1. Cape Lookout

Public Law 109–117
109th Congress

An Act

To amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Dec. 1, 2005
[H.R. 126]

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

SECTION 1. ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA.

(a) IN GENERAL.—The first subsection (b) of section 5 of Public Law 89–366 (16 U.S.C. 459g–4) is amended—

(1) in paragraph (1), by striking "100 free roaming horses" and inserting "not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses,";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or"; and

(3) in paragraph (5), by striking "100" and inserting "110".

(b) REPEAL OF DUPLICATE SUBSECTION.—Section 5 of Public Law 89–366 is further amended—

(1) in subsection (a), by striking "(a)" after "(a)"; and

(2) by striking the second subsection (b).

Approved December 1, 2005.

LEGISLATIVE HISTORY—H.R. 126:

SENATE REPORTS: No. 109–154 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Mar. 14, considered and passed House.
Nov. 16, considered and passed Senate.

2. Cumberland Island

Public Law 108–447
108th Congress

An Act

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

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

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

Consolidated Appropriations Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * * * *

118 STAT. 2810
1 USC 1 note.

SEC. 3. REFERENCES.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

* * * * * * *

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

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * * * *

118 STAT. 3062

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * * * *

118 STAT. 3072

SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.—Public Law 97–250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

16 USC 1132 note.
Cumberland Island Wilderness Boundary Adjustment Act of 2004.

"SEC. 2. CUMBERLAND ISLAND WILDERNESS.

"(a) DEFINITIONS.—In this section:

"(1) MAP.—The term 'map' means the map entitled 'Cumberland Island Wilderness', numbered 640/20,038I, and dated September 2004.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) WILDERNESS.—The term 'Wilderness' means the Cumberland Island Wilderness established by subsection (b).

"(4) POTENTIAL WILDERNESS.—The term 'Potential Wilderness' means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north

end of Cumberland Island known as the 'High Point Half-Moon Bluff Historic District'.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as 'Wilderness' is designated as a component of the National Wilderness Preservation System and shall be known as the 'Cumberland Island Wilderness'.

"(2) EXCLUSIONS.—The 25-foot wide roadways depicted on the map as the 'Main Road', 'Plum Orchard', and the 'North Cut Road' shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

"(c) ADDITIONAL LAND.—In addition to the land designated under subsection (b), the Secretary shall—

"(1) on acquisition of the approximately 231 acres of land identified on the map as 'Areas Become Designated Wilderness upon Acquisition by the NPS'; and

"(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as 'Potential Wilderness' that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land. Federal Register, publication. Notice.

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

"(e) ADMINISTRATION.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

"(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

"(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

"(f) EFFECT.—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

"(g) MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.—Not later than 1 year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness.". Deadline.

(b) TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6 of Public Law 92–536 (86 Stat. 1066) is amended— 16 USC 429i–5.

(1) in subsection (b), by inserting ", except as provided in subsection (c)," before "no development of the project"; and

(2) by adding at the end the following:

"(c) TOURS OF THE SEASHORE.—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts, Contracts.

as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

"(1) this Act;

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

"(3) Public Law 97–250 (96 Stat. 709).".

16 USC 459i note.

(c) SHORT TITLE.—This section may be cited as the "Cumberland Island Wilderness Boundary Adjustment Act of 2004".

* * * * * * *

118 STAT. 3466

Approved December 8, 2004.

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

3. Gulf Islands

PUBLIC LAW 109–13—MAY 11, 2005 119 STAT. 231

Public Law 109–13
109th Congress

An Act

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

May 11, 2005
[H.R. 1268]

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

SECTION 1. SHORT TITLE.

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

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

* * * * * * *

SEC. 3. REFERENCES.

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

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

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

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

* * * * * * *

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

119 STAT. 281

* * * * * * *

GULF ISLANDS NATIONAL SEASHORE

119 STAT. 289

Mississippi. Minerals.

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):

(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.

Contracts.

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

* * * * * * *

119 STAT. 323

Approved May 11, 2005.

LEGISLATIVE HISTORY—H.R. 1268:

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

Public Law 109–163
109th Congress

An Act

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Jan. 6, 2006
[H.R. 1815]

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

National Defense Authorization Act for Fiscal Year 2006.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2006".

* * * * * * *

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

119 STAT. 3485

Military Construction Authorization Act for Fiscal Year 2006.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2006".

* * * * * * *

TITLE XXVIII—GENERAL PROVISIONS

119 STAT. 3503

* * * * * * *

SUBTITLE E—OTHER MATTERS

119 STAT. 3534

* * * * * * *

SEC. 2872. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE.

Mississippi.

(a) FINDINGS.—Congress finds the following:

16 USC 459h–6 note.

(1) Public Law 91–660 of the 91st Congress established the Gulf Islands National Seashore in the States of Florida and Mississippi.

(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

(3) Senate Report 91–1514 of the 91th Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: "While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.".

(4) Although section 2(a) of Public Law 91–660 (16 U.S.C. 459h–1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior,

119 STAT. 3535

an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled.

(b) TRANSFER REQUIRED.—Section 7 of Public Law 91–660 (16 U.S.C. 459h–6) is amended—

(1) by inserting "(a)" before "There are"; and

(2) by adding at the end the following new subsection:

"(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act.".

* * * * * * *

119 STAT. 3557 Approved January 6, 2006.

LEGISLATIVE HISTORY—H.R. 1815 (S. 1042) (S. 1043):

HOUSE REPORTS: Nos. 109–89 (Comm. on Armed Services) and 109–360 (Comm. of Conference).

SENATE REPORTS: No. 109–69 accompanying S. 1042 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 25, considered and passed House.

Nov. 15, considered and passed Senate, amended, in lieu of S. 1042.

Dec. 18, House agreed to conference report.

Dec. 19, 21, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Jan. 6, Presidential statement.

4. Padre Island

Public Law 109–58
109th Congress

An Act

To ensure jobs for our future with secure, affordable, and reliable energy.

Aug. 8, 2005
[H.R. 6]

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

Energy Policy Act of 2005.
42 USC 15801 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 2005".

* * * * * * *

TITLE III—OIL AND GAS

119 STAT. 683

* * * * * * *

SUBTITLE F—ACCESS TO FEDERAL LANDS

119 STAT. 720

* * * * * * *

SEC. 373. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

119 STAT. 736

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to Public Law 87–712 (16 U.S.C. 459d et seq.; popularly known as the "Federal Enabling Act") and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87–712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) SENSE OF CONGRESS.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those

lands retained the status that the lands had on September 27, 1962.

* * * * * * *

119 STAT. 1143 Approved August 8, 2005.

LEGISLATIVE HISTORY—H.R. 6:

HOUSE REPORTS: No. 109–190 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 151 (2005):
Apr. 20, 21, considered and passed House.
June 14–16, 20–23, 28, considered and passed Senate, amended.
July 28, House agreed to conference report.
July 29, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):
Aug. 8, Presidential remarks and statement.