

III. NATIONAL PARKS

1. Black Canyon of the Gunnison

PUBLIC LAW 108–128—NOV. 17, 2003

117 STAT. 1355

Public Law 108–128
108th Congress

An Act

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

Nov. 17, 2003
[S. 677]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Canyon of the Gunnison Boundary Revision Act of 2003”.

Black Canyon of the Gunnison Boundary Revision Act of 2003.
16 USC 410fff note.

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–2(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and

(2) by adding at the end the following:

“(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated April 2, 2003.”

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as “Tract C” on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

16 USC 410fff–2 note.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–3(a)(1)) is amended by striking “Map” and inserting “Map or the map described in section 4(a)(2)”.

117 STAT. 1356

PUBLIC LAW 108-128—NOV. 17, 2003

SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

- (1) by striking “There” and inserting “(1) There”; and
- (2) by adding at the end the following:

“(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’, and dated April 2, 2003.”.

SEC. 4. GRAZING PRIVILEGES.

(a) **TRANSFER OF PRIVILEGES.**—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

“(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.”.

(b) **PRIVILEGES OF CERTAIN PARTNERSHIPS.**—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

- (1) by striking “and” at the end of subparagraph (A);
- (2) by redesignating subparagraph (B) as subparagraph (D);
- (3) by inserting after subparagraph (A) the following:

“(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

“(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and”;

- (4) in subparagraph (D) (as redesignated by paragraph

(2))—

(A) by striking “partnership, corporation, or” each place it appears and inserting “corporation or”; and

(B) by striking “subparagraph (A)” and inserting “subparagraphs (A), (B), or (C)”.

PUBLIC LAW 108–128—NOV. 17, 2003

117 STAT. 1357

SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.16 USC 410fff–2
note.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications”, and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

Approved November 17, 2003.

LEGISLATIVE HISTORY—S. 677:**HOUSE REPORTS:** No. 108–344 (Comm. on Resources).**SENATE REPORTS:** No. 108–96 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD,** Vol. 149 (2003):

July 17, considered and passed Senate.

Nov. 4, considered and passed House.

2. Channel Islands

120 STAT. 2083

PUBLIC LAW 109-364—OCT. 17, 2006

Public Law 109-364
109th Congress

An Act

Oct. 17, 2006
[H.R. 5122]

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John Warner
National Defense
Authorization
Act for Fiscal
Year 2007.

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “John Warner National Defense Authorization Act for Fiscal Year 2007”.

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120 STAT. 2100
10 USC 101 note.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS

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120 STAT. 2369

TITLE X—GENERAL PROVISIONS

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120 STAT. 2398

Subtitle H—Other Matters

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120 STAT. 2406

SEC. 1077. INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS.

(a) ACCESS FOR MEMBERS, RETIRED MEMBERS, AND DISABLED VETERANS.—Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.

Reports.
Deadline.

(b) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of an assessment of those lands under the jurisdiction of the Department of Defense and suitable for hunting or fishing and describing the actions necessary—

(1) to further increase the acreage made available to members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans for hunting and fishing; and

PUBLIC LAW 109-364—OCT. 17, 2006

120 STAT. 2406

(2) to make that acreage more accessible to disabled veterans.

(c) RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk. California.

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Approved October 17, 2006.

120 STAT. 2521

LEGISLATIVE HISTORY—H.R. 5122 (S. 2766) (S. 2767):

HOUSE REPORTS: Nos. 109-452 (Comm. on Armed Services and 109-702 (Comm. of Conference).

SENATE REPORTS: No. 109-254 accompanying S. 2766 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 152 (2006):

May 10, 11, considered and passed House.

June 22, considered and passed Senate, amended, in lieu of S. 2766.

Sept. 29, House and Senate agreed to conference report.

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

Oct. 17, Presidential statement.

3. Congaree

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

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117 STAT. 1264

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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117 STAT. 1270
Congaree
National Park,
designation.
16 USC 410jjj
note.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

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117 STAT. 1281

16 USC 431 note.

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and
(2) by adding at the end the following:

“(c) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled “Congaree National Park Boundary Map”, numbered 178/80015, and dated August 2003.

