destroyer through a single shipyard.
Sec. 126. Aircraft carrier force structure.
Sec. 127. Refueling and complex overhaul of the U.S.S. Carl Vinson.
Sec. 128. CVN-78 aircraft carrier.
Sec. 129. LHA Replacement (LHA(R)) ship.
Sec. 130. Report on alternative propulsion methods for surface combatants and amphibious warfare ships.

SUBTITLE D—AIR FORCE PROGRAMS

Sec. 131. C-17 aircraft program and assessment of intertheater airlift requirements.
Sec. 132. Prohibition on retirement of KC-135E aircraft.
Sec. 133. Prohibition on retirement of F-117 aircraft during fiscal year 2006.
Sec. 134. Prohibition on retirement of C-130E/H tactical airlift aircraft during fiscal year 2006.
Sec. 135. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.
Sec. 136. Report on Air Force aircraft aeromedical evacuation programs.

SUBTITLE E—JOINT AND MULTISERVICE MATTERS

Sec. 141. Requirement that tactical unmanned aerial vehicles use specified standard data link.
Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.
Sec. 143. Advanced SEAL Delivery System.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

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TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of emergency supplemental appropriations for fiscal years 2005 and 2006.
Sec. 1003. Increase in fiscal year 2005 general transfer authority.
Sec. 1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.
Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2006.

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.
Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.
Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
Sec. 1014. Transfer of battleships U.S.S. WISCONSIN and U.S.S. IOWA.
Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
Sec. 1016. Report on leasing of vessels to meet national defense sealift requirements.
Sec. 1017. Establishment of the USS Oklahoma Memorial and other memorials at Pearl Harbor.
Sec. 1018. Authority to use National Defense Sealift Fund to purchase certain maritime prepositioning ships currently under charter to the Navy.

SUBTITLE C—COUNTER-DRUG ACTIVITIES

Sec. 1021. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. Sense of Congress regarding drug trafficking deterrence.

SUBTITLE D—MATTERS RELATED TO HOMELAND SECURITY

Sec. 1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
Sec. 1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
Sec. 1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
Sec. 1034. Repeal of Department of Defense emergency response assistance program.
Sec. 1035. Report on use of Department of Defense aerial reconnaissance assets to support Homeland Security border security missions.

SUBTITLE E—REPORTS AND STUDIES

Sec. 1041. Review of Defense Base Act insurance.
Sec. 1042. Report on Department of Defense response to findings and recommendations of Defense Science Board Task Force on High Performance Microchip Supply.

SUBTITLE F—OTHER MATTERS

Sec. 1051. Commission on the Implementation of the New Strategic Posture of the United States.
Sec. 1052. Reestablishment of EMP Commission.
Sec. 1053. Modernization of authority relating to security of defense property and facilities.
Sec. 1054. Revision of Department of Defense counterintelligence polygraph program.
Sec. 1055. Preservation of records pertaining to radioactive fallout from nuclear weapons testing.
Sec. 1056. Technical and clerical amendments.
Sec. 1057. Deletion of obsolete definitions in titles 10 and 32, United States Code.
Sec. 1058. Support for youth organizations.
Sec. 1059. Special immigrant status for persons serving as translators with United States Armed Forces.
Sec. 1060. Expansion of emergency services under reciprocal agreements.
Sec. 1061. Renewal of moratorium on return of veterans memorial objects to foreign nations without specific authorization in law.

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Subtitle B—Naval Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the yard floating drydock YFD-70, located in Seattle, Washington, to Todd Pacific Shipyards Corporation, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Todd Pacific Shipyards Corporation until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary.

Applicability.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the medium auxiliary floating drydock SUSTAIN (AFDM-7), located in Duval County, Florida, to Atlantic Marine Property Holding Company, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Atlantic Marine Property Holding Company until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary.

Applicability.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey to the port authority of the city of Port Arthur, Texas, the inactive medium auxiliary floating drydock designated as AFDM-2, currently administered through the National Defense Reserve Fleet.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of the port authority named in subsection (a).

* * * * * * *

(II) qualified maintenance or repair of the vessel in a foreign shipyard or foreign ship repair facility; and

(iv) where alterations or qualified maintenance or repair may be performed; and

(F) a description of qualified maintenance or repair that was performed on each vessel in the 3-year period preceding the date of the enactment of this Act, including—

(i) the amounts paid by the lessor for such work; and

(ii) identification of whether such work was performed in the United States or in a foreign country.

(3) Estimation of any increase in total costs that would have been incurred by the United States if qualified maintenance or repair that was performed on leased vessels in the 3-year period preceding the date of the enactment of this Act were required to be performed in the United States.

(4) Other impacts to the economy of the United States if qualified maintenance or repair that was performed on leased vessels in the 3-year period preceding the date of the enactment of this Act were required to be performed in the United States.

(c) QUALIFIED MAINTENANCE OR REPAIR DEFINED.—In this section the term "qualified maintenance or repair"—

(1) except as provided in paragraph (2), means—

(A) any inspection of a vessel that is—

(i) required under chapter 33 of title 46, United States Code; and

(ii) performed in a period in which the vessel is under lease by the Department of Defense;

(B) any maintenance or repair of a vessel that is determined, in the course of an inspection referred to in subparagraph (A), to be necessary to comply with the laws of the United States; and

(C) any routine maintenance or repair; and

(2) does not include any emergency work that is necessary to enable a vessel to return to a port in the United States.

SEC. 1017. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL AND OTHER MEMORIALS AT PEARL HARBOR.

Hawaii.
16 USC 431 note.

(a) ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for a memorial for the U.S.S. Oklahoma (BB–37). The Secretary of the Interior shall establish the memorial at the identified site by authorizing the USS Oklahoma Memorial Foundation to construct a memorial. The Secretary shall certify that—

Deadline.

Certification.

(1) the USS Oklahoma Memorial Foundation has sufficient funding to complete construction of the memorial; and

(2) the memorial meets the requirements of subsection (c).

(b) ADMINISTRATION OF THE MEMORIAL.—Once established, the Secretary of the Interior shall administer the USS Oklahoma Memorial as a part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any agreement between the Secretary of the Interior and the Secretary of

the Navy. The Secretary of the Navy shall retain administrative jurisdiction over the land where the USS Oklahoma Memorial is established.

(c) REQUIREMENTS FOR PEARL HARBOR MEMORIALS.—The site selection, design, and construction of the USS Oklahoma Memorial and any memorials established after the date of the enactment of this Act that are associated with the attack at Pearl Harbor on December 7, 1941, shall be consistent with the requirements in the document titled "Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials", dated April 2005.

(d) ESTABLISHMENT AND OPERATION OF TRANSPORTATION SYSTEM.—The Secretary of the Interior may establish and operate a transportation system over roads linking the USS Arizona Memorial Visitor Center with one or more of the existing and future historic sites and historic visitor attractions within the Pearl Harbor Naval Complex, including Ford Island. Transportation on this system may be provided with or without charge, directly or through a contract or concessioner, and without regard to whether service is provided to sites or attractions that are under the jurisdiction of or administered by the National Park Service.

SEC. 1018. AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO PURCHASE CERTAIN MARITIME PREPOSITIONING SHIPS CURRENTLY UNDER CHARTER TO THE NAVY.

(a) FISCAL YEAR 2006 LIMITATION.—The authority provided by subsection (c)(1) of section 2218 of title 10, United States Code, may not be used for the purchase of more than six vessels described in subsection (c) using funds appropriated to the National Defense Sealift Fund for fiscal year 2006.

(b) AUTHORITY.—The Secretary of Defense may purchase any vessel described in subsection (c) through the use of the authority in subsection (c)(1) of section 2218 of title 10, United States Code, without regard to the limitation in subsection (f)(1) of that section.

Applicability.

(c) COVERED VESSELS.—Subsections (a) and (b) apply with respect to any vessel that as of the date of the enactment of this Act—

(1) is chartered by the Department of Defense under a 25-year lease; and

(2) is used by the Navy as a maritime prepositioning ship.

(d) TECHNICAL AMENDMENTS TO UPDATE STATUTE.—Section 2218(f)(1) of title 10, United States Code, is amended—

(1) by striking "Not more than a total of five vessels built in foreign ship yards may be" and inserting "A vessel built in a foreign ship yard may not be"; and

(2) by inserting before the period at the end the following: ", unless specifically authorized by law".

Subtitle C—Counter-Drug Activities

SEC. 1021. RESUMPTION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) ADDITIONAL REPORT REQUIRED.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense

* * * * * * *

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2006.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2006".

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2004 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,150,000
	Fort Rucker	$9,700,000
	Redstone Arsenal	$25,100,000
Alaska	Fort Richardson	$4,700,000
	Fort Wainwright	$44,660,000
Arizona	Fort Huachuca	$5,100,000
	Yuma Proving Ground	$8,100,000
California	Concord Naval Weapons Station	$11,850,000
	Fort Irwin	$21,250,000
Colorado	Fort Carson	$72,822,000
Georgia	Fort Benning	$30,261,000
	Fort Gillem	$3,900,000
	Fort Gordon	$4,550,000
	Fort Stewart/Hunter Army Air Field	$57,980,000
Hawaii	Pohakuloa Training Area	$60,300,000
	Schofield Barracks	$53,900,000
Illinois	Rock Island Arsenal	$7,400,000
Indiana	Crane Army Ammunition Activity	$5,700,000
Kansas	Fort Riley	$33,900,000
Kentucky	Fort Campbell	$116,475,000
	Fort Knox	$4,600,000
Louisiana	Fort Polk	$28,887,000
Missouri	Fort Leonard Wood	$23,500,000
New Jersey	Picatinny Arsenal	$4,450,000
New York	Fort Drum	$73,350,000
	United States Military Academy, West Point.	$7,500,000
North Carolina	Fort Bragg	$301,250,000
Ohio	Joint Systems Manufacturing Center, Lima	$11,600,000
Oklahoma	Fort Sill	$5,850,000
	McAlester Army Ammunition Plant	$5,400,000
Pennsylvania	Letterkenny Depot	$6,300,000

* * * * * * *

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana.	Family housing (56 units) ..	$7,300,000

TITLE XXVIII—GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

Sec. 2801. Modification of congressional notification requirements for certain military construction activities.
Sec. 2802. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.
Sec. 2803. Improvement in availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.
Sec. 2804. Modification of cost variation authority.
Sec. 2805. Inapplicability to child development centers of restriction on authority to acquire or construct ancillary supporting facilities.
Sec. 2806. Department of Defense Housing Funds.
Sec. 2807. Use of design-build selection procedures to accelerate design effort in connection with military construction projects.
Sec. 2808. Acquisition of associated utilities, equipment, and furnishings in reserve component facility exchange.
Sec. 2809. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2810. Temporary program to use minor military construction authority for construction of child development centers.
Sec. 2811. General and flag officers quarters in the National Capital Region.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

Sec. 2821. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.
Sec. 2822. Modification of authorities on agreements to limit encroachments and other constraints on military training, testing, and operations.
Sec. 2823. Modification of utility system conveyance authority and related reporting requirements.
Sec. 2824. Report on application of force protection and anti-terrorism standards to leased facilities.
Sec. 2825. Report on use of ground source heat pumps at Department of Defense facilities.

SUBTITLE C—BASE CLOSURE AND REALIGNMENT

Sec. 2831. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.
Sec. 2832. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.
Sec. 2833. Treatment of Indian Tribal Governments as public entities for purposes of disposal of real property recommended for closure in July 1993 BRAC Commission report.
Sec. 2834. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.
Sec. 2835. Required consultation with State and local entities on issues related to increase in number of military personnel at military installations.
Sec. 2836. Sense of Congress regarding infrastructure and installation requirements for transfer of units and personnel from closed and realigned military installations to receiving locations.
Sec. 2837. Defense access road program and military installations affected by defense base closure process or Integrated Global Presence and Basing Strategy.
Sec. 2838. Sense of Congress on reversionary interests involving real property at Navy homeports.

SUBTITLE D—LAND CONVEYANCES

PART 1—ARMY CONVEYANCES

Sec. 2841. Land conveyance, Camp Navajo, Arizona.
Sec. 2842. Land conveyance, Iowa Army Ammunition Plant, Middletown, Iowa.
Sec. 2843. Land conveyance, Helena, Montana.
Sec. 2844. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.
Sec. 2845. Land exchange, Fort Hood, Texas.
Sec. 2846. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2847. Land conveyance, Fort Belvoir, Virginia.
Sec. 2848. Land conveyance, Army Reserve Center, Bothell, Washington.

PART 2—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.
Sec. 2852. Lease or license of United States Navy Museum facilities at Washington Navy Yard, District of Columbia.

PART 3—AIR FORCE CONVEYANCES

Sec. 2861. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
Sec. 2862. Land conveyance, Air Force property, Jacksonville, Arkansas.
Sec. 2863. Land conveyance, Air Force property, La Junta, Colorado.
Sec. 2864. Lease, National Imagery and Mapping Agency site, St. Louis, Missouri.

SUBTITLE E—OTHER MATTERS

Sec. 2871. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.
Sec. 2872. Transfer of excess Department of Defense property on Santa Rosa and Okaloosa Island, Florida, to Gulf Islands National Seashore.
Sec. 2873. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.
Sec. 2874. Assessment of water needs for Presidio of Monterey and Ord Military Community.
Sec. 2875. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.
Sec. 2876. Sense of Congress regarding community impact assistance related to construction of Navy landing field, North Carolina.
Sec. 2877. Sense of Congress on establishment of Bakers Creek Memorial.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR CERTAIN MILITARY CONSTRUCTION ACTIVITIES.

(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of title 10, United States Code, is amended—

(1) by striking "21-day period" and inserting "14-day period"; and

(2) by striking "14-day period" and inserting "seven-day period".

(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section 2813(c) of such title is amended—

(1) by striking "30-day period" and inserting "21-day period"; and

(2) by striking "21-day period" and inserting "14-day period".

* * * * * * *

(b) RENTAL PRICE.—The real property to be leased under subsection (a) shall be leased at a rate equal to not less than the fair market value of the property.

Survey.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be leased under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Port District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. CLARIFICATION OF MORATORIUM ON CERTAIN IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

(a) CLARIFICATION OF AND EXCEPTIONS TO MORATORIUM.—Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is amended—

(1) in subsection (a), by striking "conversion, rehabilitation, extension, or improvement" and inserting "or extension"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ", repair, replace, or convert" after "maintain";

(B) in paragraph (2), by striking "authorized before the date of the enactment of this Act"; and

(C) by adding at the end the following new paragraphs:

"(3) The construction of facilities supporting Department of Defense education activities.

"(4) Any construction or extension required to support the installation of communications equipment.".

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) do not trigger the termination of the moratorium on certain improvements at Fort Buchanan, Puerto Rico, as provided by subsection (c) of such section.

Mississippi.

SEC. 2872. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE.

16 USC 459h–6 note.

(a) FINDINGS.—Congress finds the following:

(1) Public Law 91–660 of the 91st Congress established the Gulf Islands National Seashore in the States of Florida and Mississippi.

(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

(3) Senate Report 91–1514 of the 91th Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: "While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.".

(4) Although section 2(a) of Public Law 91–660 (16 U.S.C. 459h–1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior, an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled.

(b) TRANSFER REQUIRED.—Section 7 of Public Law 91–660 (16 U.S.C. 459h–6) is amended—

(1) by inserting "(a)" before "There are"; and

(2) by adding at the end the following new subsection:

"(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act."

SEC. 2873. AUTHORIZED MILITARY USES OF PAPAGO PARK MILITARY RESERVATION, PHOENIX, ARIZONA.

The Act of April 7, 1930 (Chapter 107; 46 Stat. 142), is amended in the first designated paragraph, relating to the Papago Park Military Reservation, by striking "as a rifle range". 16 USC 431 note.

SEC. 2874. ASSESSMENT OF WATER NEEDS FOR PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY.

Not later than April 7, 2006, the Secretary of Defense shall submit to Congress an interim assessment of the current and reasonable future needs of the Department of the Defense for water for the Presidio of Monterey and the Ord Military Community. Deadline.

SEC. 2875. REDESIGNATION OF MCENTIRE AIR NATIONAL GUARD STATION, SOUTH CAROLINA, AS MCENTIRE JOINT NATIONAL GUARD BASE.

McEntire Air National Guard Station in Eastover, South Carolina, shall be known and designated as "McEntire Joint National Guard Base" in recognition of the use of the installation to house both Air National Guard and Army National Guard assets. Any reference to McEntire Air National Guard Station in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to McEntire Joint National Guard Base.

SEC. 2876. SENSE OF CONGRESS REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.

It is the sense of Congress that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including, to the extent appropriate—

* * * * * * *

(4) Section 3528 of the Maritime Security Act of 2003 (46 U.S.C. App. 1271 note) is repealed. Repeal.

(d) TECHNICAL CORRECTION OF SECTION NUMBERING.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by redesignating the second sections 1111 and 1112, as added by section 303 of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3616), as sections 1113 and 1114, respectively. 46 USC app. 1279f, 1279g.

SEC. 3508. TECHNICAL CORRECTIONS.

(a) INTERMODAL CENTERS.—Section 9008(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended by striking "section 5309(m)(1)(C)" and inserting "paragraphs (1)(C) and (2)(C) of section 5309(m)". *Ante*, p. 1926.

(b) INTERMODAL SURFACE FREIGHT TRANSFER FACILITY ELIGIBILITY.—Section 9008(b)(2) of that Act is amended by striking "section 181(9)(D)" and inserting "181(8)(D)".

SEC. 3509. UNITED STATES MARITIME SERVICE.

Section 1306(a) of the Maritime Education and Training Act of 1980 (46 U.S.C. App. 1295e(a)), is amended by inserting "and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary," after "United States" the second place it appears.

SEC. 3510. AWARDS AND MEDALS.

Section 5(c) of the Merchant Marine Decorations and Medals Act (46 U.S.C. App. 2004(c)) is amended by striking "provide at cost, or authorize for the manufacture and sale at reasonable prices by private persons—" and inserting "provide—".

Approved January 6, 2006.

LEGISLATIVE HISTORY—H.R. 1815 (S. 1042) (S. 1043):

HOUSE REPORTS: Nos. 109–89 (Comm. on Armed Services) and 109–360 (Comm. of Conference).
SENATE REPORTS: No. 109–69 accompaying S. 1042 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 151 (2005):
May 25, considered and passed House.
Nov. 15, considered and passed Senate, amended, in lieu of S. 1042.
Dec. 18, House agreed to conference report.
Dec. 19, 21, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Jan. 6, Presidential statement.

O

Public Law 109–220
109th Congress

Joint Resolution

Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

May 5, 2006
[S.J. Res. 28]

40 USC 8903 note.

Whereas section 8908(b)(1) of title 40, United States Code provides that the location of a commemorative work in the area described as Area I shall be deemed authorized only if approved by law not later than 150 days after notification to Congress and others that the commemorative work may be located in Area I;

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note) authorizes the Dwight D. Eisenhower Memorial Commission to establish a memorial on Federal land in the District of Columbia to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that the memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of the commemorative work to honor Dwight D. Eisenhower, authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note), within Area I as depicted on the map referred to in section 8908(a) of title 40, United States Code, is approved.

Approved May 5, 2006.

LEGISLATIVE HISTORY—S.J. Res. 28 (H.J. Res. 78):

HOUSE REPORTS: No. 109–425 accompanying H.J. Res. 78 (Comm. on Resources).
SENATE REPORTS: No. 109–227 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
Apr. 4, considered and passed Senate.
Apr. 25, considered and passed House.

O

Public Law 109–232
109th Congress

An Act

To amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

June 15, 2006
[H.R. 5401]

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

Lewis and Clark Commemorative Coin Correction Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Commemorative Coin Correction Act".

SEC. 2. LEWIS AND CLARK COMMEMORATIVE COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking "Secretary as follows:" and all that follows through the end of the subsection and inserting the following:

"Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

"(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—½ to the National Council of the Lewis and Clark Bicentennial.

"(2) MISSOURI HISTORICAL SOCIETY.—½ to the Missouri Historical Society.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage

Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.".