“(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

“(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the monument;

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1281

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

“(C) negatively affects the economic development of the areas surrounding the monument.

“(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.”.

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This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”. 117 STAT. 1321

Approved November 10, 2003.

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

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

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

July 16, 17, considered and passed House.

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

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

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

Nov. 10, Presidential statement.

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199
108th Congress

An Act

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

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

Consolidated
Appropriations
Act, 2004.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

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118 STAT. 4
1 USC 1 note.

SEC. 3. REFERENCES.

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

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118 STAT. 434
7 USC 136a note.

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

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

Miscellaneous
Appropriations
and Offsets Act,
2004.

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

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118 STAT. 442

SEC. 139. CONGAREE NATIONAL PARK BOUNDARY REVISION. (a) **IN GENERAL.**—Subsection (c) of the first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended by striking paragraph (6) and inserting the following:

“(6) **EFFECT.**—Nothing in this section—

“(A) affects the use of private land adjacent to the park;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the park;

“(C) shall negatively affect the economic development of the areas surrounding the park; or

“(D) affects the classification of the park under section 162 of the Clean Air Act (42 U.S.C. 7472).”.

16 USC 1132
note.

(b) **DESIGNATION OF CONGAREE NATIONAL PARK WILDERNESS.**—

(1) **DESIGNATION.**—The wilderness established by section 2(a) of the Congaree Swamp National Monument Expansion and Wilderness Act (102 Stat. 2606) and known as the “Congaree Swamp National Monument Wilderness” shall be known and designated as the “Congaree National Park Wilderness”.

PUBLIC LAW 108–199—JAN. 23, 2004

118 STAT. 442

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness referred to in paragraph (1) shall be deemed to be a reference to the “Congaree National Park Wilderness”.

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

Approved January 23, 2004.

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

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

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

CONGRESSIONAL RECORD:

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

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

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

4. Everglades

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7
108th Congress

Joint Resolution

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

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

Consolidated
Appropriations
Resolution, 2003.

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

SECTION 1. SHORT TITLE.

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

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117 STAT. 12
1 USC 1 note.

SEC. 3. REFERENCES.

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

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

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

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2003, and for other purposes.

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

TITLE I—DEPARTMENT OF THE INTERIOR

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117 STAT. 237

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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117 STAT. 247

**SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE
OF FLORIDA.** (a) **AUTHORITY.**—The Corps of Engineers, using funds
made available for modifications authorized by section 104 of the
Everglades National Park Protection and Expansion Act of 1989
(16 U.S.C. 410r-8), shall immediately carry out alternative 6D
(including paying 100 percent of the cost of acquiring land or
an interest in land) for the purpose of providing a flood protection
system for the 8.5 square mile area described in the report entitled
“Central and South Florida Project, Modified Water Deliveries to
Everglades National Park, Florida, 8.5 Square Mile Area, General
Reevaluation Report and Final Supplemental Environmental
Impact Statement” and dated July 2000.

(b) **CONDITION.**—

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 247

(1) **IN GENERAL.**—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) **AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.**—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) **FUNDING.**—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

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Approved February 20, 2003.

117 STAT. 554

LEGISLATIVE HISTORY—H.J. Res. 2:

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

Jan. 8, considered and passed House.

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

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

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

Feb. 20, Presidential statements.

117 STAT. 1827

PUBLIC LAW 108-137—DEC. 1, 2003

Public Law 108-137
108th Congress

An Act

Dec. 1, 2003
[H.R. 2754]

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Energy and
Water
Development
Appropriations
Act, 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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117 STAT. 1828

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended,

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117 STAT. 1829
Florida.
Deadline.
Reports.

Provided further, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further,* That the Secretary of the Army shall provide the State of Florida with notice and

Florida.
Notice.

PUBLIC LAW 108–137—DEC. 1, 2003

117 STAT. 1829

an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final:

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This Act may be cited as the “Energy and Water Development Appropriations Act, 2004”. 117 STAT. 1868

Approved December 1, 2003.

LEGISLATIVE HISTORY—H.R. 2754 (S. 1424):

HOUSE REPORTS: Nos. 108–212 (Comm. on Appropriations) and 108–357 (Comm. of Conference).

SENATE REPORTS: No. 108–105 accompanying S. 1424 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 18, considered and passed House.

Sept. 11, 15, 16, considered and passed Senate, amended, in lieu of S. 1424.

Sept. 17, further amended in Senate.

Nov. 18, House and Senate agreed to conference report.

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

Dec. 1, Presidential statement.

118 STAT. 3919

PUBLIC LAW 108-483—DEC. 23, 2004

Public Law 108-483
108th Congress

An Act

Dec. 23, 2004
[H.R. 3785]

To authorize the exchange of certain land in Everglades National Park.

Florida.

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

SECTION 1. EVERGLADES NATIONAL PARK.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended—

(1) in subsection (a)—

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

“(1) IN GENERAL.—The park boundary”;

(B) by striking “The map” and inserting the following:

“(2) AVAILABILITY OF MAP.—The map”; and

(C) by adding at the end the following:

“(3) ACQUISITION OF ADDITIONAL LAND.—

“(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

“(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.”; and

(2) by adding at the end the following:

“(h) LAND EXCHANGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(B) COUNTY.—The term ‘County’ means Miami-Dade County, Florida.

“(C) COUNTY LAND.—The term ‘County land’ means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as ‘Tract 605-01’ and ‘Tract 605-03’.

“(D) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(E) DISTRICT LAND.—The term ‘District land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.

PUBLIC LAW 108-483—DEC. 23, 2004

118 STAT. 3920

“(F) GENERAL SERVICES ADMINISTRATION LAND.—The term ‘General Services Administration land’ means the approximately 595.28 acres of land designated as ‘Site Alpha’ that is declared by the Department of the Navy to be excess land.

“(G) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C-111 Project, Everglades National Park’, numbered 160/80,007A, and dated May 18, 2004.

“(H) NATIONAL PARK SERVICE LAND.—The term ‘National Park Service land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

“(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

“(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

“(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

“(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

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

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Approved December 23, 2004.

118 STAT. 3921

LEGISLATIVE HISTORY—H.R. 3785 (S. 2046):

HOUSE REPORTS: No. 108-516 (Comm. on Resources).

SENATE REPORTS: No. 108-298 accompanying S. 2046 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Dec. 8, considered and passed Senate.

5. Glacier

120 STAT. 780

PUBLIC LAW 109–280—AUG. 17, 2006

**Public Law 109–280
109th Congress****An Act**Aug. 17, 2006
[H.R. 4]

To provide economic security for all Americans, and for other purposes.

Pension
Protection Act
of 2006.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*29 USC 1001
note.**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “Pension Protec-
tion Act of 2006”.

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120 STAT. 1108

TITLE XIII—OTHER PROVISIONS

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120 STAT. 1109

SEC. 1302. GOING-TO-THE-SUN ROAD.(a) **IN GENERAL.**—Section 1940 of the Safe, Accountable,
Flexible, Efficient Transportation Equity Act: A Legacy for Users
(119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as
paragraphs (1) through (3), respectively; and(C) by striking “\$10,000,000” each place that it appears
and inserting “\$16,666,666”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in
this section, funds authorized to be appropriated under this section
shall be available for obligation in the same manner as if the
funds were apportioned under chapter 1 of title 23, United States
Code.”.

23 USC 101 note.

(b) **RESCISSION.**—Section 10212 of the Safe, Accountable,
Flexible, Efficient Transportation Equity Act: A Legacy for Users
(119 Stat. 1937) is amended by striking “\$8,543,000,000” each place
it appears and inserting “\$8,593,000,000”.

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120 STAT. 1172

Approved August 17, 2006.

LEGISLATIVE HISTORY—H.R. 4:**CONGRESSIONAL RECORD**, Vol. 152 (2006):

July 28, considered and passed House.

Aug. 3, considered and passed Senate.

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

Aug. 17, Presidential remarks and statement.