Approved June 15, 2006.

LEGISLATIVE HISTORY—H.R. 5401:

CONGRESSIONAL RECORD, Vol. 152 (2006):
May 22, considered and passed House.
May 25, considered and passed Senate.

Public Law 109–234
109th Congress

An Act

June 15, 2006
[H.R. 4939]

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: *Provided,* That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

* * * * * * *

SEC. 1603. (a) IN GENERAL.—During fiscal years 2006, 2007, and 2008, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(c) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,800,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II

FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund", $25,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

* * * * * * *

Katrina or Hurricane Rita: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006: *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109–90 (119 Stat. 2079) is amended under the heading "National Flood Insurance Fund" by striking in the proviso "$30,000,000" and inserting "such sums as necessary".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2403. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to projects from which funds were transferred for such purposes, $132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $43,000,000, to remain available until September 30, 2007: *Provided,* That of the funds provided under this heading, $40,000,000 shall be provided to State Historic Preservation Officers, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: *Provided further,* That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further,* That preference shall be given to grants based upon, but not limited to, properties located within National Heritage Areas, owner-occupied houses, and an ability to spend the funds expeditiously: *Provided further,* That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further,* That individual grants shall not be subject to a non-Federal matching requirement: *Provided further,* That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: *Provided further,* That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006. Grants.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

* * * * * * *

passed the Senate, for fiscal year 2007 shall apply to subsection (a).

(c) APPLICATION.—The section 302(a) allocations in subsection (a) shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 2007, as though adopted by Congress, for all purposes under titles III and IV of the Congressional Budget Act of 1974. Section 302(a)(4) of the Congressional Budget Act of 1974 shall not apply to this section.

(d) EXCEPTIONS.—The following provisions of H. Con. Res. 95 (109th Congress) shall not apply in the Senate—

(1) Section 404; and

Effective date.

(2) until January 3, 2007, section 403(b)(2).

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

Approved June 15, 2006.

LEGISLATIVE HISTORY—H.R. 4939:

HOUSE REPORTS: Nos. 109–388 (Comm. on Appropriations) and 109–494 (Comm. of Conference).

SENATE REPORTS: No. 109–230 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 152 (2006):

Mar. 15, 16, considered and passed House.

Apr. 25–27, May 1–4, considered and passed Senate, amended.

June 12, House considered conference report.

June 13, House agreed to conference report. Senate considered conference report.

June 14, 15, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

June 15, Presidential statement.

Public Law 109–241
109th Congress

An Act

July 11, 2006
[H.R. 889]

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2006".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Supplemental authorization of appropriations.
Sec. 104. Web-based risk management data system.

TITLE II—COAST GUARD

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
Sec. 202. International training and technical assistance.
Sec. 203. Officer promotion.
Sec. 204. Coast Guard band director.
Sec. 205. Authority for one-step turnkey design-build contracting.
Sec. 206. Reserve recall authority.
Sec. 207. Reserve officer distribution.
Sec. 208. Expansion of use of auxiliary equipment to support Coast Guard missions.
Sec. 209. Coast Guard history fellowships.
Sec. 210. Icebreakers.
Sec. 211. Operation as a service in the Navy.
Sec. 212. Limitation on moving assets to St. Elizabeth's Hospital.
Sec. 213. Cooperative agreements.
Sec. 214. Biodiesel feasibility study.
Sec. 215. Boating safety director.
Sec. 216. Hangar at Coast Guard Air Station Barbers Point.
Sec. 217. Promotion of Coast Guard officers.
Sec. 218. Redesignation of Coast Guard law specialists as judge advocates.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of ferries as passenger vessels.
Sec. 302. Great Lakes pilotage annual ratemaking.
Sec. 303. Certification of vessel nationality in drug smuggling cases.
Sec. 304. LNG tankers.
Sec. 305. Use of maritime safety and security teams.
Sec. 306. Enhanced civil penalties for violations of provisions enacted by the Coast Guard and Maritime Transportation Act of 2004.

Sec. 307. Training of cadets at United States Merchant Marine Academy.
Sec. 308. Reports from mortgagees of vessels.
Sec. 309. Determination of the Secretary.
Sec. 310. Setting, relocating, and recovering anchors.
Sec. 311. International tonnage measurement of vessels engaged in the Aleutian trade.
Sec. 312. Riding gangs.

TITLE IV—MISCELLANEOUS

Sec. 401. Authorization of junior reserve officers training program pilot program.
Sec. 402. Transfer.
Sec. 403. LORAN–C.
Sec. 404. Long-range vessel tracking system.
Sec. 405. Marine vessel and cold water safety education.
Sec. 406. Reports.
Sec. 407. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
Sec. 408. Deepwater reports.
Sec. 409. Helicopters.
Sec. 410. Newtown Creek, New York City, New York.
Sec. 411. Report on technology.
Sec. 412. Assessment and planning.
Sec. 413. Homeport.
Sec. 414. Navigational safety of certain facilities.
Sec. 415. Port Richmond.
Sec. 416. Western Alaska community development quota program.
Sec. 417. Quota share allocation.
Sec. 418. Maine fish tender vessels.
Sec. 419. Automatic identification system.
Sec. 420. Voyage data recorder study and report.
Sec. 421. Distant water tuna fleet.

TITLE V—LIGHTHOUSES

Sec. 501. Transfer.
Sec. 502. Misty Fiords National Monument and Wilderness.
Sec. 503. Miscellaneous Light Stations.
Sec. 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

Sec. 601. Short title.
Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.
Sec. 603. Limits on liability.
Sec. 604. Requirement to update Philadelphia Area Contingency Plan.
Sec. 605. Submerged oil removal.
Sec. 606. Assessment of oil spill costs.
Sec. 607. Delaware River and Bay Oil Spill Advisory Committee.
Sec. 608. Nontank vessels.

TITLE VII—HURRICANE RESPONSE

Sec. 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita.
Sec. 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 703. Temporary authorization to extend the duration of vessel certificates of inspection.
Sec. 704. Preservation of leave lost due to Hurricane Katrina operations.
Sec. 705. Reports on impact to Coast Guard.
Sec. 706. Reports on impacts on navigable waterways.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

Sec. 801. Implementation of international agreements.
Sec. 802. Voluntary measures for reducing pollution from recreational boats.
Sec. 803. Integration of vessel monitoring system data.
Sec. 804. Foreign fishing incursions.

TITLE IX—TECHNICAL CORRECTIONS

Sec. 901. Miscellaneous technical corrections.
Sec. 902. Correction of references to Secretary of Transportation and Department of Transportation; related matters.

* * * * * * *

(d) EXPIRATION.—This section expires 48 months after the date of enactment of this Act.

(e) REPORTS.—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

(A) delivered to American Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

Alaska.

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

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

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

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

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

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

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

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

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

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

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

(e) TRANSFER OF LAND.—

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

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

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

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

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

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

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer without consideration to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station.

(b) EFFECTUATION OF TRANSFER.—The transfer pursuant to this section shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. The transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of the transfer pursuant to this section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site of the light station.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131 et seq.) and section 703 of the Alaska National Interests Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2418), with respect to the light station transferred pursuant to this section, the Secretary of Agriculture—

(1) may identify an entity to be granted an easement or other special use authorization and, in identifying the entity, may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to the entity, for no consideration, to approximately 31 acres as described in the map entitled "Tree Point Light Station", dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and national monument resources;

(C) public safety; and

(D) such other terms and conditions considered appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—The Secretary of Agriculture may take such actions as are authorized under section 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)) with respect to Tree Point Light Station if—

Deadline.

(1) no entity is identified under subsection (d) within 3 years after the date on which administrative jurisdiction is

* * * * * * *

(o) MERCHANT MARINE ACT, 1920.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the matter following the ninth proviso (pertaining to transportation of a foreign-flag incineration vessel) by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation" and inserting "Satisfactory inspection shall be certified, in writing, by the Secretary of Homeland Security.". Certification.

Approved July 11, 2006.

LEGISLATIVE HISTORY—H.R. 889 (S. 1280):

HOUSE REPORTS: Nos. 109–204, Pt. 1 (Comm. on Transportation and Infrastructure) and 109–413 (Comm. of Conference).

SENATE REPORTS: No. 109–114 accompanying S. 1280 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Sep. 15, considered and passed House.
Oct. 27, considered and passed Senate, amended.

Vol. 152 (2006): June 26, House considered conference report.
June 27, House and Senate agreed to conference report. Senate vitiated agreement on conference report.
June 28, Senate agreed to conference report, pursuant to the order of June 22.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
July 11, Presidential statement.

O

Public Law 109–272
109th Congress

An Act

Aug. 14, 2006
[H.R. 5683]

To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

16 USC 431 note.

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as "a lasting memorial to the dead of the First and Second World Wars and the Korean conflict" and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.

(a) ACQUISITION.—To effectuate the purpose of section 116 of division E of Public Law 108–447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San

Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) COMPENSATION.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

Memorandum.

(c) MAINTENANCE.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14′33″ East (Record South 17 degrees 14′09″ East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59′24″ East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition

of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

Approved August 14, 2006.

LEGISLATIVE HISTORY—H.R. 5683:

CONGRESSIONAL RECORD, Vol. 152 (2006):
July 19, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 109–280
109th Congress

An Act

Aug. 17, 2006
[H.R. 4]

To provide economic security for all Americans, and for other purposes.

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

Pension Protection Act of 2006.

29 USC 1001 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pension Protection Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act (other than so much of title XIV as follows section 1401) is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 101. Minimum funding standards.
Sec. 102. Funding rules for single-employer defined benefit pension plans.
Sec. 103. Benefit limitations under single-employer plans.
Sec. 104. Special rules for multiple employer plans of certain cooperatives.
Sec. 105. Temporary relief for certain PBGC settlement plans.
Sec. 106. Special rules for plans of certain government contractors.
Sec. 107. Technical and conforming amendments.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 111. Minimum funding standards.
Sec. 112. Funding rules for single-employer defined benefit pension plans.
Sec. 113. Benefit limitations under single-employer plans.
Sec. 114. Technical and conforming amendments.
Sec. 115. Modification of transition rule to pension funding requirements.
Sec. 116. Restrictions on funding of nonqualified deferred compensation plans by employers maintaining underfunded or terminated single-employer plans.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 201. Funding rules for multiemployer defined benefit plans.
Sec. 202. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 203. Measures to forestall insolvency of multiemployer plans.
Sec. 204. Withdrawal liability reforms.
Sec. 205. Prohibition on retaliation against employers exercising their rights to petition the Federal Government.
Sec. 206. Special rule for certain benefits funded under an agreement approved by the Pension Benefit Guaranty Corporation.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 211. Funding rules for multiemployer defined benefit plans.
Sec. 212. Additional funding rules for multiemployer plans in endangered or critical status.

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PART 2—IMPROVED ACCOUNTABILITY OF DONOR ADVISED FUNDS

Sec. 1231. Excise taxes relating to donor advised funds.
Sec. 1232. Excess benefit transactions involving donor advised funds and sponsoring organizations.
Sec. 1233. Excess business holdings of donor advised funds.
Sec. 1234. Treatment of charitable contribution deductions to donor advised funds.
Sec. 1235. Returns of, and applications for recognition by, sponsoring organizations.

PART 3—IMPROVED ACCOUNTABILITY OF SUPPORTING ORGANIZATIONS

Sec. 1241. Requirements for supporting organizations.
Sec. 1242. Excess benefit transactions involving supporting organizations.
Sec. 1243. Excess business holdings of supporting organizations.
Sec. 1244. Treatment of amounts paid to supporting organizations by private foundations.
Sec. 1245. Returns of supporting organizations.

TITLE XIII—OTHER PROVISIONS

Sec. 1301. Technical corrections relating to mine safety.
Sec. 1302. Going-to-the-sun road.
Sec. 1303. Exception to the local furnishing requirement of the tax-exempt bond rules.
Sec. 1304. Qualified tuition programs.

TITLE XIV—TARIFF PROVISIONS

Sec. 1401. Short title; table of contents.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 101. MINIMUM FUNDING STANDARDS.

(a) REPEAL OF EXISTING FUNDING RULES.—Sections 302 through 308 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082 through 1086) are repealed.

(b) NEW MINIMUM FUNDING STANDARDS.—Part 3 of subtitle B of title I of such Act (as amended by subsection (a)) is amended by inserting after section 301 the following new section:

29 USC 1082.

"SEC. 302. MINIMUM FUNDING STANDARDS.

"(a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

"(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

"(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

"(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 303 for the plan for the plan year,

"(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

* * * * * * *

"(ii) is an organization described in section 509(a)(3) (other than an organization described in clause (i) or (ii) of section 4942(g)(4)(A)), or

"(iii) is an exempt operating foundation (as defined in section 4940(d)(2)), or".

26 USC 4942 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions and expenditures after the date of the enactment of this Act.

SEC. 1245. RETURNS OF SUPPORTING ORGANIZATIONS.

26 USC 6033.

(a) REQUIREMENT TO FILE RETURN.—Subparagraph (B) of section 6033(a)(3) is amended by inserting "(other than an organization described in section 509(a)(3))" after "paragraph (1)".

(b) MATTERS INCLUDED ON RETURNS.—Section 6033, as amended by this Act, is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) ADDITIONAL PROVISIONS RELATING TO SUPPORTING ORGANIZATIONS.—Every organization described in section 509(a)(3) shall, on the return required under subsection (a)—

"(1) list the supported organizations (as defined in section 509(f)(3)) with respect to which such organization provides support,

"(2) indicate whether the organization meets the requirements of clause (i), (ii), or (iii) of section 509(a)(3)(B), and

"(3) certify that the organization meets the requirements of section 509(a)(3)(C).".

26 USC 6033 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed for taxable years ending after the date of the enactment of this Act.

TITLE XIII—OTHER PROVISIONS

SEC. 1301. TECHNICAL CORRECTIONS RELATING TO MINE SAFETY.

Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820), as amended by the Mine Improvement and New Emergency Response Act of 2006 (Public Law 109–236), is amended—

Ante, p. 500.

(1) by striking subsection (d); and

(2) in subsection (a)—

(A) by striking "(1)(1) The operator" and inserting "(1) The operator";

(B) in the paragraph (2) added by section 8(a)(1)(B) of the Mine Improvement and New Emergency Response Act of 2006 (Public Law 109–236)—

(i) by striking "paragraph (1)" and inserting "subsection (a)(1)"; and

(ii) by redesignating such paragraph as subsection (d) and transferring such subsection so as to appear after subsection (c); and

(3) in subsection (b)—

(A) by striking "Any operator" and inserting "(1) Any operator"; and

(B) in the second sentence, as added by section 8(a)(2) of the Mine Improvement and New Emergency Response

Act of 2006 (Public Law 109–236), by striking "Violations" and inserting the following:

"(2) Violations".

SEC. 1302. GOING-TO-THE-SUN ROAD.

(a) IN GENERAL.—Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively; and

(C) by striking "$10,000,000" each place that it appears and inserting "$16,666,666"; and

(2) by adding at the end the following:

"(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(b) RESCISSION.—Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is amended by striking "$8,543,000,000" each place it appears and inserting "$8,593,000,000". 23 USC 101 note.

SEC. 1303. EXCEPTION TO THE LOCAL FURNISHING REQUIREMENT OF THE TAX-EXEMPT BOND RULES.

(a) SNETTISHAM HYDROELECTRIC FACILITY.—For purposes of determining whether any private activity bond issued before May 31, 2006, and used to finance the acquisition of the Snettisham hydroelectric facility is a qualified bond for purposes of section 142(a)(8) of the Internal Revenue Code of 1986, the electricity furnished by such facility to the City of Hoonah, Alaska, shall not be taken into account for purposes of section 142(f)(1) of such Code.

(b) LAKE DOROTHY HYDROELECTRIC FACILITY.—For purposes of determining whether any private activity bond issued before May 31, 2006, and used to finance the Lake Dorothy hydroelectric facility is a qualified bond for purposes of section 142(a)(8) of the Internal Revenue Code of 1986, the electricity furnished by such facility to the City of Hoonah, Alaska, shall not be taken into account for purposes of paragraphs (1) and (3) of section 142(f) of such Code.

(c) DEFINITIONS.—For purposes of this section—

(1) LAKE DOROTHY HYDROELECTRIC FACILITY.—The term "Lake Dorothy hydroelectric facility" means the hydroelectric facility located approximately 10 miles south of Juneau, Alaska, and commonly referred to as the "Lake Dorothy project".

(2) SNETTISHAM HYDROELECTRIC FACILITY.—The term "Snettisham hydroelectric facility" means the hydroelectric project described in section 1804 of the Small Business Job Protection Act of 1996.

SEC. 1304. QUALIFIED TUITION PROGRAMS. 26 USC 1 note.

(a) PERMANENT EXTENSION OF MODIFICATIONS.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to section 402 of such Act (relating to modifications to qualified tuition programs).

* * * * * * *

Subtitle C—Effective Date

19 USC 58c note. **SEC. 1641. EFFECTIVE DATE.**

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Approved August 17, 2006.

LEGISLATIVE HISTORY—H.R. 4:

CONGRESSIONAL RECORD, Vol. 152 (2006):
July 28, considered and passed House.
Aug. 3, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Aug. 17, Presidential remarks.

Public Law 109–306
109th Congress

An Act

Oct. 6, 2006
[H.R. 5187]

To amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

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

SECTION 1. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) MAINTENANCE, REPAIR, AND SECURITY.—Section 13(a) of the John F. Kennedy Center Act (20 U.S.C. 76r(a)) is amended—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking ", 2006, and 2007." and inserting "and 2006; and"; and

(3) by adding at the end the following:

"(3) $19,100,000 for fiscal year 2007.".

(b) CAPITAL PROJECTS.—Section 13(b) of such Act (20 U.S.C. 76r(b)) is amended—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking ", 2006, and 2007." and inserting "and 2006; and"; and

(3) by adding at the end the following:

"(3) $20,000,000 for fiscal year 2007.".

Approved October 6, 2006.

LEGISLATIVE HISTORY—H.R. 5187:

HOUSE REPORTS: No. 109–514 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 152 (2006):
July 25, considered and passed House.
Sept. 26, considered and passed Senate.

○

Public Law 109–314
109th Congress

An Act

To amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Oct. 6, 2006
[H.R. 2107]

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

SECTION 1. SHORT TITLE.

National Law Enforcement Officers Memorial Maintenance Fund Act of 2005.
16 USC 431 note.

This Act may be cited as the "National Law Enforcement Officers Memorial Maintenance Fund Act of 2005".

SEC. 2. COOPERATIVE AGREEMENT WITH RESPECT TO NATIONAL LAW ENFORCEMENT MEMORIAL MAINTENANCE FUND.

(a) IN GENERAL.—Section 201 of Public Law 104–329 is amended by adding at the end the following new subsection:

"(d) COOPERATIVE AGREEMENT.—

"(1) IN GENERAL.—Effective on and after the date of the enactment of the National Law Enforcement Memorial Maintenance Fund Act of 2005, the following applies, notwithstanding other provisions of this Act:

Effective date.

"(A) The Secretary of the Interior, acting through the National Park Service, shall enter into a cooperative agreement with the National Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation incorporated under the laws of the District of Columbia, to carry out the purposes of the Fund as described in subsection (b).

"(B) In accordance with the terms of such agreement, the Secretary shall transfer all amounts in the Fund to the Corporation.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'Corporation' means the National Law Enforcement Officers Memorial Fund, Inc.; and

"(B) the term 'Secretary' means the Secretary of the Interior.".

(b) PURPOSES OF FUND.—Section 201(b) of Public Law 104–329 is amended—

(1) in paragraph (3), by inserting "and" after the semicolon;

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

(3) in paragraph (4) (as so redesignated), by striking the semicolon and inserting a period.

Approved October 6, 2006.

LEGISLATIVE HISTORY—H.R. 2107:

SENATE REPORTS: No. 109–247 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): May 16, considered and passed House.
Vol. 152 (2006): Sept. 29, considered and passed Senate.

O

Public Law 109–317
109th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Oct. 11, 2006
[H.R. 318]

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

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING CASTLE NUGENT FARMS.

(a) FINDINGS.—Congress finds the following:

(1) Castle Nugent Farms, located on the southeastern shore of St. Croix, U.S. Virgin Islands, is the largest parcel of privately-held land in the Virgin Islands and has been an operating cattle ranch for 50 years.

(2) This land has the largest and healthiest fringing coral reef anywhere in the Virgin Islands.

(3) It consists of Caribbean dry forest and pasturelands with considerable cultural resources including both pre-Columbian and post-European settlement.

(4) Castle Nugent Farms contains a large historic 17th century Danish estate house that sits on over 4 miles of pristine Caribbean oceanfront property.

(5) In addition to being an area for turtle nesting and night heron nesting, it is the home for the Senepol cattle breed, a unique breed of cattle that was developed on St. Croix in the early 1900's to adapt to the island's climate.

(b) STUDY.—The Secretary of the Interior shall carry out a study regarding the suitability and feasibility of designating Castle Nugent Farms as a unit of the National Park System.

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

Approved October 11, 2006.

LEGISLATIVE HISTORY—H.R. 318:

SENATE REPORTS: No. 109–241 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Nov. 15, considered and passed House.
Vol. 152 (2006): Sept. 29, considered and passed Senate.

O

Public Law 109–318
109th Congress

An Act

To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes.

Oct. 11, 2006
[H.R. 326]

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

SECTION 1. YUMA CROSSING NATIONAL HERITAGE AREA BOUNDARY ADJUSTMENT.

16 USC 461 note.

Section 3(b) of the Yuma Crossing National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106–319; 114 Stat. 1281) is amended to read as follows:

"(b) BOUNDARIES.—The Heritage Area shall comprise the lands generally depicted on the map entitled 'Yuma Crossing National Heritage Area Boundary Adjustment', numbered 903–80071, and dated October 16, 2005.".

Approved October 11, 2006.

LEGISLATIVE HISTORY—H.R. 326:

HOUSE REPORTS: No. 109–294 (Comm. on Resources).
SENATE REPORTS: No. 109–242 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Nov. 15, considered and passed House.
Vol. 152 (2006): Sept. 29, considered and passed Senate.

O

Public Law 109–319
109th Congress

An Act

Oct. 11, 2006
[H.R. 1728]

To authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

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

Ste. Genevieve County National Historic Site Study Act of 2005.
Conservation.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ste. Genevieve County National Historic Site Study Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) AREA.—The term "Area" means Ste. Genevieve County, Missouri, which includes the Bequette-Ribault, St. Gemme-Amoureaux, and Wilhauk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. STUDY.

Deadline.

(a) In General.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System, which shall include the potential impact that designation of the area as a unit of the National Park System is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted; and

Reports.

(2) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) Contents.—The study under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

Approved October 11, 2006.

LEGISLATIVE HISTORY—H.R. 1728:

HOUSE REPORTS: No. 109–338 (Comm. on Resources).
SENATE REPORTS: No. 109–246 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
Feb. 28, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 109–338
109th Congress

An Act

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

Oct. 12, 2006
[S. 203]

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

National Heritage Areas Act of 2006.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

16 USC 461 note.

(a) SHORT TITLE.—This Act may be cited as the "National Heritage Areas Act of 2006".

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

Sec. 1. Short title; table of contents.

TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.
Sec. 102. Reduction in royalty rate on soda ash.
Sec. 103. Study.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.
Sec. 202. Congressional findings.
Sec. 203. Definitions.
Sec. 204. Northern Rio Grande National Heritage Area.
Sec. 205. Authority and duties of the Management Entity.
Sec. 206. Duties of the Secretary.
Sec. 207. Private property protections; savings provisions.
Sec. 208. Sunset.
Sec. 209. Authorization of appropriations.

Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Atchafalaya National Heritage Area.
Sec. 214. Authorities and duties of the local coordinating entity.
Sec. 215. Management Plan.
Sec. 216. Requirements for inclusion of private property.
Sec. 217. Private property protection.
Sec. 218. Effect of subtitle.
Sec. 219. Reports.
Sec. 220. Authorization of appropriations.
Sec. 221. Termination of authority.

Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.
Sec. 232. Findings and purposes.
Sec. 233. Definitions.
Sec. 234. Arabia Mountain National Heritage Area.
Sec. 235. Authorities and duties of the local coordinating entity.
Sec. 236. Management Plan.

Sec. 237. Technical and financial assistance.
Sec. 238. Effect on certain authority.
Sec. 239. Authorization of appropriations.
Sec. 240. Termination of authority.
Sec. 241. Requirements for inclusion of private property.
Sec. 242. Private property protection.

Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.
Sec. 252. Findings and purpose.
Sec. 253. Definitions.
Sec. 254. Mormon Pioneer National Heritage Area.
Sec. 255. Designation of Alliance as local coordinating entity.
Sec. 256. Management of the Heritage Area.
Sec. 257. Duties and authorities of Federal agencies.
Sec. 258A. Requirements for inclusion of private property.
Sec. 258B. Private property protection.
Sec. 259. Authorization of appropriations.
Sec. 260. Termination of authority.

Subtitle E—Freedom's Frontier National Heritage Area

Sec. 261. Short title.
Sec. 262. Purpose.
Sec. 263. Definitions.
Sec. 264. Freedom's Frontier National Heritage Area.
Sec. 265. Technical and financial assistance; other Federal agencies.
Sec. 266. Private property protection.
Sec. 267. Savings provisions.
Sec. 268. Authorization of appropriations.
Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

Sec. 271. Short title.
Sec. 272. Findings and purposes.
Sec. 273. Definitions.
Sec. 274. Upper Housatonic Valley National Heritage Area.
Sec. 275. Authorities, prohibitions, and duties of the Management Entity.
Sec. 276. Management Plan.
Sec. 277. Duties and authorities of the Secretary.
Sec. 278. Duties of other Federal agencies.
Sec. 279. Requirements for inclusion of private property.
Sec. 280. Private property protection.
Sec. 280A. Authorization of appropriations.
Sec. 280B. Sunset.

Subtitle G—Champlain Valley National Heritage Partnership

Sec. 281. Short title.
Sec. 282. Findings and purposes.
Sec. 283. Definitions.
Sec. 284. Heritage Partnership.
Sec. 285. Requirements for inclusion of private property.
Sec. 286. Private property protection.
Sec. 287. Effect.
Sec. 288. Authorization of appropriations.
Sec. 289. Termination of authority.

Subtitle H—Great Basin National Heritage Route

Sec. 291. Short title.
Sec. 291A. Findings and purposes.
Sec. 291B. Definitions.
Sec. 291C. Great Basin National Heritage Route.
Sec. 291D. Memorandum of understanding.
Sec. 291E. Management Plan.
Sec. 291F. Authority and duties of local coordinating entity.
Sec. 291G. Duties and authorities of Federal agencies.
Sec. 291H. Land use regulation; applicability of Federal law.
Sec. 291I. Authorization of appropriations.
Sec. 291J. Termination of authority.
Sec. 291K. Requirements for inclusion of private property.
Sec. 291L. Private property protection.

Subtitle I—Gullah/Geechee Heritage Corridor

Sec. 295. Short title.
Sec. 295A. Purposes.
Sec. 295B. Definitions.
Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
Sec. 295E. Operation of the local coordinating entity.
Sec. 295F. Management Plan.
Sec. 295G. Technical and financial assistance.
Sec. 295H. Duties of other Federal agencies.
Sec. 295I. Coastal Heritage Centers.
Sec. 295J. Private property protection.
Sec. 295K. Authorization of appropriations.
Sec. 295L. Termination of authority.

Subtitle J—Crossroads of the American Revolution National Heritage Area

Sec. 297. Short title.
Sec. 297A. Findings and purposes.
Sec. 297B. Definitions.
Sec. 297C. Crossroads of the American Revolution National Heritage Area.
Sec. 297D. Management Plan.
Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
Sec. 297F. Technical and financial assistance; other Federal agencies.
Sec. 297G. Authorization of appropriations.
Sec. 297H. Termination of authority.
Sec. 297I. Requirements for inclusion of private property.
Sec. 297J. Private property protection.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

Sec. 301. Short title.
Sec. 302. National Park Service study regarding the Western Reserve, Ohio.

Subtitle B—St. Croix National Heritage Area Study

Sec. 311. Short title.
Sec. 312. Study.

Subtitle C—Southern Campaign of the Revolution

Sec. 321. Short title.
Sec. 322. Southern Campaign of the Revolution Heritage Area study.
Sec. 323. Private property.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Transition and provisions for new local coordinating entity.
Sec. 403. Private property protection.
Sec. 404. Technical amendments.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

Sec. 501. Authorization of Mokelumne River Regional Water Storage and Conjunctive Use Project Study.
Sec. 502. Use of reports and other information.
Sec. 503. Cost shares.
Sec. 504. Water rights.
Sec. 505. Authorization of appropriations.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

Sec. 601. Short title.
Sec. 602. Study.
Sec. 603. Themes.
Sec. 604. Report.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. John H. Chafee Blackstone River Valley National Heritage Corridor.

Sec. 703. New Jersey Coastal Heritage Trail Route.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. California basins remediation.
Sec. 804. Sunset of authority.

TITLE IX—NATIONAL COAL HERITAGE AREA

Sec. 901. National Coal Heritage Area amendments.

Soda Ash Royalty Reduction Act of 2006.

TITLE I—SODA ASH ROYALTY REDUCTION

30 USC 262 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Soda Ash Royalty Reduction Act of 2006".

30 USC 262 note.

SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

30 USC 262 note.

SEC. 103. STUDY.

Reports.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Northern Rio Grande National Heritage Area Act.
New Mexico.
16 USC 461 note.

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos,

and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

Deadline.

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

Deadline.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

Recommendations.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

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

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 208. SUNSET.

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

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

Subtitle B—Atchafalaya National Heritage Area

Atchafalaya National Heritage Area Act. Louisiana. 16 USC 461 note.

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 215.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Louisiana.

SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 215. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

Records.

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle,

the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan. Deadline.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

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

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

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate. Recommendations.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 218. EFFECT OF SUBTITLE.

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 219. REPORTS.

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

SEC. 221. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Arabia Mountain National Heritage Area

Arabia Mountain National Heritage Area Act. Georgia. 16 USC 461 note.

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Arabia Mountain National Heritage Area Act".

SEC. 232. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural,

historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 233. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 234(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under section 236.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA–80,000, and dated October 2003.

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

(d) LOCAL COORDINATING ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) AUDIT.—The local coordinating entity shall—

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

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

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 236. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including— Records.

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

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

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

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

Recommendations.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subsubtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 242. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle D—Mormon Pioneer National Heritage Area

Mormon Pioneer National Heritage Area Act.
Utah.
16 USC 461 note.

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Mormon Pioneer National Heritage Area Act".

SEC. 252. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah,

and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 253. DEFINITIONS.

In this subtitle:

(1) ALLIANCE.—The term "Alliance" means the Utah Heritage Highway 89 Alliance.

(2) HERITAGE AREA.—The term "Heritage Area" means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the local coordinating entity under section 256(a).

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

(6) STATE.—The term "State" means the State of Utah.

SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State—

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panquitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area. Deadline.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area; Recommendations.

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that— Records.

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

Recommendations.

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

Recommendations.

(II) make recommendations for revision of the management plan.

Deadline.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) PRIORITIES.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

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

(C) developing recreational opportunities in the Heritage Area;

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

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

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

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of

the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

Public information.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 258B. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 259. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 260. TERMINATION OF AUTHORITY.

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

Subtitle E—Freedom's Frontier National Heritage Area

Freedom's Frontier National Heritage Area Act.
Kansas.
Missouri.
16 USC 461 note.

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Freedom's Frontier National Heritage Area Act".

SEC. 262. PURPOSE.

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

SEC. 263. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 264(e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means each of the States of Kansas and Missouri.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States the Freedom's Frontier National Heritage Area.

(b) BOUNDARIES.—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) MAP.—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

Standards.

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance; Records.

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle Deadline.

until the date on which the Secretary receives the proposed management plan.

Deadline.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

Recommendations.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

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

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority, of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 269. TERMINATION OF AUTHORITY.

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

Subtitle F—Upper Housatonic Valley National Heritage Area

Upper Housatonic Valley National Heritage Area Act. Connecticut. Massachusetts. 16 USC 461 note.

SEC. 271. SHORT TITLE.

This subtitle may be cited as the "Upper Housatonic Valley National Heritage Area Act".

SEC. 272. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B.

DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) MANAGEMENT ENTITY.—The term "Management Entity" means the management entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.

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

(6) STATE.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

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

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

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

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

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

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

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

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

Public meetings.

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

Reports.

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

Records.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

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

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

(5) contract for goods or services; and

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

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 276. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

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

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained; Records.

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in— Contracts.

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan. Deadline.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

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

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

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

Recommendations.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

Deadline.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

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

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

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 280. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) MATCHING FUNDS.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

SEC. 280B. SUNSET.

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

Subtitle G—Champlain Valley National Heritage Partnership

Champlain Valley National Heritage Partnership Act of 2006. Vermont. New York. 16 USC 461 note.

SEC. 281. SHORT TITLE.

This subtitle may be cited as the "Champlain Valley National Heritage Partnership Act of 2006".

SEC. 282. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme "The Making of Nations and Corridors of Commerce";

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history"; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

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

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme "the making of nations and corridors of commerce" to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 284(b)(1)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes

(i) THE LINKED NAVIGABLE WATERWAYS OF.—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

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

(6) STATE.—the term "State" means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership. Deadline.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle

based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

Recommendations.

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

Records.

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

Recommendations.

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

Deadline.

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

Deadline.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

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

Recommendations.

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

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

Recommendations.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until—

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

SEC. 286. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

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

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on

liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) EFFECT OF ESTABLISHMENT.—

(1) IN GENERAL.—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) REGULATORY AUTHORITY.—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

SEC. 287. EFFECT.

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

SEC. 288. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

SEC. 289. TERMINATION OF AUTHORITY.

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

Great Basin National Heritage Route Act. Utah. Nevada. Native Americans. 16 USC 461 note.

Subtitle H—Great Basin National Heritage Route

SEC. 291. SHORT TITLE.

This subtitle may be cited as the "Great Basin National Heritage Route Act".

SEC. 291A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert

valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage

Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

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

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 291B. DEFINITIONS.

In this subtitle:

(1) GREAT BASIN.—The term "Great Basin" means the North American Great Basin.

(2) HERITAGE ROUTE.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 291C(a).

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the local coordinating entity under section 291E(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) BOUNDARIES.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 291D. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291E. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that— Deadline.

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

Recommendations.

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

Deadline.

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local

coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 291J. TERMINATION OF AUTHORITY.

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

SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 291L. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not

be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

Gullah/Geechee Cultural Heritage Act. State listing. 16 USC 461 note.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) HERITAGE CORRIDOR.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

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

SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

Federal Register, publication.

(2) REVISIONS.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

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

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

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

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

Public meetings.

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

Reports.

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

Records.

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 295F. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

Records.

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of

the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle. Deadline.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan. Deadline.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

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

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted. Recommendations. Deadline.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

Establishment.

SEC. 295I. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 295J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed

to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) COST SHARE.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

SEC. 295L. TERMINATION OF AUTHORITY.

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

Subtitle J—Crossroads of the American Revolution National Heritage Area

Crossroads of the American Revolution National Heritage Area Act of 2006. New Jersey. 16 USC 461 note.

SEC. 297. SHORT TITLE.

This subtitle may be cited as the "Crossroads of the American Revolution National Heritage Area Act of 2006".

SEC. 297A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

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

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term "map" means the map entitled "Crossroads of the American Revolution National Heritage Area", numbered CRRE/80,000, and dated April 2002.

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

(6) STATE.—The term "State" means the State of New Jersey.

SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

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

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

SEC. 297D. MANAGEMENT PLAN.

Deadline.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

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

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan. Deadline.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

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

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and Recommendations.

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision. Deadline.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this

subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

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

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

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

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

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

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

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

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

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

Public meetings.

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

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year— Reports.

(i) the accomplishments of the local coordinating entity;

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

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and Records.

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 297H. TERMINATION OF AUTHORITY.

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

SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 297J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

Western Reserve Heritage Areas Study Act. Ohio.

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

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

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the

establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage Area Study

St. Croix National Heritage Area Study Act.

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "St. Croix National Heritage Area Study Act".

SEC. 312. STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Southern Campaign of the Revolution Heritage Area Study Act.
South Carolina.
North Carolina.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Southern Campaign of the Revolution Heritage Area Study Act".

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit

organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

16 USC 461 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006".

SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

16 USC 461 note.

(1) In section 103—

(A) in paragraph (8), by striking "and";

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).".

16 USC 461 note.

(2) By adding at the end of section 112 the following new paragraph:

Memorandum.

"(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.".

(3) By adding at the end the following new sections:

"SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

"Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

"SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

"For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

"(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

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

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

"SEC. 121. DUTIES OF THE ASSOCIATION.

"The Association shall—

Deadline.

"(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

"(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

"(A) in preserving the corridor;

"(B) in establishing and maintaining interpretive exhibits in the corridor;

"(C) in developing recreational resources in the corridor;

"(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

"(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

"(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

"(4) consider the interests of diverse governmental, business, and other groups within the corridor;

"(5) conduct public meetings at least quarterly regarding the implementation of the management plan; Public meetings.

"(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

"(7) for any year in which Federal funds have been received under this title—

"(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made; Reports.

"(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and Records.

"(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds. Records.

"SEC. 122. USE OF FEDERAL FUNDS.

"(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

"(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

"SEC. 123. MANAGEMENT PLAN.

"(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall— Deadline.

"(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

"(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development; Recommendations.

"(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

"(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

"(5) include—

"(A) identification of the geographic boundaries of the corridor;

"(B) a brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

"(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

"(D) a listing of the key resources and themes of the corridor;

"(E) identification of parties proposed to be responsible for carrying out the tasks;

"(F) a financial plan and other information on costs and sources of funds;

"(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

"(H) a mechanism and schedule for updating the plan based on actual progress;

"(I) a bibliography of documents used to develop the management plan; and

"(J) a discussion of any other relevant issues relating to the management plan.

Deadline.

"(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

Deadline.

"(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

Public meetings.

"(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

Recommendations.

"(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

"(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation)

to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

"SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

"(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in— Contracts.

"(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

"(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

"(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

"(1) consult with the Secretary and the Association with respect to such activities;

"(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

"(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

"(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

"SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

"(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

"SEC. 126. SUNSET.

"The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.".

SEC. 403. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

"SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

"(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

"(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

"SEC. 128. PRIVATE PROPERTY PROTECTION.

"(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

"(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

"(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

"(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

"(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

"(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

"(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.".

SEC. 404. TECHNICAL AMENDMENTS.

16 USC 461 note.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking "(a)" and all that follows through "For each" and inserting "(a) For each";

(B) by striking "Commission" and inserting "Association";

(C) by striking "Commission's" and inserting "Association's";

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Deadline.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than

2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the "Secretary"), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

SEC. 502. USE OF REPORTS AND OTHER INFORMATION.

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

SEC. 503. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this title shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

SEC. 504. WATER RIGHTS.

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,300,000 for the Federal cost share of the study conducted under this title.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

Delaware National Coastal Special Resources Study Act.

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware National Coastal Special Resources Study Act".

SEC. 602. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this title as the "Secretary") shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware

coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities;

(3) owners of private property that would likely be impacted by a National Park Service designation; and

(4) the general public.

SEC. 603. THEMES.

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

SEC. 604. REPORT.

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.

SEC. 701. SHORT TITLE.

16 USC 461 note.

This title may be cited as the "John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006".

SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

16 USC 461 note.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) by striking "nineteen members" and inserting "25 members";

(2) in paragraph (2)—

(A) by striking "six" and inserting "6"; and

(B) by striking "Department of Environmental Management Directors from Rhode Island and Massachusetts" and inserting "the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs";

(3) in paragraph (3)—

(A) by striking "four" each place it appears and inserting "5"; and

(B) by striking "and" after the semicolon;

(4) in paragraph (4)—

(A) by striking "two" each place it appears and inserting "3"; and

(B) by striking the period and inserting "; and"; and

(5) by inserting after paragraph (4) the following:

"(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.".

(b) QUORUM.—Section 3(f)(1) of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking "Ten" and inserting "13".

(c) UPDATE OF PLAN.—Section 6 of Public Law 99–647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

Deadline.

"(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute.

"(3) The update shall include—

"(A) performance goals; and

"(B) an analysis of—

"(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

"(ii) the partnerships that sustain those resources; and

"(iii) the funding program for the Corridor.

"(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

"(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.".

(d) EXTENSION OF COMMISSION.—Public Law 99–647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.".

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99–647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(d) SPECIAL RESOURCE STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

Deadline.

"(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

"(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

"(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

"(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

"(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

"(A) the findings of the study; and

"(B) the conclusions and recommendations of the Secretary.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking "$650,000" and inserting "$1,000,000"; and

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

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than $10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

"(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).".

SEC. 703. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

"(A) technical assistance; and

"(B) the design and fabrication of interpretative materials, devices, and signs.

"(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

"(A) operation, repair, or construction costs, except for the costs of constructing interpretative exhibits; or

"(B) operation, maintenance, or repair costs for any road or related structure.

"(3) COST-SHARING REQUIREMENT.—

"(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

"(i) may not exceed 50 percent of the total project costs; and

"(ii) shall be provided on a matching basis.

"(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

"(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.".

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route. Deadline.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

California Reclamation Groundwater Remediation Initiative.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

SEC. 801. SHORT TITLE.

This title may be cited as the "California Reclamation Groundwater Remediation Initiative".

SEC. 802. DEFINITIONS.

For the purposes of this title:

(1) GROUNDWATER REMEDIATION.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term "local water authority" means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley; and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) REMEDIATION FUND.—The term "Remediation Fund" means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 803. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund $25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

SEC. 804. SUNSET OF AUTHORITY.

This title—

(1) shall take effect on the date of the enactment of this Act; and

Effective date.

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

TITLE IX—NATIONAL COAL HERITAGE AREA

SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

16 USC 461 note.

(1) In section 103(b)—

(A) by striking "comprised of the counties" and inserting "shall be comprised of the following:

"(1) The counties; and".

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

"(2) Lincoln County, West Virginia.

"(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.".

16 USC 461 note.

(2) In section 104, by striking "Governor" and all that follows through "organizations" and inserting "National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority".

Approved October 12, 2006.

LEGISLATIVE HISTORY—S. 203:

SENATE REPORTS: No. 109-4 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): July 26, considered and passed Senate.
Vol. 152 (2006): July 24, considered and passed House, amended.
Sept. 29, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Oct. 13, Presidential statement.

Public Law 109–340
109th Congress

An Act

Oct. 13, 2006
[H.R. 562]

To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

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

40 USC 8903 note.

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Government of Ukraine is authorized to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932–1933.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act"), except that sections 8902(a)(1), 8906(b)(1), 8908(b)(2), and 8909(b) shall not apply with respect to the memorial.

40 USC 8903 note.

SEC. 2. LIMITATION ON PAYMENT OF EXPENSES.

The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

Approved October 13, 2006.

LEGISLATIVE HISTORY—H.R. 562:

SENATE REPORTS: No. 109–244 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Nov. 16, considered and passed House.
Vol. 152 (2006): Sept. 29, considered and passed Senate.

O

Public Law 109–362
109th Congress

An Act

Oct. 17, 2006
[H.R. 233]

To designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

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

Northern California Coastal Wild Heritage Wilderness Act. Conservation. 16 USC 460sss note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Northern California Coastal Wild Heritage Wilderness Act".

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

Sec. 1. Short title and table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Designation of wilderness areas.
Sec. 4. Administration of wilderness areas.
Sec. 5. Release of wilderness study areas.
Sec. 6. Elkhorn Ridge Potential Wilderness Area.
Sec. 7. Wild and scenic river designation.
Sec. 8. King Range National Conservation Area boundary adjustment.
Sec. 9. Cow Mountain Recreation Area, Lake and Mendocino Counties, California.
Sec. 10. Continuation of traditional commercial surf fishing; Redwood National and State Parks.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means—

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

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

16 USC 1132 note.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

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

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,706 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the "Snow Mountain Wilderness", as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

* * * * * * *

(g) ADJACENT MANAGEMENT.—Nothing in this section creates protective perimeters or buffer zones around the recreation area.

SEC. 10. CONTINUATION OF TRADITIONAL COMMERCIAL SURF FISHING, REDWOOD NATIONAL AND STATE PARKS.

(a) AVAILABILITY OF LIMITED NUMBER OF PERMITS.—For the sole purpose of continuing traditional commercial surf fishing, the Secretary of the Interior shall permit the right of entry for authorized vehicle access onto the wave slope area at that area known as Gold Bluffs Beach, Prairie Creek Redwoods State Park, and that portion of the beach north and south of Redwood Creek in Redwood National and State Parks. The number of permits issued under the authority of this section shall be limited to the number of valid permits that were held on the date of enactment of this Act. The permits so issued shall be perpetual and subject to the same conditions as the permits held on the date of the enactment of this Act.

(b) WAVE SLOPE AREA DEFINED.—In this section, the term "wave slope area" refers to the area that has been wet by the wave action of the previous high tide, but does not include any vegetated areas.

Approved October 17, 2006.

LEGISLATIVE HISTORY—H.R. 233 (S. 128):

SENATE REPORTS: No. 109–47 accompanying S. 128 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):
July 24, considered and passed House.
Sept. 29, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Oct. 17, Presidential statement.

O

Public Law 109–364
109th Congress

An Act

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Oct. 17, 2006
[H.R. 5122]

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

John Warner National Defense Authorization Act for Fiscal Year 2007.

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "John Warner National Defense Authorization Act for Fiscal Year 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner

became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Administrator of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization Act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services of the United States Senate, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense managed by Senator Warner in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Sense of Congress on future multiyear procurement authority for Family of Medium Tactical Vehicles.
Sec. 112. Multiyear procurement authority for MH–60R helicopters and mission equipment.
Sec. 113. Funding profile for Modular Force Initiative of the Army.
Sec. 114. Bridge to Future Networks program.
Sec. 115. Comptroller General report on the contract for the Future Combat Systems program.
Sec. 116. Priority for allocation of replacement equipment to operational units based on combat mission deployment schedule.

Subtitle C—Navy Programs

Sec. 121. CVN–21 class aircraft carrier procurement.
Sec. 122. Adherence to Navy cost estimates for CVN–21 class of aircraft carriers.
Sec. 123. Modification of limitation on total cost of procurement of CVN–77 aircraft carrier.
Sec. 124. Construction of first two vessels under the DDG–1000 Next-Generation Destroyer program.
Sec. 125. Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program.
Sec. 126. Cost limitation for San Antonio (LPD–17) class amphibious ship program.
Sec. 127. Multiyear procurement authority for V–22 tiltrotor aircraft program.
Sec. 128. Alternative technologies for future surface combatants.
Sec. 129. Sense of Congress regarding the size of the attack submarine force.
Sec. 130. Quality control in procurement of ship critical safety items and related services.

Subtitle D—Air Force Programs

Sec. 131. Bomber force structure.
Sec. 132. Strategic airlift force structure.
Sec. 133. Limitation on retirement of U–2 aircraft.
Sec. 134. Multiyear procurement authority for F–22A Raptor fighter aircraft.
Sec. 135. Limitation on retirement of KC–135E aircraft during fiscal year 2007.
Sec. 136. Limitation on retirement of F–117A aircraft during fiscal year 2007.
Sec. 137. Limitation on retirement of C–130E tactical airlift aircraft.
Sec. 138. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.
Sec. 139. Minuteman III intercontinental ballistic missile modernization.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Clarification of limitation on initiation of new unmanned aerial vehicle systems.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Acquisition of, and independent cost analyses for, the Joint Strike Fighter propulsion system.
Sec. 212. Expansion and extension of authority to award prizes for advanced technology achievements.
Sec. 213. Defense Acquisition Challenge Program extension, enhancement, and modification to address critical cost growth threshold breaches in major defense acquisition programs.
Sec. 214. Future Combat Systems milestone review.
Sec. 215. Dedicated amounts for implementing or evaluating Navy shipbuilding technology proposals under Defense Acquisition Challenge Program.

Sec. 922. Comptroller General review of cost-benefit analysis of off-site versus on-site treatment and disposal of hydrolysate derived from neutralization of VX nerve gas at Newport Chemical Depot, Indiana.
Sec. 923. Incentives clauses in chemical demilitarization contracts.
Sec. 924. Chemical demilitarization program contracting authority.

Subtitle D—Intelligence-Related Matters

Sec. 931. Four-year extension of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities.
Sec. 932. Annual reports on intelligence oversight activities of the Department of Defense.
Sec. 933. Collection by National Security Agency of service charges for certification or validation of information assurance products.

Subtitle E—Other Matters

Sec. 941. Department of Defense policy on unmanned systems.
Sec. 942. Executive Schedule level IV for Deputy Under Secretary of Defense for Logistics and Materiel Readiness.
Sec. 943. Study and report on reform of Defense Travel System.
Sec. 944. Administration of pilot project on Civilian Linguist Reserve Corps.
Sec. 945. Improvement of authorities on the National Security Education Program.
Sec. 946. Report on the posture of United States Special Operations Command to conduct the global war on terrorism.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2006.
Sec. 1003. Reduction in certain authorizations due to savings relating to lower inflation.
Sec. 1004. Increase in fiscal year 2006 general transfer authority.
Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2007.
Sec. 1006. Report on budgeting for fluctuations in fuel cost rates.
Sec. 1007. Modification of date of submittal of OMB/CBO report on scoring of outlays.
Sec. 1008. Budgeting for ongoing military operations in Afghanistan and Iraq.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Aircraft carrier force structure.
Sec. 1012. Sense of Congress on naming the CVN–78 aircraft carrier as the U.S.S. Gerald R. Ford.
Sec. 1013. Transfer of naval vessels to foreign nations based upon vessel class.
Sec. 1014. Overhaul, repair, and maintenance of vessels in foreign shipyards.
Sec. 1015. Report on options for future lease arrangement for Guam Shipyard.
Sec. 1016. Assessments of naval vessel construction efficiencies and of effectiveness of special contractor incentives.
Sec. 1017. Obtaining carriage by vessel: criterion regarding overhaul, repair, and maintenance of vessels in the United States.
Sec. 1018. Riding gang member requirements.
Sec. 1019. Authority to transfer SS Arthur M. Huddell to the Government of Greece.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
Sec. 1022. Extension and expansion of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.
Sec. 1023. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.
Sec. 1024. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counterdrug activities.
Sec. 1025. Report on interagency counter-narcotics plan for Afghanistan and South and Central Asian regions.
Sec. 1026. Report on United States support for Operation Bahamas, Turks & Caicos.

Subtitle D—Force Structure and Defense Policy Matters

Sec. 1031. Improvements to Quadrennial Defense Review.

Sec. 1032. Quarterly reports on implementation of 2006 Quadrennial Defense Review Report.
Sec. 1033. Report on feasibility of establishing a regional combatant command for Africa.
Sec. 1034. Determination of Department of Defense intratheater and intertheater airlift requirements and sealift mobility requirements.
Sec. 1035. Presidential report on improving interagency support for United States 21st century national security missions and interagency operations in support of stability, security, transition, and reconstruction operations.

Subtitle E—Reports

Sec. 1041. Additional element in annual report on chemical and biological warfare defense.
Sec. 1042. Report on biodefense human capital requirements in support of biosafety laboratories.
Sec. 1043. Report on technologies for neutralizing or defeating threats to military rotary-wing aircraft from portable air defense systems and rocket-propelled grenades.
Sec. 1044. Reports on expanded use of unmanned aerial vehicles in the National Airspace System.
Sec. 1045. Report on incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection.
Sec. 1046. Repeal of certain report requirements.
Sec. 1047. Requirement for identification of recently enacted recurring reporting requirements applicable to the Department of Defense.

Subtitle F—Miscellaneous Authorities and Limitations on Availability and Use of Funds

Sec. 1051. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense costs of conferences.
Sec. 1052. Increased flexibility in use of funds for Joint Staff exercises.
Sec. 1053. Prohibition on parking of funds.
Sec. 1054. Modification of authorities relating to the Special Inspector General for Iraq Reconstruction.

Subtitle G—Matters Involving Detainees

Sec. 1061. Provision of information to Congress on certain criminal investigations and prosecutions involving detainees.

Subtitle H—Other Matters

Sec. 1071. Technical and clerical amendments.
Sec. 1072. Revision to authorities relating to Commission on the Implementation of the New Strategic Posture of the United States.
Sec. 1073. Revised deadline for submission of final report of EMP Commission.
Sec. 1074. Extension of returning worker exemption to H–2B numerical limitation.
Sec. 1075. Patent term extensions for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.
Sec. 1076. Use of the Armed Forces in major public emergencies.
Sec. 1077. Increased hunting and fishing opportunities for members of the Armed Forces, retired members, and disabled veterans.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Accrual of annual leave for members of the uniformed services performing dual employment.
Sec. 1102. Strategy for improving the senior management, functional, and technical workforce of the Department of Defense.
Sec. 1103. Three-year extension of authority for experimental personnel management program for scientific and technical personnel.
Sec. 1104. Reports on members of the Armed Forces and civilian employees of the Department of Defense serving in the legislative branch.
Sec. 1105. Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Logistic support for allied forces participating in combined operations.
Sec. 1202. Temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability.

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TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2007.
Sec. 3502. Amendments relating to the Maritime Security Fleet program.
Sec. 3503. Applicability to certain Maritime Administration vessels of limitations on overhaul, repair, and maintenance of vessels in foreign shipyards.
Sec. 3504. Vessel transfer authority.
Sec. 3505. United States Merchant Marine Academy graduates: service requirements.
Sec. 3506. United States Merchant Marine Academy graduates: service obligation performance reporting requirement.
Sec. 3507. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
Sec. 3508. Qualifying Reserve duty for receipt of student incentive payments.
Sec. 3509. Large passenger ship crew requirements.
Sec. 3510. Miscellaneous Maritime Administration provisions.

10 USC 101 note.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

101. Army.
102. Navy and Marine Corps.
103. Air Force.
104. Defense-wide activities.

Subtitle B—Army Programs

111. Sense of Congress on future multiyear procurement authority for Family of Medium Tactical Vehicles.
112. Multiyear procurement authority for MH-60R helicopters and mission equipment.
113. Funding profile for Modular Force Initiative of the Army.
114. Bridge to Future Networks program.
115. Comptroller General report on the contract for the Future Combat Systems program.
116. Priority for allocation of replacement equipment to operational units based on combat mission deployment schedule.

Subtitle C—Navy Programs

121. CVN-21 class aircraft carrier procurement.
122. Adherence to Navy cost estimates for CVN-21 class of aircraft carriers.
123. Modification of limitation on total cost of procurement of CVN-77 aircraft carrier.
124. Construction of first two vessels under the DDG-1000 Next-Generation Destroyer program.
125. Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program.
126. Cost limitation for San Antonio (LPD-17) class amphibious ship program.
127. Multiyear procurement authority for V-22 tiltrotor aircraft program.
128. Alternative technologies for future surface combatants.
129. Sense of Congress regarding the size of the attack submarine force.
130. Quality control in procurement of ship critical safety items and related services.

Subtitle D—Air Force Programs

131. Bomber force structure.
132. Strategic airlift force structure.
133. Limitation on retirement of U-2 aircraft.
134. Multiyear procurement authority for F-22A Raptor fighter aircraft.

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the appropriate force structure and training focus required for successful operations in the global war on terrorism.

(b) REPORT ON POSTURE OF SOCOM TO CONDUCT THE GLOBAL WAR ON TERRORISM.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the posture of the United States Special Operations Command to conduct the global war on terrorism. The Secretary shall include in the report the following:

(1) The Secretary's assessment of whether the United States Special Operations Command is appropriately manned, resourced, and equipped to successfully meet the long-term requirements of the global war on terrorism.

(2) The Secretary's assessment whether the expansion of that command as recommended in the 2006 Quadrennial Defense Review provides an appropriate balance between active and reserve component capabilities.

(3) The Secretary's assessment of whether United States Special Operations Command has sufficient Army Special Forces to meet the 2006 Quadrennial Defense Review objective of building allied and partner nation capacity through security assistance and other training missions such as the Joint Combined Exchange Training program.

(4) A detailed statement of the efforts of the commander of the United States Special Operations Command to provide special operations forces personnel with specialized environmental training in preparation for operations across the globe and in extreme and varied operational environments such as mountain, jungle, or desert environments.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2006.
Sec. 1003. Reduction in certain authorizations due to savings relating to lower inflation.
Sec. 1004. Increase in fiscal year 2006 general transfer authority.
Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2007.
Sec. 1006. Report on budgeting for fluctuations in fuel cost rates.
Sec. 1007. Modification of date of submittal of OMB/CBO report on scoring of outlays.
Sec. 1008. Budgeting for ongoing military operations in Afghanistan and Iraq.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Aircraft carrier force structure.
Sec. 1012. Sense of Congress on naming the CVN–78 aircraft carrier as the U.S.S. Gerald R. Ford.
Sec. 1013. Transfer of naval vessels to foreign nations based upon vessel class.
Sec. 1014. Overhaul, repair, and maintenance of vessels in foreign shipyards.
Sec. 1015. Report on options for future lease arrangement for Guam Shipyard.
Sec. 1016. Assessments of naval vessel construction efficiencies and of effectiveness of special contractor incentives.
Sec. 1017. Obtaining carriage by vessel: criterion regarding overhaul, repair, and maintenance of vessels in the United States.
Sec. 1018. Riding gang member requirements.
Sec. 1019. Authority to transfer SS Arthur M. Huddell to the Government of Greece.

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"(2) The Secretary may provide supplies, services, and equipment under this section only to the extent that the Secretary determines that doing so will not interfere with military preparedness or ongoing military operations or functions.

"(d) INAPPLICABILITY OF CERTAIN AUTHORITIES.—The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2567. Supplies, services, and equipment: provision in major public emergencies".

(c) CONFORMING AMENDMENT.—Section 12304(c)(1) of such title is amended by striking "No unit" and all that follows through "subsection (b)," and inserting "Except to perform any of the functions authorized by chapter 15 or section 12406 of this title or by subsection (b), no unit or member of a reserve component may be ordered to active duty under this section".

SEC. 1077. INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS.

(a) ACCESS FOR MEMBERS, RETIRED MEMBERS, AND DISABLED VETERANS.—Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.

Reports. Deadline.

(b) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of an assessment of those lands under the jurisdiction of the Department of Defense and suitable for hunting or fishing and describing the actions necessary—

(1) to further increase the acreage made available to members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans for hunting and fishing; and

(2) to make that acreage more accessible to disabled veterans.

California.

(c) RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96–7412 WJR and case number 97–4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Accrual of annual leave for members of the uniformed services performing dual employment.
Sec. 1102. Strategy for improving the senior management, functional, and technical workforce of the Department of Defense.

* * * * * * *

(2) EFFECTIVE DATE.—This subsection shall be effective immediately after section 3509 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3557) takes effect.

Approved October 17, 2006.

LEGISLATIVE HISTORY—H.R. 5122 (S. 2766) (S. 2767):

HOUSE REPORTS: Nos. 109–452 (Comm. on Armed Services and 109–702 (Comm. of Conference).

SENATE REPORTS: No. 109–254 accompanying S. 2766 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 152 (2006):
May 10, 11, considered and passed House.
June 22, considered and passed Senate, amended, in lieu of S. 2766.
Sept. 29, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Oct. 17, Presidential statement.

O

Public Law 109–370
109th Congress

An Act

To amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Nov. 27, 2006
[S. 435]

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

Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005.
Conservation.
16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005".

SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.".

Reports.

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

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

Approved November 27, 2006.

LEGISLATIVE HISTORY—S. 435:

SENATE REPORTS: No. 109–189 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Dec. 16, considered and passed Senate.
Vol. 152 (2006): Nov. 13, considered and passed House.

O

Public Law 109-378
109th Congress

An Act

Dec. 1, 2006
[H.R. 3085]

To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Conservation.

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

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDY OF TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended—

(1) in subparagraph (B), by striking "subsections" and inserting "sections"; and

(2) by adding at the end the following new subparagraphs:

Deadline.

"(C) Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall complete the remaining criteria and submit to Congress a study regarding the feasibility and suitability of designating, as additional components of the Trail of Tears National Historic Trail, the following routes and land components by which the Cherokee Nation was removed to Oklahoma:

"(i) The Benge and Bell routes.

State listing.

"(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

State listing.

"(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

"(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may

accept donations for the Trail from private, nonprofit, or tribal organizations.".

Approved December 1, 2006.

LEGISLATIVE HISTORY—H.R. 3085 (S. 1970):

HOUSE REPORTS: No. 109–549 (Comm. on Resources).
SENATE REPORTS: No. 109–239 accompanying S. 1970 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
July 17, considered and passed House.
Sept. 29, considered and passed Senate, amended.
Nov. 13, House concurred in Senate amendment.

Public Law 109–396
109th Congress

An Act

To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

Dec. 15, 2006
[H.R. 3699]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal and District of Columbia Government Real Property Act of 2006".

Federal and District of Columbia Government Real Property Act of 2006.
40 USC 101 note.

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term "U.S. Reservation 13" means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term "Old Naval Hospital" means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1);

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 931); and

(4) to develop the property consistent with the Anacostia Waterfront Corporation's Master Plan for Reservation 13 (also known as the Hill East Waterfront).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118-A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

24 USC 225b note.

SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44-903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the "West Campus".

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44-908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform,

or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

40 USC 5102 note, 8903 note.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I–395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I–295.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be

Armed forces.

established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106–348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that—

(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

(3) ADDITIONAL TRANSFER.—

(A) IN GENERAL.—Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I–295, the D Street Southwest ramp to I–395, and I–295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

(ii) The remaining portion is transferred to the Architect of the Capitol.

(B) RETENTION OF JURISDICTION OVER SUBSURFACE AREA.—The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.
(2) A portion of U.S. Reservation 404.
(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.
(4) U.S. Reservation 251.
(5) U.S. Reservation 8.
(6) U.S. Reservations 277A and 277C.
(7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, 247, and 248.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which U.S. Reservation 174 is set aside as public open space as of the date of the enactment of this Act and shall continue to be set aside as public open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for public open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the "former Convention Center Site" means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

SEC. 204. CONVEYANCE TO ARCHITECT OF THE CAPITOL.

40 USC 5102 note.

(a) IN GENERAL.—Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act, the District of Columbia shall convey, with the approval of the Architect of

the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

Deadline. Notification.

(b) TITLE HELD BY SECRETARY.—If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

Effective date.

(c) REVIEW.—If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) STUDY.—The Architect of the Capitol shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

(1) A study is completed that analyzes—

(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

(2) The study is submitted to the relevant committees of Congress.

(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

TITLE III—POPLAR POINT

SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

Certification.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service until such terms for conveyance are met under section 303.

(c) DEED RESTRICTION FOR PARK PURPOSES.—The deed for the conveyance of Poplar Point provided for in subsection (a) shall include a restriction requiring that 70 acres be maintained for park purposes in perpetuity, as identified in the land use plan required under section 302. Any person (including an individual or public entity) shall have standing to enforce the restriction.

SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(b) RESERVATION OF AREAS FOR PARK PURPOSES.—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity.

(c) IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.—

(1) IDENTIFICATION OF EXISTING FACILITIES.—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) RELOCATION TO REPLACEMENT FACILITIES.—

(A) IN GENERAL.—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.—The plan may not identify any facility or property for purposes of this paragraph which is located

on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.

Certification.

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest at no cost in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

SEC. 304. POPLAR POINT DEFINED.

In this title, "Poplar Point" means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

TITLE IV—GENERAL PROVISIONS

40 USC 5102 note.

SEC. 401. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Director" means the Director of the National Park Service.

(3) The term "Map" means the map entitled "Transfer and Conveyance of Properties in the District of Columbia", numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term "park purposes" includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

(5) The term "Secretary" means the Secretary of the Interior.

SEC. 402. LIMITATION ON COSTS. 40 USC 5102 note.

The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act.

SEC. 403. AUTHORIZATION OF PARTIES TO ENTER INTO CONTRACTS. 40 USC 5102 note.

An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act.

SEC. 404. NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS. 40 USC 5102 note.

Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 405. CONGRESSIONAL REPORTS. 40 USC 5102 note.

(a) DISTRICT OF COLUMBIA.—Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act.

(b) COMPTROLLER GENERAL.—The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to

in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(c) SUNSET.—This section shall expire 10 years after the date of enactment of this Act.

40 USC 5102 note.

SEC. 406. TREATMENT AS PROPERTIES TRANSFERRED TO ARCHITECT OF THE CAPITOL AS PART OF CAPITOL BUILDINGS AND GROUNDS.

Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act, the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes" (relating to the policing of the United States Capitol Grounds) and sections 5101 to 5107 and 5109 of title 40, United States Code (relating to prohibited acts within the United States Capitol Grounds).

40 USC 5102 note.

SEC. 407. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

40 USC 524 note.

SEC. 408. OMB REPORT.

(a) OMB REPORT ON SURPLUS AND EXCESS PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report on surplus and excess government property to Congress including—

(1) the total value and amount of surplus and excess government property, provided in the aggregate, as well as totaled by agency; and

(2) a list of the 100 most eligible surplus government properties for sale and how much they are worth.

(b) DATA SHARING AMONG FEDERAL AGENCIES.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

Procedures.

(1) develop and implement procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency; and

(2) report to Congress on the development and implementation of such procedures.

Approved December 15, 2006.

LEGISLATIVE HISTORY—H.R. 3699 (S. 1838):

HOUSE REPORTS: No. 109–316, Pt. 1 (Comm. on Government Reform), Pt. 2 (Comm. on Transportation and Infrastructure), and Pt. 3 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 152 (2006):
Sept. 29, considered and passed House.
Nov. 16, considered and passed Senate.

O

Public Law 109–418
109th Congress

An Act

Dec. 19, 2006
[H.R. 5466]

To amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

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

Captain John Smith Chesapeake National Historic Trail Designation Act.
16 USC 1241 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captain John Smith Chesapeake National Historic Trail Designation Act".

SEC. 2. ADDITION TO NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

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

"(25) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—

State listing.
District of Columbia.

"(A) IN GENERAL.—The John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled 'Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC', numbered P–16/8000 (CAJO), and dated May 2006.

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

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior—

"(i) in coordination with—

"(I) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961); and

"(II) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267); and

"(ii) in consultation with—

"(I) other Federal, State, tribal, regional, and local agencies; and

"(II) the private sector.

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

SEC. 3. CHANGE IN AUTHORIZATION.

Section 4 of the Act of July 3, 1930 (16 U.S.C. 81f), is amended in the first sentence by striking "10,472,000" and inserting "8,572,000".

Approved December 19, 2006.

LEGISLATIVE HISTORY—H.R. 5466:

CONGRESSIONAL RECORD, Vol. 152 (2006):
Dec. 5, considered and passed House.
Dec. 7, considered and passed Senate.

Public Law 109–419
109th Congress

An Act

Dec. 20, 2006
[H.R. 394]

To direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

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

SECTION 1. BOUNDARY ADJUSTMENT STUDY.

(a) DEFINITIONS.—For the purposes of this Act:

(1) BARRETT'S FARM.—The term "Barrett's Farm" means the Colonel James Barrett Farm listed on the National Register of Historic Places, including the house and buildings on the approximately 6 acres of land in Concord, Massachusetts.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) STUDY.—Not later than 2 years after the date that funds are made available for this section, the Secretary shall conduct a boundary study to evaluate the significance of Barrett's Farm in Concord, Massachusetts, as well as the suitability and feasibility of its inclusion in the National Park System as part of Minute Man National Historical Park.

(c) CONTENT OF STUDY.—The study shall include an analysis of the following:

(1) The significance of Barrett's Farm in relation to the Revolutionary War.

(2) Opportunities for public enjoyment of the site as part of the Minute Man National Historical Park.

(3) Any operational, management, and private property issues that need to be considered if Barrett's Farm were added to the Minute Man National Historical Park.

(4) A determination of the feasibility of administering Barrett's Farm considering its size, configuration, ownership, costs, and other factors, as part of Minute Man National Historical Park.

(5) An evaluation of the adequacy of other alternatives for management and resource protection of Barrett's Farm.

(d) SUBMISSION OF REPORT.—Upon completion of the study, the Secretary shall submit a report on the findings of the study

to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

Approved December 20, 2006.

LEGISLATIVE HISTORY—H.R. 394:

HOUSE REPORTS: No. 109–135 (Comm. on Resources).
SENATE REPORTS: No. 109–311 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Sept. 20, considered and passed House.
Vol. 152 (2006): Dec. 7, considered and passed Senate.

O

Public Law 109-429
109th Congress

An Act

Dec. 20, 2006
[H.R. 5132]

To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

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

River Raisin National Battlefield Study Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "River Raisin National Battlefield Study Act".

SEC. 2. SPECIAL RESOURCE STUDY, MONROE COUNTY, MICHIGAN, SITES RELATING TO BATTLES OF THE RIVER RAISIN.

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a special resource study of sites in Monroe County, Michigan, relating to the Battles of the River Raisin on January 18 and 22, 1813, and their aftermath to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on Monroe County, Michigan, of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

(e) REPORT.—Not later than three years after the date on which funds are first made available for the study, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the findings of the study; and
(2) any conclusions and recommendations of the Secretary.

Approved December 20, 2006.

LEGISLATIVE HISTORY—H.R. 5132:

HOUSE REPORTS: No. 109–637 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
Sept. 25, considered and passed House.
Dec. 7, considered and passed Senate.

O

Public Law 109–432
109th Congress

An Act

Dec. 20, 2006
[H.R. 6111]

To amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

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

Tax Relief and Health Care Act of 2006.
26 USC 1 note.

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief and Health Care Act of 2006".

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

Sec. 1. Short title, etc.

DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS, AND OTHER TAX PROVISIONS

Sec. 100. Reference.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.
Sec. 105. Work opportunity tax credit and welfare-to-work credit.
Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 107. Extension and modification of qualified zone academy bonds.
Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
Sec. 110. Tax incentives for investment in the District of Columbia.
Sec. 111. Indian employment tax credit.
Sec. 112. Accelerated depreciation for business property on Indian reservations.
Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 114. Cover over of tax on distilled spirits.
Sec. 115. Parity in application of certain limits to mental health benefits.
Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
Sec. 117. Availability of medical savings accounts.
Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 119. American Samoa economic development credit.
Sec. 120. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
Sec. 121. Authority for undercover operations.
Sec. 122. Disclosures of certain tax return information.
Sec. 123. Special rule for elections under expired provisions.

TITLE II—ENERGY TAX PROVISIONS

Sec. 201. Credit for electricity produced from certain renewable resources.
Sec. 202. Credit to holders of clean renewable energy bonds.
Sec. 203. Performance standards for sulfur dioxide removal in advanced coal-based generation technology units designed to use subbituminous coal.

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Sec. 106. Hospital Medicare reports and clarifications.
Sec. 107. Payment for brachytherapy.
Sec. 108. Payment process under the competitive acquisition program (CAP).
Sec. 109. Quality reporting for hospital outpatient services and ambulatory surgical center services.
Sec. 110. Reporting of anemia quality indicators for Medicare part B cancer anti-anemia drugs.
Sec. 111. Clarification of hospice satellite designation.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

Sec. 201. Extension of exceptions process for Medicare therapy caps.
Sec. 202. Payment for administration of part D vaccines.
Sec. 203. OIG study of never events.
Sec. 204. Medicare medical home demonstration project.
Sec. 205. Medicare DRA technical corrections.
Sec. 206. Limited continuous open enrollment of original medicare fee-for-service enrollees into Medicare Advantage non-prescription drug plans.

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

Sec. 301. Offsetting adjustment in Medicare Advantage Stabilization Fund.
Sec. 302. Extension and expansion of recovery audit contractor program under the Medicare Integrity Program.
Sec. 303. Funding for the Health Care Fraud and Abuse Control Account.
Sec. 304. Implementation funding.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

Sec. 401. Extension of Transitional Medical Assistance (TMA) and abstinence education program.
Sec. 402. Grants for research on vaccine against Valley Fever.
Sec. 403. Change in threshold for Medicaid indirect hold harmless provision of broad-based health care taxes.
Sec. 404. DSH allotments for fiscal year 2007 for Tennessee and Hawaii.
Sec. 405. Certain Medicaid DRA technical corrections.

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Offshore oil and gas leasing in 181 Area and 181 south Area of Gulf of Mexico.
Sec. 104. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.
Sec. 105. Disposition of qualified outer Continental Shelf revenues from 181 Area, 181 south Area, and 2002–2007 planning areas of Gulf of Mexico.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 200. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 201. Abandoned Mine Reclamation Fund and purposes.
Sec. 202. Reclamation fee.
Sec. 203. Objectives of Fund.
Sec. 204. Reclamation of rural land.
Sec. 205. Liens.
Sec. 206. Certification.
Sec. 207. Remining incentives.
Sec. 208. Extension of limitation on application of prohibition on issuance of permit.
Sec. 209. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 211. Certain related persons and successors in interest relieved of liability if premiums prepaid.
Sec. 212. Transfers to funds; premium relief.
Sec. 213. Other provisions.

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

Sec. 301. Authorization of appropriations.

Sec. 302. Short title.
Sec. 303. Definitions.

Subtitle A—Land Disposal

Sec. 311. Conveyance of White Pine County, Nevada, land.
Sec. 312. Disposition of proceeds.

Subtitle B—Wilderness Areas

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Additions to National Wilderness Preservation System.
Sec. 324. Administration.
Sec. 325. Adjacent management.
Sec. 326. Military overflights.
Sec. 327. Native American cultural and religious uses.
Sec. 328. Release of wilderness study areas.
Sec. 329. Wildlife management.
Sec. 330. Wildfire, insect, and disease management.
Sec. 331. Climatological data collection.

Subtitle C—Transfers of Administrative Jurisdiction

Sec. 341. Transfer to the United States Fish and Wildlife Service.
Sec. 342. Transfer to the Bureau of Land Management.
Sec. 343. Transfer to the Forest Service.
Sec. 344. Availability of map and legal descriptions.

Subtitle D—Public Conveyances

Sec. 351. Conveyance to the State of Nevada.
Sec. 352. Conveyance to White Pine County, Nevada.

Subtitle E—Silver State Off-Highway Vehicle Trail

Sec. 355. Silver State off-highway vehicle trail.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

Sec. 361. Transfer of land to be held in trust for the Ely Shoshone Tribe.

Subtitle G—Eastern Nevada Landscape Restoration Project.

Sec. 371. Findings; purposes.
Sec. 372. Definitions.
Sec. 373. Restoration project.

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

Sec. 381. Findings.
Sec. 382. Availability of special account.

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

Sec. 391. Disposition of proceeds.

Subtitle J—All American Canal Projects

Sec. 395. All American Canal Lining Project.
Sec. 396. Regulated storage water facility.
Sec. 397. Application of law.

TITLE IV—OTHER PROVISIONS

Sec. 401. Tobacco personal use quantity exception to not apply to delivery sales.
Sec. 402. Ethanol Tariff Schedule.
Sec. 403. Withdrawal of certain Federal land and interests in certain Federal land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws.
Sec. 404. Continuing eligibility for certain students under District of Columbia School Choice Program.
Sec. 405. Study on Establishing Uniform National Database on Elder Abuse.
Sec. 406. Temporary duty reductions for certain cotton shirting fabric.
Sec. 407. Cotton Trust Fund.

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1395u(b)(6)(F))" and inserting "section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))".

Ante, p. 60. (ii) Section 6003(b)(2) is amended, by striking "subsection (k)" and inserting "subsection (k)(1)".

Ante, p. 72. (iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking "section 6035(e)" and inserting "section 6034(e)".

Ante, p. 74. (iv) Section 6034(b) is amended by striking "section 6033(a)" and inserting "section 6032(a)".

Ante, p. 80. (v) Section 6036 is amended—

(I) in subsection (b), by striking "section 1903(z)" and inserting "section 1903(x)"; and

(II) in subsection (c), by striking "(i)(23)" and inserting "(i)(22)".

42 USC 1396r note. (B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by striking "clause (v)" and inserting "subparagraph (B)(v)".

DIVISION C—OTHER PROVISIONS

Gulf of Mexico Energy Security Act of 2006.

TITLE I—GULF OF MEXICO ENERGY SECURITY

43 USC 1331 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Gulf of Mexico Energy Security Act of 2006".

43 USC 1331 note.

SEC. 102. DEFINITIONS.

In this title:

(1) 181 AREA.—The term "181 Area" means the area identified in map 15, page 58, of the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service, available in the Office of the Director of the Minerals Management Service, excluding the area offered in OCS Lease Sale 181, held on December 5, 2001.

(2) 181 SOUTH AREA.—The term "181 South Area" means any area—

(A) located—

(i) south of the 181 Area;

(ii) west of the Military Mission Line; and

(iii) in the Central Planning Area;

(B) excluded from the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service; and

(C) included in the areas considered for oil and gas leasing, as identified in map 8, page 37 of the document entitled "Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007–2012", dated February 2006.

* * * * * * *

(C) transfer of the bonus or royalty credit to any other person; and

(D) determining the proper allocation of bonus or royalty credits to each lease interest owner.

43 USC 1331 note.

SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5).

(b) ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(1) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016.—

Regulations. Effective dates.

(A) IN GENERAL.—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

Effective dates. Regulations.

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter—

(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(C) HISTORICAL LEASE SITES.—

Effective dates. Termination dates.

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

(c) TIMING.—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) AUTHORIZED USES.—

(1) IN GENERAL.—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section.

(2) LIMITATION.—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); or

(C) any other provision of law.

(f) LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed $500,000,000 for each of fiscal years 2016 through 2055.

(2) EXPENDITURES.—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) PRO RATA REDUCTIONS.—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

Surface Mining Control and Reclamation Act Amendments of 2006.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

30 USC 1201 note.

SEC. 200. SHORT TITLE.

This title may be cited as the "Surface Mining Control and Reclamation Act Amendments of 2006".

Subtitle A—Mining Control and Reclamation

SEC. 201. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

* * * * * * *

White Pine County Conservation, Recreation, and Development Act of 2006. Nevada.

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

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

16 USC 1241 note.

SEC. 302. SHORT TITLE.

This title may be cited as the "White Pine County Conservation, Recreation, and Development Act of 2006".

16 USC 1244 note.

SEC. 303. DEFINITIONS.

In this title:

(1) COUNTY.—The term "County" means White Pine County, Nevada.

(2) SECRETARY.—The term "Secretary" means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture; and

(B) with respect to other Federal land, the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

Subtitle A—Land Disposal

SEC. 311. CONVEYANCE OF WHITE PINE COUNTY, NEVADA, LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall, at such time as the parcels of Federal land become available for disposal, conduct sales of the parcels of Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) consist of not more than 45,000 acres of Bureau of Land Management land in the County that—

(1) is not segregated or withdrawn on or after the date of enactment of this Act, unless the land is withdrawn in accordance with subsection (h); and

(2) is identified for disposal by the Bureau of Land Management through—

(A) the Ely Resource Management Plan; or

(B) a subsequent amendment to the management plan that is undertaken with full public involvement.

(c) AVAILABILITY.—The map and any legal descriptions of the Federal land conveyed under this section shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management; and

(3) the Ely Field Office of the Bureau of Land Management.

* * * * * * *

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

SEC. 381. FINDINGS.

Section 2(a)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343) is amended by inserting "the Sloan Canyon National Conservation Area," before "and the Spring Mountains".

SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "may be expended" and inserting "shall be expended";

(ii) in clause (ii)—

(I) by inserting ", the Great Basin National Park," after "the Red Rock Canyon National Conservation Area";

(II) by inserting "and the Forest Service" after "the Bureau of Land Management"; and

(III) by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(iii) in clause (iii), by inserting "and implementation" before "of a multispecies habitat";

(iv) in clause (iv), by striking "Clark and Lincoln Counties," and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph (4)),";

(v) in clause (v), by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(vi) in clause (vii)—

(I) by striking "for development" and inserting "development"; and

(II) by striking "and" at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section 373(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

"(viii) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

"(I) located in the disposal boundary described in subsection (a); and

"(II) reserved for affordable housing;

"(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake

Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

"(I) subject to approval by the Secretary; and

"(II) not more than 10 years in duration;"; and

(B) by inserting after subparagraph (C) the following:

"(D) TRANSFER REQUIREMENT.—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

"(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

"(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure."; and

(2) by adding at the end the following:

"(4) LIMITATION FOR WASHOE COUNTY.—Until December 31, 2011, Washoe County shall be eligible to nominate for expenditure amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.".

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

SEC. 391. DISPOSITION OF PROCEEDS.

Section 103(b)(2) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2405) is amended by inserting "education, planning," after "social services,".

Subtitle J—All American Canal Projects

SEC. 395. ALL AMERICAN CANAL LINING PROJECT.

(a) DUTIES OF THE SECRETARY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, carry out the All American Canal Lining Project identified—

(1) as the preferred alternative in the record of decision for that project, dated July 29, 1994; and

* * * * * * *

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

SEC. 8001. LIMITATIONS ON WAIVERS OF COMPETITIVE NEED LIMITATION.

Section 503(d)(4)(B) of the Trade Act of 1974 (19 U.S.C. 2463(d)(4)(B)) is amended—

(1) by striking "The President" and inserting "(i) The President";

(2) by striking "(i) had" and inserting "(I) had" and by striking "(ii) had" and inserting "(II) had"; and

(3) by adding at the end the following new clause:

"(ii) Not later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article— Deadline.

"(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year; or

"(II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year.".

SEC. 8002. EXTENSION OF GSP PROGRAM.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2006" and inserting "December 31, 2008".

Approved December 20, 2006.

LEGISLATIVE HISTORY—H.R. 6111:

CONGRESSIONAL RECORD, Vol. 152 (2006):
Dec. 5, considered and passed House.
Dec. 7, considered and passed Senate, amended.
Dec. 8, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):
Dec. 20, Presidential remarks and statement.

O

Public Law 109–436
109th Congress

An Act

Dec. 20, 2006
[S. 1346]

To direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

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

Michigan Lighthouse and Maritime Heritage Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michigan Lighthouse and Maritime Heritage Act".

SEC. 2. DEFINITIONS.

In this Act:

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

(2) STATE.—The term "State" means the State of Michigan.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

(1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and

(2) the manner in which the public can best learn about and experience the resources.

(c) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;

(2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;

(3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;

(4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and

(5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units

of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

Approved December 20, 2006.

LEGISLATIVE HISTORY—S. 1346:

SENATE REPORTS: No. 109–234 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
Sept. 29, considered and passed Senate.
Dec. 6, considered and passed House.

O

Public Law 109–441
109th Congress

An Act

Dec. 21, 2006
[H.R. 1492]

To provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

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

16 USC 461 note.

SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.

(a) PRESERVATION PROGRAM.—The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

(b) GRANTS.—

(1) CRITERIA.—The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).

Deadline.

(2) PROVISION OF GRANTS.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph.

(c) PROPERTY ACQUISITION.—

(1) AUTHORITY.—Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—The property referred to in paragraph (2) is the following:

(A) Jerome, depicted in Figure 7.1 of the Site Document.

(B) Rohwer, depicted in Figure 11.2 of the Site Document.

(C) Topaz, depicted in Figure 12.2 of the Site Document.

(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south; Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

(3) NO EFFECT ON PRIVATE PROPERTY.—The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require a 50 percent non-Federal match for funds provided under this section.

(e) SUNSET OF AUTHORITY.—This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

SEC. 2. DEFINITIONS. 16 USC 461 note.

For purposes of this Act the following definitions apply:

(1) HISTORIC CONFINEMENT SITES.—(A) The term "historic confinement sites" means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SITE DOCUMENT.—The term "Site Document" means the document titled "Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites", published by the Western Archeological and Conservation Center, National Park Service, in 1999.

SEC. 3. PRIVATE PROPERTY PROTECTION. 16 USC 461 note.

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

16 USC 461 note.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $38,000,000 to carry out this Act. Such sums shall remain available until expended.

Approved December 21, 2006.

LEGISLATIVE HISTORY—H.R. 1492:

HOUSE REPORTS: No. 109–142 (Comm. on Resources).
SENATE REPORTS: No. 109–314 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Nov. 16, considered and passed House.
Vol. 152 (2006): Nov. 16, considered and passed Senate, amended.
Dec. 5, House concurred in Senate amendments.

O

Public Law 109–452
109th Congress

An Act

To amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

Dec. 22, 2006
[S. 1096]

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

Musconetcong Wild and Scenic Rivers Act.
16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Musconetcong Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System;

(2) the Musconetcong Wild and Scenic River Study Task Force, with assistance from the National Park Service, has prepared a river management plan for the study area entitled "Musconetcong River Management Plan" and dated April 2003 that establishes goals and actions to ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the Musconetcong River; and

(3) 13 municipalities and 3 counties along segments of the Musconetcong River that are eligible for designation have passed resolutions in which the municipalities and counties—

(A) express support for the Musconetcong River Management Plan;

(B) agree to take action to implement the goals of the management plan; and

(C) endorse designation of the Musconetcong River as a component of the Wild and Scenic Rivers System.

SEC. 3. DEFINITIONS.

16 USC 1274 note.

In this Act:

(1) ADDITIONAL RIVER SEGMENT.—The term "additional river segment" means the approximately 4.3-mile Musconetcong River segment designated as "C" in the management plan, from Hughesville Mill to the Delaware River Confluence.

(2) MANAGEMENT PLAN.—The term "management plan" means the river management plan prepared by the Musconetcong River Management Committee, the National

Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association entitled "Musconetcong River Management Plan" and dated April 2003 that establishes goals and actions to—

(A) ensure long-term protection of the outstanding values of the river segments; and

(B) compatible management of land and water resources associated with the river segments.

(3) RIVER SEGMENT.—The term "river segment" means any segment of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by section 3(a)(167) of the Wild and Scenic Rivers Act (as added by section 4).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.

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

"(167) MUSCONETCONG RIVER, NEW JERSEY.—

"(A) DESIGNATION.—The 24.2 miles of river segments in New Jersey, consisting of—

"(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

"(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

"(B) ADMINISTRATION.—Notwithstanding section 10(c), the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.".

16 USC 1274 note.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall manage the river segments in accordance with the management plan.

(2) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) RESTRICTIONS ON WATER RESOURCE PROJECTS.—For purposes of determining whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the Secretary shall consider the extent to which the proposed water resources project is consistent with the management plan.

(4) IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(b) COOPERATION.—

(1) IN GENERAL.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(c) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(d) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the additional river segment is suitable for designation as a recreational river if the Secretary determines that there is adequate local support for the designation of the additional river segment in accordance with paragraph (3).

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register notice of the designation of the segment;

Federal Register, publication. Notice.

(B) the segment shall be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider the preferences of local governments expressed in resolutions concerning designation of the additional river segment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

Approved December 22, 2006.

LEGISLATIVE HISTORY—S. 1096 (H.R. 1307):

HOUSE REPORTS: No. 109–427 accompanying H.R. 1307 (Comm. on Resources).
SENATE REPORTS: No. 109–193 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 151 (2005): Dec. 16, considered and passed Senate.
Vol. 152 (2006): Dec. 8, considered and passed House.

O

Public Law 109–453
109th Congress

An Act

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Dec. 22, 2006
[S. 1378]

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

National Historic Preservation Act Amendments Act of 2006.
16 USC 470 note.

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Historic Preservation Act Amendments Act of 2006".

(b) REFERENCE.—A reference in this Act to "the Act" shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking "four" and inserting "seven".

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking "(5) and".

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking "Nine" and inserting "12".

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

Applicability.

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

16 USC 470v–2.

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

"(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

Approved December 22, 2006.

LEGISLATIVE HISTORY—S. 1378:

SENATE REPORTS: No. 109–235 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):
Sept. 29, considered and passed Senate.
Dec. 8, considered and passed House.

Private Law 109–1
109th Congress

An Act

To require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

May 12, 2006
[S. 584]

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

SECTION 1. SHORT TITLE.

Betty Dick Residence Protection Act.

This Act may be cited as the "Betty Dick Residence Protection Act".

SEC. 2. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 4(b) by Betty Dick for the remainder of her natural life.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement between the National Park Service and Fred Dick entitled "Settlement Agreement" and dated July 17, 1980.

Fred Dick.

(2) MAP.—The term "map" means the map entitled "RMNP Land Occupancy" and dated September 2005, which identifies approximately 8 acres for the occupancy and use by the tenant.

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

(4) TENANT.—The term "tenant" means Betty Dick, widow of George Fredrick Dick, who held a 25-year reservation of occupancy and use at a property within the boundaries of Rocky Mountain National Park.

SEC. 4. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary shall allow the tenant to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of the tenant, subject to the requirements of this Act.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as "residence" and "occupancy area".

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the occupancy and use of the property identified in subsection (b) by the tenant shall be subject to the same terms and conditions specified in the Agreement.

(2) PAYMENTS.—

(A) IN GENERAL.—In exchange for the continued occupancy and use of the property, the tenant shall annually pay to the Secretary an amount equal to 1/25 of the amount specified in section 3(B) of the Agreement.

(B) ADVANCE PAYMENT REQUIRED.—The annual payments required under subparagraph (A) shall be paid in advance by not later than May 1 of each year.

(C) DISPOSITION.—Amounts received by the Secretary under this paragraph shall be—

(i) deposited in a special account in the Treasury of the United States; and

(ii) made available, without further appropriation, to the Rocky Mountain National Park until expended.

(3) PUBLIC ACCESS.—The public shall have access to both banks of the main channel of the Colorado River.

(d) TERMINATION.—The right of occupancy and use authorized under this Act—

(1) shall not be extended to any individual other than the tenant; and

(2) shall terminate—

(A) on the death of the tenant;

(B) if the tenant does not make a payment required under subsection (c)(2); or

(C) if the tenant otherwise fails to comply with the terms of this Act.

(e) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than the tenant.

Approved May 12, 2006.

Federal Register
Vol. 71, No. 41
Thursday, March 2, 2006

Presidential Documents

Title 3—

The President

Proclamation 7984 of February 27, 2006

Establishment of the African Burial Ground National Monument

By the President of the United States of America

A Proclamation

In Lower Manhattan, at the corners of Duane and Elk Streets, lies an undeveloped parcel of approximately 15,000 square feet that constitutes a remaining portion of New York City's early African Burial Ground. The site is part of an approximately 7-acre National Historic Landmark established on April 19, 1993. From the 1690s to the 1790s, the African Burial Ground served as the final resting place of enslaved and free Africans in New York City, New York. It contains the remains of those interred, as well as the archeological resources and artifacts associated with their burials. Prior to the date of this proclamation, the site was administered by the General Services Administration (GSA), and it will be the location of a memorial, to be constructed soon according to a design selected on April 29, 2005, through a competition conducted by the GSA with the participation of the National Park Service (NPS) and other interested parties.

Whereas the African Burial Ground National Monument will promote understanding of related resources, encourage continuing research, and present interpretive opportunities and programs for visitors to better understand and honor the culture and vital contributions of generations of Africans and Americans of African descent to our Nation;

Whereas section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

Whereas it would be in the public interest to preserve the portion of the African Burial Ground at the corner of Duane and Elk Streets in New York City, and certain lands as necessary for the care and management of the historic and scientific objects therein, as the African Burial Ground National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the African Burial Ground National Monument for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States with the boundaries described on the accompanying land description, which is attached and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 15,000 squ
which is the smallest area compatible with the proper care and man
of the objects to be protected.

All Federal lands and interests of lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

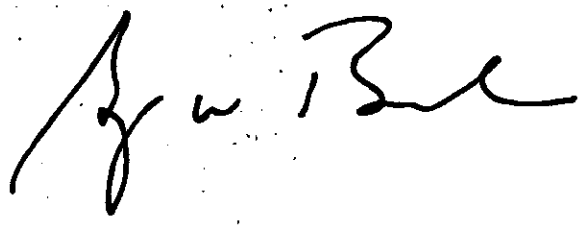
The Secretary of the Interior (Secretary), acting through the NPS, shall administer the national monument consistent with the purposes and provisions of this proclamation and applicable laws and regulations governing management of units of the national park system. For the purposes of preserving, interpreting, and enhancing public understanding and appreciation of the national monument and its meaning to society, the Secretary, acting through the NPS, shall develop an interagency agreement with the Administrator of General Services and, within 3 years of the date of this proclamation, prepare a management plan for the national monument. The management plan shall, among other provisions, set forth the desired relationship of the national monument to other related resources, programs, and organizations in New York City and other locations, provide for maximum public involvement in its development, and identify steps to be taken to provide interpretive opportunities for the entirety of the National Historic Landmark and related sites in New York City. Further, to the extent authorized by law, the Secretary, acting through the NPS, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.



Billing code 3195–01–P

DESCRIPTION OF LANDS CONSTITUTING THE
AFRICAN BURIAL GROUND NATIONAL MONUMENT

This document describes the lands that are set apart and reserved as the African Burial Ground National Monument pursuant to the accompanying proclamation. A legal description of the tract is set out below. The tract also appears on the map entitled "African Burial Ground National Monument," dated December 2005, Map Number 762/80,000, which is attached to this document for reference purposes. The United States owns this tract in fee simple.

The national monument will also include all rights, hereditaments, easements, and appurtenances to property owned by the United States, belonging or otherwise appertaining, as well as any associated Federally owned property of historical interest.

All that certain tract or parcel of land lying and being situated in the Borough of Manhattan, City of New York, State of New York, and being more particularly described as follows:

BEGINNING at a point of intersection of the southerly line of Duane Street with the westerly line of Elk Street, said point having coordinates based on Sheet 5 of the Borough of Manhattan, Borough Survey of N 6,782.392, W 8,295.507, said point of beginning being South 03° 29' 30" West, 5.00 feet from an X-cut set in the concrete sidewalk and North 87° 14' 32" West, 5.00 feet from a cap set in the concrete sidewalk, running, thence;

1. Along the westerly line of Elk Street, South 03° 29' 30" West, 97.09 feet to a point where the same is intersected by the southerly right-of-way line of Republican Alley, thence;

2. Along said southerly line of Republican Alley, North 87° 32' 52" West, 151.90 feet to a point where the same is intersected by the northerly prolongation of the westerly wall of an existing five story block and brick building, thence;

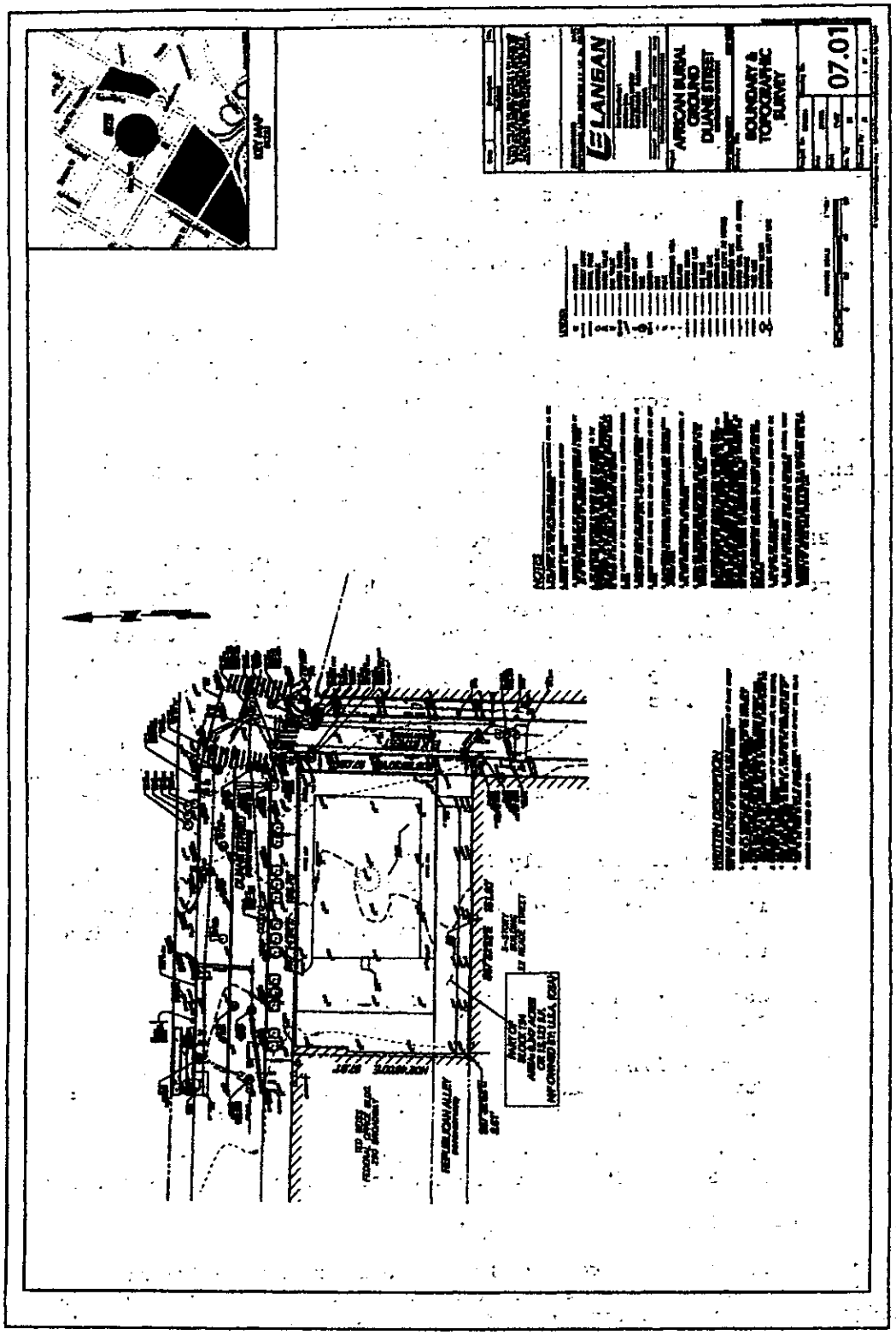
3. Continuing along the southerly line of Republican Alley, same bearing, 2.61 feet to a point, thence;

4. Along a line severing the lands of the subject owner, North 02° 46' East, 97 feet, more or less to a point on the southerly line of Duane Street, thence;

5. Along the southerly line of Duane Street, South 87° 14' 32" East, 155.75 feet to the point or place of BEGINNING.

Containing 0.35 of an acre, more or less.

Being a portion of a parcel called "Government Office Building Site" acquired by the United States of America included in a Final Judgment of Condemnation, 90 Civ. (HGM), dated December 13, 1990.



[FR Doc. 06–2023

Filed 3–1–06; 8:45 am]

Billing code 3195–01–C

Federal Register
Vol. 71, No. 122
Monday, June 26, 2006

Presidential Documents

Title 3—

The President

Proclamation 8031 of June 15, 2006

Establishment of the Northwestern Hawaiian Islands Marine National Monument

By the President of the United States of America

A Proclamation

In the Pacific Ocean northwest of the principal islands of Hawaii lies an approximately 1,200 nautical mile stretch of coral islands, seamounts, banks, and shoals. The area, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial, supports a dynamic reef ecosystem with more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.

WHEREAS Executive Order 13089 of June 11, 1998, Executive Order 13178 of December 4, 2000, and Executive Order 13196 of January 18, 2001, as well as the process for designation of a National Marine Sanctuary undertaken by the Secretary of Commerce, have identified objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States in the area of the Northwestern Hawaiian Islands;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it would be in the public interest to preserve the marine area of the Northwestern Hawaiian Islands and certain lands as necessary for the care and management of the historic and scientific objects therein,

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Northwestern Hawaiian Islands Marine National Monument (the "monument" or "national monument") for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map entitled "Northwestern Hawaiian Islands Marine National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest

area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have primary responsibility regarding management of the marine areas, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have sole responsibility for management of the areas of the monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Secretary of Commerce and the Secretary of the Interior (collectively, the "Secretaries") shall review and, as appropriate, modify the interagency agreement developed for coordinated management of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, signed on May 19, 2006. To manage the monument, the Secretary of Commerce, in consultation with the Secretary of the Interior and the State of Hawaii, shall modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public sanctuary designation process, and will provide for public review of that plan. To the extent authorized by law, the Secretaries, acting through the FWS and NOAA, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The Secretary of State, in consultation with the Secretaries, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of the monument and to promote the purposes for which the monument is established. The Secretary of State, in consultation with the Secretaries, shall seek the cooperation of other governments and international organizations in furtherance of the purposes of this proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas. Furthermore, this proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

The establishment of this monument is subject to valid existing rights and use of the monument shall be administered as follows:

Access to the Monument

The Secretaries shall prohibit entering the monument except pursuant to permission granted by the Secretaries or their designees. Any person passing through the monument without interruption must notify an official designated by the Secretaries at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the monument must be provided within 12 hours of leaving. A person providing notice must provide the following information, as applicable: (i) position when making report; (ii) vessel name and International Maritime Organization identification number; (iii) name, address, and telephone number of owner and operator; (iv) United States Coast Guard (USCG) documentation, State license, or registration number; (v) home port; (vi) intended and actual route through the monument; (vii) general categories of any hazardous cargo on board; and (viii) length of vessel and propulsion type (e.g., motor or sail).

Vessel Monitoring Systems

1. As soon as possible but not later than 30 days following the issuance of this proclamation, NOAA shall publish in the **Federal Register** a list of approved transmitting units and associated communications service providers for purposes of this proclamation. An owner or operator of a vessel that has been issued a permit for accessing the monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the Office of Legal Enforcement in the National Oceanic and Atmospheric Administration in the Department of Commerce (OLE) when voyaging within the monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider.

2. Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:

a. Follow procedures indicated on an installation and activation checklist, which is available from OLE; and

b. Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.

3. No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

4. When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.

5. As a condition of authorized access to the monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG, and their authorized officers and designees access to the vessels position data obtained from the VMS. Consistent with applicable law, including the limitations on access to, and use, of VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.

6. OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit, when deemed appropriate by OLE.

7. The Secretaries shall prohibit any person from conducting or causing to be conducted:

a. Operating any vessel without an approved transmitting device within the monument area 45 days after the publication of the list of approved transmitting devices described in paragraph (1) above;

b. Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;

c. Failing to operate and maintain a mobile transceiver unit on board the vessel at all times;

d. Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel;

e. Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted;

f. Registering a VMS or mobile transceiver unit registered to more than one vessel at the same time;

g. Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE;

h. Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

Restrictions

Prohibited Activities

The Secretaries shall prohibit persons from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil, gas, or minerals within the monument;

2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a monument resource;

3. Introducing or otherwise releasing an introduced species from within or into the monument; and

4. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

Regulated Activities

Except as otherwise provided in this proclamation, the Secretaries shall prohibit any person from conducting or causing to be conducted within the monument the following activities:

1. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving monument resource;

2. Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;

3. Anchoring a vessel;

4. Deserting a vessel aground, at anchor, or adrift;

5. Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust;

6. Discharging or depositing any material or other matter into the monument, or discharging or depositing any material or other matter outside of the monument that subsequently enters the monument and injures any resources of the monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;

7. Touching coral, living or dead;

8. Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument;

9. Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and

10. Attracting any living monument resources.

Emergencies and Law Enforcement Activities

The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.

4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

Commercial Fishing

1. The Secretaries shall ensure that any commercial lobster fishing permit shall be subject to a zero annual harvest limit.

2. Fishing for bottomfish and pelagic species. The Secretaries shall ensure that:

a. Commercial fishing for bottomfish and associated pelagic species may continue within the monument for not longer than 5 years from the date of this proclamation provided that:

(i) The fishing is conducted in accordance with a valid commercial bottomfish permit issued by NOAA; and

(ii) Such permit is in effect on the date of this proclamation and is subsequently renewed pursuant to NOAA regulations at 50 CFR part 660 subpart E as necessary.

b. Total landings for each fishing year may not exceed the following amounts:

(i) 350,000 pounds for bottomfish species; and

(ii) 180,000 pounds for pelagic species.

c. Commercial fishing for bottomfish and associated pelagic species is prohibited in the monument after 5 years from the date of this proclamation.

General Requirements

The Secretaries shall ensure that any commercial fishing within the monument is conducted in accordance with the following restrictions and conditions:

1. A valid permit or facsimile of a valid permit is on board the fishing vessel and is available for inspection by an authorized officer;

2. No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report;

3. Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;

4. Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the monument and within 12 hours after leaving the monument;

5. All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the monument;

6. All fishing vessels must carry an observer when requested to do so by the Secretaries; and

7. The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

Permitting Procedures and Criteria

Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity regulated by this proclamation if such activity is specifically authorized by a permit. The Secretaries, in their discretion, may issue a permit under this proclamation if the Secretaries find that the activity: (i) is research designed to further understanding of monument resources and qualities; (ii) will further the educational value of the monument; (iii) will assist in the conservation and management of the monument; (iv) will allow Native Hawaiian practices; (v) will allow a special ocean use; or (vi) will allow recreational activities.

Findings

1. The Secretaries may not issue any permit unless the Secretaries find:

a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the monument;

b. The activity will be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance monument resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;

c. There is no practicable alternative to conducting the activity within the monument;

d. The end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity;

e. The duration of the activity is no longer than necessary to achieve its stated purpose;

f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to monument resources, qualities, and ecological integrity;

i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of this proclamation; and

j. There are no other factors that would make the issuance of a permit for the activity inappropriate.

2. *Additional Findings for Native Hawaiian Practice Permits.* In addition to the findings listed above, the Secretaries shall not issue a permit to allow Native Hawaiian practices unless the Secretaries find:

a. The activity is non-commercial and will not involve the sale of any organism or material collected;

b. The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;

c. The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;

d. The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

e. Any monument resource harvested from the monument will be consumed in the monument.

3. *Additional Findings, Criteria, and Requirements for Special Ocean Use Permits*

a. In addition to the findings listed above, the following requirements apply to the issuance of a permit for a special ocean use:

(i) Any permit for a special ocean use issued under this section:

(A) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the monument is designated and with protection of monument resources;

(B) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretaries;

(C) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure monument resources; and

(D) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims; and

(ii) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year that describes activities conducted under that permit and revenues derived from such activities during the year.

b. The Secretaries may not issue a permit for a special ocean use unless they determine that the proposed activity will be consistent with the findings listed above for the issuance of any permit.

c. Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special ocean use may be issued only if a special ocean use pilot project for that category has been determined by the Secretaries to meet the criteria in this proclamation and any terms and conditions placed on the permit for the pilot project.

d. The Secretaries shall provide public notice prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.

e. The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.

(i) The Secretaries may issue a permit for a special ocean use for activities within the Midway Atoll Special Management Area provided:

(A) The Secretaries find the activity furthers the conservation and management of the monument; and

(B) The Director of the United States Fish and Wildlife Service or his or her designee has determined that the activity is compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.

(ii) As part of a permit, the Secretaries may allow vessels to transit the monument as necessary to enter the Midway Atoll Special Management Area.

f. The Secretaries may issue a permit for a special ocean use for activities outside the Midway Atoll Special Management Area provided:

(i) The Secretaries find the activity will directly benefit the conservation and management of the monument;

(ii) The Secretaries determine the purpose of the activity is for research or education related to the resources or qualities of the monument;

(iii) The Secretaries provide public notice of the application and an opportunity to provide comments at least 30 days prior to issuing the permit; and

(iv) The activity does not involve the use of a commercial passenger vessel.

4. *Additional Findings for Recreation Permits.* The Secretaries may issue a permit only for recreational activities to be conducted within the Midway Atoll Special Management Area. In addition to the general findings listed above for any permit, the Secretaries may not issue such permit unless the Secretaries find:

a. The activity is for the purpose of recreation as defined in regulation;

b. The activity is not associated with any for-hire operation; and

c. The activity does not involve any extractive use.

Sustenance Fishing

Sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation. The Secretaries may permit sustenance fishing outside of any Special Preservation Area as a term or condition of any permit issued under this proclamation. The Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the activity has been determined by the Director of the United States Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with this proclamation, including considering the extent to which the conduct of the activity may diminish monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. The Secretaries will develop procedures for systematic reporting of sustenance fishing.

Definitions For purposes of this proclamation:

Attract or Attracting means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

Bottomfish Species means bottomfish management unit species as defined at 50 CFR 660.12.

Commercial Bottomfishing means commercial fishing for bottomfish species.

Commercial Passenger Vessel means a vessel that carries individuals who have paid for such carriage.

Commercial Pelagic Trolling means commercial fishing for pelagic species.

Deserting a vessel means:

1. Leaving a vessel aground or adrift:

(i) Without notifying the Secretaries of the vessel going aground or adrift within 12 hours of its discovery and developing and presenting to the Secretaries a preliminary salvage plan within 24 hours of such notification;

(ii) After expressing or manifesting intention to not undertake or to cease salvage efforts; or

(iii) When the Secretaries are unable, after reasonable efforts, to reach the owner/operator within 12 hours of the vessels condition being reported to authorities.

2. Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Ecological Reserve means an area of the monument consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the monument.

Ecological Integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Fishing Year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Introduced Species means:

1. A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the monument; or

2. Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Landing means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

Midway Atoll Special Management Area means the area of the monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of monument wildlife and historical resources.

Mobile Transceiver Unit means a vessel monitoring system or VMS device installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by this proclamation.

Native Hawaiian Practices means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of monument resources for direct personal consumption while in the monument.

Ocean-Based Ecotourism means a class of fee-for-service activities that involves visiting the monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 660.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Recreational Activity means an activity conducted for personal enjoyment that does not result in the extraction of monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Special Preservation Area (SPA) means discrete, biologically important areas of the monument within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

Special Ocean Use means an activity or use of the monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and Not Available for Immediate Use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck

or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

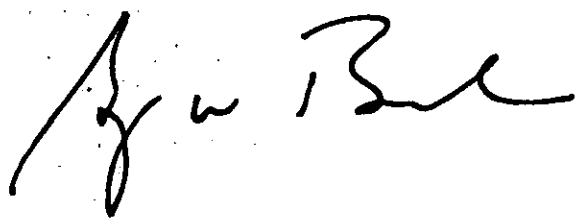
Sustenance Fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation.

Vessel Monitoring System or VMS means a vessel monitoring system or mobile transceiver unit approved by the Office for Law Enforcement for use on vessels permitted to access the monument, as required by this subpart.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

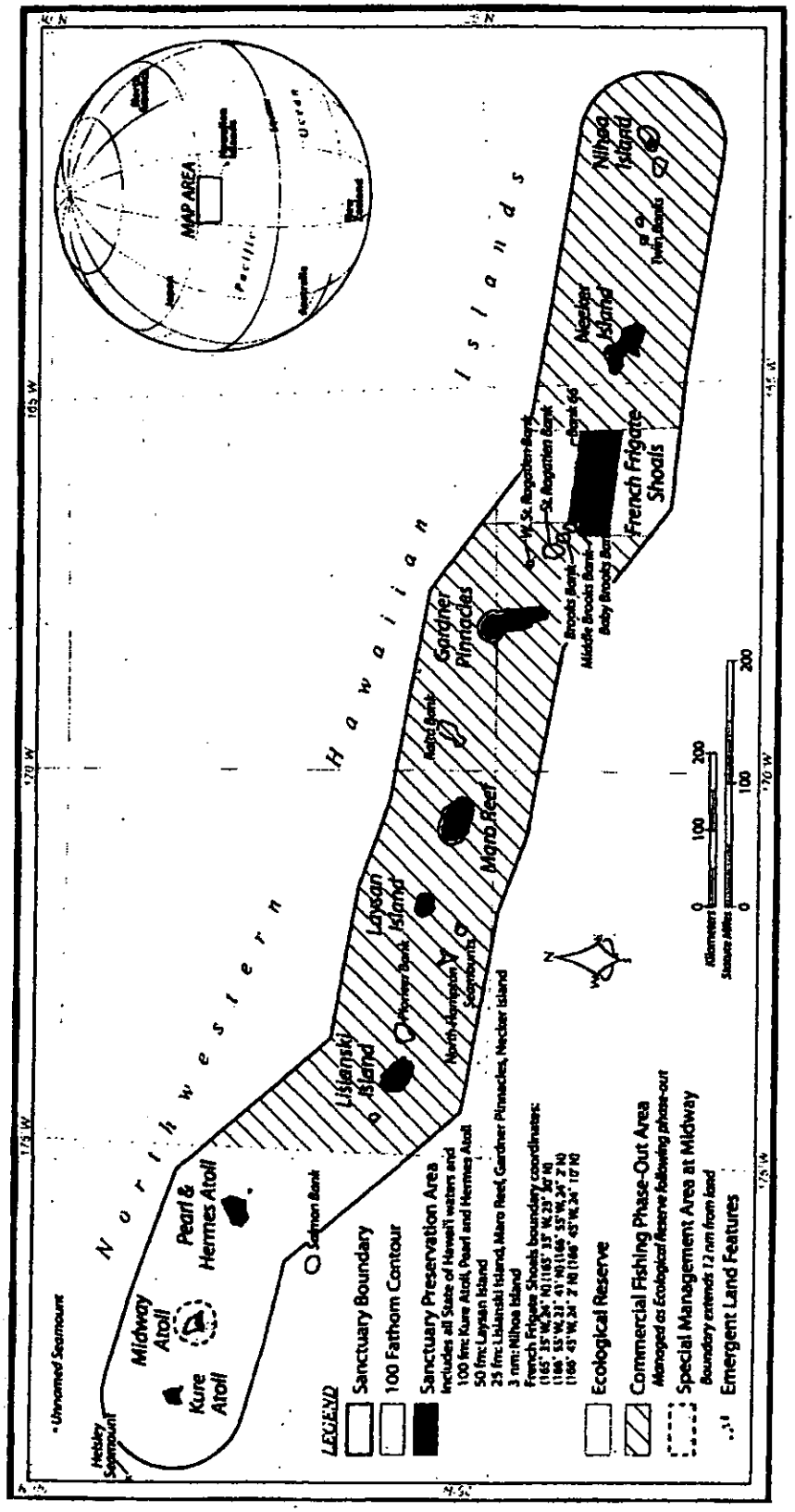
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.



Billing code 3195–01–P

Northwestern Hawaiian Islands Marine National Monument



Federal Register
Vol. 70, No. 19
Monday, January 31, 2005

Presidential Documents

Title 3—

The President

Executive Order 13371 of January 27, 2005

Amendments to Executive Order 13285, Relating to the President's Council on Service and Civic Participation

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to modify the mission and functions of the President's Council on Service and Civic Participation (Council) and to extend the Council, it is hereby ordered that Executive Order 13285 of January 29, 2003, is amended as follows:

Section 1. (a) Sections 2(a) and 2(b) of Executive Order 13285 are revised to read as follows: "(a) The mission and functions of the Council shall be to:

(i) promote volunteer service and civic participation in American society;

(ii) encourage the recognition of outstanding volunteer service through the presentation of the President's Volunteer Service Award by Council members and Certifying Organizations, thereby encouraging more such activity;

(iii) promote the efforts and needs of local non-profits and volunteer organizations, including volunteer centers;

(iv) promote greater public access to information about existing volunteer opportunities, including via the Internet;

(v) assist with the promotion of Federally administered volunteer programs and the link that they have to increasing and strengthening community volunteer service; and

(vi) promote increased and sustained private sector sponsorship of and engagement in volunteer service.

(b) In carrying out its mission, the Council shall:

(i) encourage broad participation in the President's Volunteer Service Award program by qualified individuals and groups, especially students in primary schools, secondary schools, and institutions of higher learning;

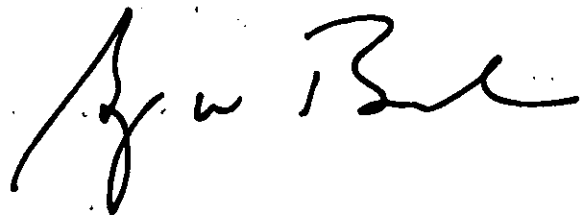
(ii) exchange information and ideas with interested individuals and organizations on ways to expand and improve volunteer service and civic participation;

(iii) advise the Chief Executive Officer of the CNCS on broad dissemination, especially among schools and youth organizations, of information regarding recommended practices for the promotion of volunteer service and civic participation, and other relevant educational and promotional materials;

(iv) monitor and advise the Chief Executive Officer of the CNCS on the need for the enhancement of materials disseminated pursuant to subsection 2(b)(iii) of this order; and

(v) make recommendations from time to time to the President, through the Director of the USA Freedom Corps, on ways to encourage greater levels of volunteer service and civic participation by individuals, schools, and organizations."

Sec. 2. Section 4(b) of Executive Order 13285 is revised to read as follows: "(b) Unless further extended by the President, this order shall expire on January 29, 2007."



THE WHITE HOUSE,
Washington, January 27, 2005.

[FR Doc. 05–1866
Filed 1–28–05; 9:46 am]
Billing code 3195–01–P

Federal Register
Vol. 70, No. 191
Tuesday, October 4, 2005

Presidential Documents

Title 3—

The President

Executive Order 13385 of September 29, 2005

Continuance of Certain Federal Advisory Committees and Amendments to and Revocation of Other Executive Orders

By the authority vested in me as President by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2007.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; section 3 of Executive Order 13231, as amended (Department of Homeland Security).

(c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(h) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(i) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(j) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(k) President's Council of Advisors on Science and Technology; Executive Order 13226, as amended (Office of Science and Technology Policy).

(l) President's Council on Bioethics; Executive Order 13237 (Department of Health and Human Services).

(m) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).

(n) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(o) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(p) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after

each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. The following Executive Orders that established committees that have terminated or whose work is completed are revoked:

(a) Executive Order 13328, establishing the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; and

(b) Executive Order 13326, establishing the President's Commission on Implementation of United States Space Exploration Policy.

Sec. 4. Sections 1 and 2 of Executive Order 13316 are superseded by sections 1 and 2 of this order.

Sec. 5. Section 3 of Executive Order 13231, as amended, is further amended by striking section 3, except subsection (c) thereof, and inserting immediately preceding subsection (c), the following:

"**Sec. 3.** *The National Infrastructure Advisory Council.* The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

(a) Membership. The NIAC shall be composed of not more than 30 members appointed by the President, taking appropriate account of the benefits of having members (i) from the private sector, including but not limited to banking and finance, transportation, energy, communications, and emergency services organizations and institutions of higher learning, and State, local, and tribal governments, (ii) with senior leadership responsibilities for the reliability and availability, which include security, of the critical infrastructure and key resource sectors, (iii) with expertise relevant to the functions of the NIAC, and (iv) with experience equivalent to that of a chief executive of an organization. Unless otherwise determined by the President, no full-time officer or employee of the executive branch shall be appointed to serve as a member of the NIAC. The President shall designate from among the members of the NIAC a Chair and a Vice Chair, who shall perform the functions of the Chair if the Chair is absent, disabled, or in the instance of a vacancy in the Chair.

(b) Functions of the NIAC. The NIAC shall meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting critical infrastructures and their information systems and provide reports on this issue to the President through the Secretary of Homeland Security, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments;

(iii) monitor the development and operations of private sector coordinating councils and their information sharing mechanisms and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the sectors, the Department of Homeland Security, and other Federal Government entities;

(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

(v) advise sector specific agencies with critical infrastructure responsibilities to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms."

In implementing this order, the NIAC shall not advise or otherwise act on matters pertaining to National Security and Emergency Preparedness

(NS/EP) Communications and, with respect to any matters to which the NIAC is authorized by this order to provide advice or otherwise act on that may depend upon or affect NS/EP Communications, shall coordinate with the National Security and Telecommunications Advisory Committee established by Executive Order 12382, as amended.

Sec. 6. Executive Order 12367, as amended, is further amended by:

(a) Striking "including the Millennium" in section 2;

(b) Changing the title of section 3 to read "Administrative and Project Support"; and

(c) Adding the following new subsection 3(c):

(c) Additional project support may be provided, to the extent permitted by law, by the Director of the Institute of Museum and Library Services after consultation with the Chairpersons of the National Endowment for the Arts and the National Endowment for the Humanities.".

Sec. 7. Executive Order 12216, as amended, is further amended by revising subsection 1–101 to read as follows:

"1–101. There is established the President's Committee on the International Labor Organization (ILO). The members will be the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and one representative each from organized labor and the business community, to be designated by the Secretary of Labor."

Sec. 8. Executive Order 13226, as amended, is further amended by:

(a) Striking "not more than 25 members," in section 1 and inserting in lieu thereof "not more than 45 members,";

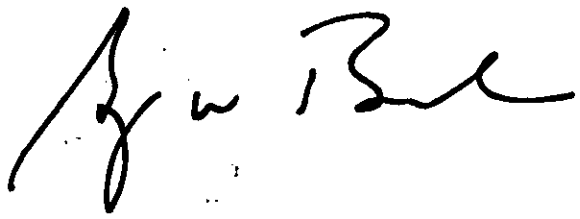
(b) Striking "24 of whom" in section 1 and inserting in lieu thereof "44 of whom"; and

(c) Adding the following new subsection 2(d):

"(d) PCAST shall serve as the President's Information Technology Advisory Committee under subsections 101(b) and 103(b) of the High-Performance Computing Act of 1991 (Public Law 102–194), as amended (15 U.S.C. 5511(b) and 5513(b)).".

Sec. 9. Executive Order 13283 is revoked.

Sec. 10. This order shall be effective September 30, 2005.



THE WHITE HOUSE,
September 29, 2005.

[FR Doc. 05–19993
Filed 10–3–05; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13390 of November 1, 2005

Establishment of a Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (6 U.S.C. 101 *et seq.*) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121–5206) (the "Stafford Act"), and to further strengthen Federal support for the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the United States to provide effective, integrated, and fiscally responsible support from across the Federal Government to support State, local, and tribal governments, the private sector, and faith-based and other community humanitarian relief organizations in the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita (the "Federal Response").

Sec. 2. *Establishment of Coordinator.* The Secretary of Homeland Security (Secretary) shall establish in the Department of Homeland Security the position of Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region (Coordinator). The Coordinator shall be selected by the President and shall be appointed by and report directly to the Secretary. The Secretary shall make available to the Coordinator such personnel, funds, and other resources as may be appropriate to enable the Coordinator to carry out the Coordinator's mission.

Sec. 3. *Mission and Functions of Coordinator.* (a) The Coordinator's mission shall be to work with executive departments and agencies to ensure the proper implementation of the policy set forth in section 1 of this order by coordinating the Federal Response. The Coordinator shall be the principal point of contact for the President and his senior advisors with respect to the Federal Response.

(b) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the process to develop the principles governing and define the goals of the Federal Response. The Coordinator shall communicate those principles and goals to all Federal officials involved in the Federal Response.

(c) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the development and monitor the implementation of the specific policies and programs that constitute the Federal Response, and ensure that those polices and programs are consistent with the principles and goals of the Federal Response.

(d) The Coordinator shall serve as the primary point of contact within the executive branch with the Congress, State and local governments, the private sector, and community leaders regarding the Federal Response. Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall be responsible for managing information flow, requests for actions, and discussions regarding the Federal Response with the Congress, State and local governments, the private sector, and community leaders.

Sec. 4. *Duties of Heads of Departments and Agencies.* Heads of executive departments and agencies shall respond promptly to any request by the

Coordinator, and shall, consistent with applicable law, provide such information as the Coordinator deems necessary to carry out the Coordinator's mission, and shall otherwise cooperate with the Coordinator to the greatest extent practicable to facilitate the performance of the Coordinator's mission.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof;

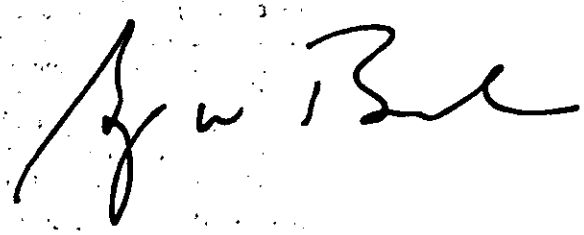
(ii) the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals; or

(iii) the chain of command over the Armed Forces provided in section 162(b) of title 10, United States Code.

(b) This order shall be implemented consistent with applicable law, subject to the availability of appropriations, and shall terminate 3 years from the date of this order.

(c) As used in this order, the term "agency" has the meaning set forth for the term "executive agency" in section 105 of title 5, United States Code, excluding the Government Accountability Office.

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
November 1, 2005.

[FR Doc. 05–22133
Filed 11–3–05; 8:45 am]
Billing code 3195–01–P

Federal Register
Vol. 70, No. 242
Monday, December 19, 2005

Presidential Documents

Title 3—

The President

Executive Order 13392 of December 14, 2005

Improving Agency Disclosure of Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure appropriate agency disclosure of information, and consistent with the goals of section 552 of title 5, United States Code, it is hereby ordered as follows:

Section 1. *Policy.*

(a) The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal agencies. Under the FOIA, the public can obtain records from any Federal agency, subject to the exemptions enacted by the Congress to protect information that must be held in confidence for the Government to function effectively or for other purposes.

(b) FOIA requesters are seeking a service from the Federal Government and should be treated as such. Accordingly, in responding to a FOIA request, agencies shall respond courteously and appropriately. Moreover, agencies shall provide FOIA requesters, and the public in general, with citizen-centered ways to learn about the FOIA process, about agency records that are publicly available (e.g., on the agency's website), and about the status of a person's FOIA request and appropriate information about the agency's response.

(c) Agency FOIA operations shall be both results-oriented and produce results. Accordingly, agencies shall process requests under the FOIA in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing. When an agency's FOIA program does not produce such results, it should be reformed, consistent with available resources appropriated by the Congress and applicable law, to increase efficiency and better reflect the policy goals and objectives of this order.

(d) A citizen-centered and results-oriented approach will improve service and performance, thereby strengthening compliance with the FOIA, and will help avoid disputes and related litigation.

Sec. 2. *Agency Chief FOIA Officers.*

(a) *Designation.* The head of each agency shall designate within 30 days of the date of this order a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency. The head of the agency shall promptly notify the Director of the Office of Management and Budget (OMB Director) and the Attorney General of such designation and of any changes thereafter in such designation.

(b) *General Duties.* The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency:

(i) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

(ii) monitor FOIA implementation throughout the agency, including through the use of meetings with the public to the extent deemed appropriate by the agency's Chief FOIA Officer, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA, including the extent to which the agency meets the milestones

in the agency's plan under section 3(b) of this order and training and reporting standards established consistent with applicable law and this order;

(iii) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy set forth in section 1 of this order;

(iv) review and report, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

(v) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.

(c) *FOIA Requester Service Center and FOIA Public Liaisons.* In order to ensure appropriate communication with FOIA requesters:

(i) Each agency shall establish one or more FOIA Requester Service Centers (Center), as appropriate, which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person's FOIA request and appropriate information about the agency's FOIA response. The Center shall include appropriate staff to receive and respond to inquiries from FOIA requesters;

(ii) The agency Chief FOIA Officer shall designate one or more agency officials, as appropriate, as FOIA Public Liaisons, who may serve in the Center or who may serve in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center, following an initial response from the Center staff. FOIA Public Liaisons shall seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries. For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities and shall perform their duties consistent with applicable law and agency regulations;

(iii) In addition to the services to FOIA requesters provided by the Center and FOIA Public Liaisons, the agency Chief FOIA Officer shall also consider what other FOIA-related assistance to the public should appropriately be provided by the agency;

(iv) In establishing the Centers and designating FOIA Public Liaisons, the agency shall use, as appropriate, existing agency staff and resources. A Center shall have appropriate staff to receive and respond to inquiries from FOIA requesters;

(v) As determined by the agency Chief FOIA Officer, in consultation with the FOIA Public Liaisons, each agency shall post appropriate information about its Center or Centers on the agency's website, including contact information for its FOIA Public Liaisons. In the case of an agency without a website, the agency shall publish the information on the Firstgov.gov website or, in the case of any agency with neither a website nor the capability to post on the Firstgov.gov website, in the **Federal Register**; and

(vi) The agency Chief FOIA Officer shall ensure that the agency has in place a method (or methods), including through the use of the Center, to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall

also consider, in consultation with the FOIA Public Liaisons, as appropriate, whether the agency's implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.

Sec. 3. *Review, Plan, and Report.*

(a) *Review.* Each agency's Chief FOIA Officer shall conduct a review of the agency's FOIA operations to determine whether agency practices are consistent with the policies set forth in section 1 of this order. In conducting this review, the Chief FOIA Officer shall:

(i) evaluate, with reference to numerical and statistical benchmarks where appropriate, the agency's administration of the FOIA, including the agency's expenditure of resources on FOIA compliance and the extent to which, if any, requests for records have not been responded to within the statutory time limit (backlog);

(ii) review the processes and practices by which the agency assists and informs the public regarding the FOIA process;

(iii) examine the agency's:

(A) use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters;

(B) practices with respect to requests for expedited processing; and

(C) implementation of multi-track processing if used by such agency;

(iv) review the agency's policies and practices relating to the availability of public information through websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, United States Code; and

(v) identify ways to eliminate or reduce its FOIA backlog, consistent with available resources and taking into consideration the volume and complexity of the FOIA requests pending with the agency.

(b) *Plan.*

(i) Each agency's Chief FOIA Officer shall develop, in consultation as appropriate with the staff of the agency (including the FOIA Public Liaisons), the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth in section 1 of this order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency's implementation of the FOIA during fiscal years 2006 and 2007.

(ii) The plan shall include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for the records under the FOIA.

(iii) The plan shall also include activities to increase public awareness of FOIA processing, including as appropriate, expanded use of the agency's Center and its FOIA Public Liaisons.

(iv) The plan shall also include, taking appropriate account of the resources available to the agency and the mission of the agency, concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan.

(c) *Agency Reports to the Attorney General and OMB Director.*

(i) The head of each agency shall submit a report, no later than 6 months from the date of this order, to the Attorney General and the OMB Director that summarizes the results of the review under section 3(a) of this order and encloses a copy of the agency's plan under section 3(b) of this order.

The agency shall publish a copy of the agency's report on the agency's website or, in the case of an agency without a website, on the Firstgov.gov website, or, in the case of any agency with neither a website nor the capability to publish on the Firstgov.gov website, in the **Federal Register**.

(ii) The head of each agency shall include in the agency's annual FOIA reports for fiscal years 2006 and 2007 a report on the agency's development and implementation of its plan under section 3(b) of this order and on the agency's performance in meeting the milestones set forth in that plan, consistent with any related guidelines the Attorney General may issue under section 552(e) of title 5, United States Code.

(iii) If the agency does not meet a milestone in its plan, the head of the agency shall:

(A) identify this deficiency in the annual FOIA report to the Attorney General;

(B) explain in the annual report the reasons for the agency's failure to meet the milestone;

(C) outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and

(D) report this deficiency to the President's Management Council.

Sec. 4. *Attorney General.*

(a) *Report.* The Attorney General, using the reports submitted by the agencies under subsection 3(c)(i) of this order and the information submitted by agencies in their annual FOIA reports for fiscal year 2005, shall submit to the President, no later than 10 months from the date of this order, a report on agency FOIA implementation. The Attorney General shall consult the OMB Director in the preparation of the report and shall include in the report appropriate recommendations on administrative or other agency actions for continued agency dissemination and release of public information. The Attorney General shall thereafter submit two further annual reports, by June 1, 2007, and June 1, 2008, that provide the President with an update on the agencies' implementation of the FOIA and of their plans under section 3(b) of this order.

(b) *Guidance.* The Attorney General shall issue such instructions and guidance to the heads of departments and agencies as may be appropriate to implement sections 3(b) and 3(c) of this order.

Sec. 5. *OMB Director.* The OMB Director may issue such instructions to the heads of agencies as are necessary to implement this order, other than sections 3(b) and 3(c) of this order.

Sec. 6. *Definitions.* As used in this order:

(a) the term "agency" has the same meaning as the term "agency" under section 552(f)(1) of title 5, United States Code; and

(b) the term "record" has the same meaning as the term "record" under section 552(f)(2) of title 5, United States Code.

Sec. 7. *General Provisions.*

(a) The agency reviews under section 3(a) of this order and agency plans under section 3(b) of this order shall be conducted and developed in accordance with applicable law and applicable guidance issued by the President, the Attorney General, and the OMB Director, including the laws and guidance regarding information technology and the dissemination of information.

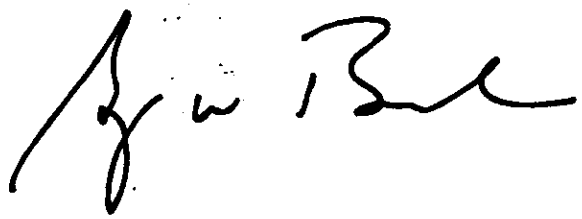
(b) This order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall not be construed to impair or otherwise affect the functions of the OMB Director relating to budget, legislative, or administrative proposals; and

(iii) is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit,

substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
December 14, 2005.

[FR Doc. 05–24255
Filed 12–15–05; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13401 of April 27, 2006

Responsibilities of Federal Departments and Agencies With Respect to Volunteer Community Service

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to help ensure that the Federal Government supports and encourages volunteer community service, it is hereby ordered as follows:

Section 1. *Designation of a Liaison for Volunteer Community Service.* (a) The head of each agency shall, within 20 days after the date of this order, designate an officer or employee of such agency compensated at a level at or above the minimum level of pay of a member of the Senior Executive Service to serve under the authority of the head of the agency as the agency liaison for volunteer community service (Liaison).

(b) The Liaison in each agency shall promote and support community service on a voluntary basis among Federal employees, including those approaching retirement; promote the use of skilled volunteers; and facilitate public recognition for volunteer community service.

(c) The head of each agency shall prescribe arrangements within the agency for support and supervision of the Liaison that ensure high priority and substantial visibility for the function of the Liaison within the agency under this order.

(d) Each executive agency shall provide its Liaison with appropriate administrative support and other resources to meet the responsibilities of the Liaison under this order.

Sec. 2. *Goals and Responsibilities of the Liaison.* The Liaison shall foster within the Liaison's agency a culture of taking responsibility, service to others, and good citizenship. Toward that end, the Liaison shall:

(a) identify, catalog, and review all activities of the agency that relate to volunteer community service, including, but not limited to rules, orders, grant programs, external relations, and other policies and practices, and make such recommendations to the head of the agency for adjustments as may be appropriate;

(b) actively work with USA Freedom Corps to promote volunteer community service among agency employees by providing information about community service opportunities;

(c) coordinate within the agency actions to facilitate public recognition for volunteer community service;

(d) promote, expand, and enhance skilled volunteer community service opportunities;

(e) work with the USA Freedom Corps and the Director of the Office of Personnel Management (OPM) to consider any appropriate changes in agency policies or practices that are not currently consistent with OPM guidance;

(f) coordinate the awarding of the President's Volunteer Service Award to recognize outstanding volunteer service by employees within the agency; and

(g) act as a liaison with the USA Freedom Corps.

Sec. 3. *Administrative Provisions.* (a) The USA Freedom Corps shall provide such information with respect to volunteer community service programs

and activities and such advice and assistance as may be required by agencies in performing their functions under this order.

(b) Executive Order 12820 of November 5, 1992, is revoked.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) As used in this order:

(i) "agency" has the meaning of "executive agency" as defined in section 105 of title 5, United States Code; and

(ii) "USA Freedom Corps" means the Director of the USA Freedom Corps Office established by section 4 of Executive Order 13254 of January 29, 2002.

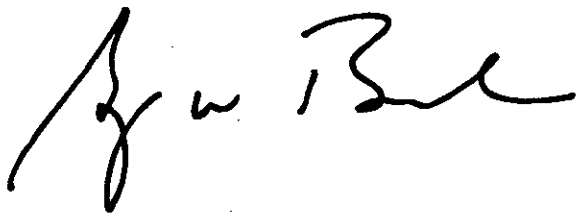
Sec. 4. *Reporting Provisions.* (a) Not later than 180 days from the date of this order and annually thereafter, each agency Liaison shall prepare and submit a report to the USA Freedom Corps that includes a description of the agency's activities in performing its functions under this order.

(b) A Liaison's first report under subsection (a) shall include annual performance indicators and measurable objectives for agency action approved by the head of the agency. Each report filed thereafter under subsection (a) shall measure the agency's performance against the indicators and objectives approved by the head of the agency.

Sec. 5. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by any party at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

THE WHITE HOUSE,

April 27, 2006.



[FR Doc. 06–4132
Filed 4–28–06; 9:05 am]
Billing code 3195–01–P

Federal Register
Vol. 71, No. 124
Wednesday, June 28, 2006

Presidential Documents

Title 3—

The President

Executive Order 13406 of June 23, 2006

Protecting the Property Rights of the American People

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the rights of the American people against the taking of their private property, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the United States to protect the rights of Americans to their private property, including by limiting the taking of private property by the Federal Government to situations in which the taking is for public use, with just compensation, and for the purpose of benefiting the general public and not merely for the purpose of advancing the economic interest of private parties to be given ownership or use of the property taken.

Sec. 2. *Implementation.* (a) The Attorney General shall:

(i) issue instructions to the heads of departments and agencies to implement the policy set forth in section 1 of this order; and

(ii) monitor takings by departments and agencies for compliance with the policy set forth in section 1 of this order.

(b) Heads of departments and agencies shall, to the extent permitted by law:

(i) comply with instructions issued under subsection (a)(i); and

(ii) provide to the Attorney General such information as the Attorney General determines necessary to carry out subsection (a)(ii).

Sec. 3. *Specific Exclusions.* Nothing in this order shall be construed to prohibit a taking of private property by the Federal Government, that otherwise complies with applicable law, for the purpose of:

(a) public ownership or exclusive use of the property by the public, such as for a public medical facility, roadway, park, forest, governmental office building, or military reservation;

(b) projects designated for public, common carrier, public transportation, or public utility use, including those for which a fee is assessed, that serve the general public and are subject to regulation by a governmental entity;

(c) conveying the property to a nongovernmental entity, such as a telecommunications or transportation common carrier, that makes the property available for use by the general public as of right;

(d) preventing or mitigating a harmful use of land that constitutes a threat to public health, safety, or the environment;

(e) acquiring abandoned property;

(f) quieting title to real property;

(g) acquiring ownership or use by a public utility;

(h) facilitating the disposal or exchange of Federal property; or

(i) meeting military, law enforcement, public safety, public transportation, or public health emergencies.

Sec. 4. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

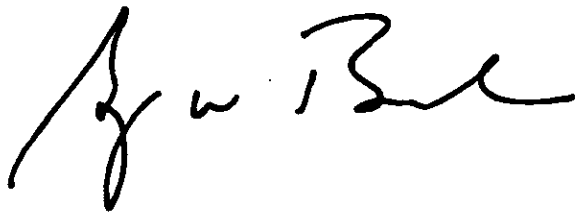
(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order shall be implemented in a manner consistent with Executive Order 12630 of March 15, 1988.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.



THE WHITE HOUSE,
June 23, 2006.

[FR Doc. 06–5828
Filed 6–27–06; 8:45 am]
Billing code 3195–01–P

GPO U.S. GOVERNMENT PRINTING OFFICE: 2007—336-656