6. Grand Teton

PUBLIC LAW 108–32—JUNE 17, 2003

117 STAT. 779

Public Law 108–32
108th Congress**An Act**

To provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

June 17, 2003
[S. 273]

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

Grand Teton
National Park
Land Exchange
Act.
16 USC 406d–1
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grand Teton National Park Land Exchange Act”.

SEC. 2. DEFINITIONS.

16 USC 406d–1
note.

As used in this Act:

(1) The term “Federal lands” means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term “Governor” means the Governor of the State of Wyoming.

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

(4) The term “State lands” means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled “Private, State & County Inholdings Grand Teton National Park”, dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

16 USC 406d–1
note.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together

Reports.

117 STAT. 780

PUBLIC LAW 108–32—JUNE 17, 2003

with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

16 USC 406d–1
note.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) **AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) **NO AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) **APPRAISAL COSTS.**—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

16 USC 406d–1
note.

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”), and other laws, rules, and regulations applicable to Grand Teton National Park.

16 USC 406d–1
note.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Approved June 17, 2003.

LEGISLATIVE HISTORY—S. 273:

SENATE REPORTS: No. 108–14 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 149 (2003):
Apr. 3, considered and passed Senate.
June 3, 5, considered and passed House.

PUBLIC LAW 108-176—DEC. 12, 2003

117 STAT. 2490

Public Law 108-176
108th Congress

An Act

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

Dec. 12, 2003
[H.R. 2115]

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

Vision 100—
Century of
Aviation
Reauthorization
Act.
49 USC 40101
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

* * * * *

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

117 STAT. 2493

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

49 USC 106 note.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

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TITLE VIII—MISCELLANEOUS

117 STAT. 2586

* * * * *

SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.

117 STAT. 2595

(a) **IN GENERAL.**—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

117 STAT. 2596

(b) **PUBLIC NOTICE AND COMMENT.**—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

117 STAT. 2596

PUBLIC LAW 108–176—DEC. 12, 2003

(c) DEFINITIONS.—In this section, the terms “Stage 2 aircraft” and “Stage 3 aircraft” have the same meaning as those terms have in chapter 475 of title 49, United States Code.

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117 STAT. 2598

Approved December 12, 2003.

LEGISLATIVE HISTORY—H.R. 2115 (S. 824):

HOUSE REPORTS: Nos. 108–143 (Comm. on Transportation and Infrastructure) and 108–240 and 108–334 (both from Comm. of Conference).

SENATE REPORTS: No. 108–41 accompanying S. 824 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 824.

Oct. 28, House recommitted conference report pursuant to H. Res. 337.

Oct. 30, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

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

Dec. 12, Presidential statement.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447
108th Congress

An Act

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

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

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

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

118 STAT. 2810
1 USC 1 note.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

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

* * * * *

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

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

TITLE I—DEPARTMENT OF THE INTERIOR

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GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

118 STAT. 3062

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SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004-2005 that commences on or about December 15, 2004.

118 STAT. 3074

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Approved December 8, 2004.

118 STAT. 3466

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

7. Great Basin

120 STAT. 2922

PUBLIC LAW 109-432—DEC. 20, 2006

Public Law 109-432
109th Congress

An Act

Dec. 20, 2006
[H.R. 6111]To amend the Internal Revenue Code of 1986 to extend expiring provisions, and
for other purposes.Tax Relief and
Health Care Act
of 2006.
26 USC 1 note.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE, ETC.**(a) **SHORT TITLE.**—This Act may be cited as the “Tax Relief
and Health Care Act of 2006”.

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120 STAT. 3000

DIVISION C—OTHER PROVISIONS

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120 STAT. 3028
White Pine
County
Conservation,
Recreation, and
Development Act
of 2006.
Nevada.
120 STAT. 3045TITLE III—WHITE PINE COUNTY CON-
SERVATION, RECREATION, AND DE-
VELOPMENT

* * * * *

Subtitle H—Amendments to the Southern
Nevada Public Land Management Act of
1998

* * * * *

SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.Section 4(e) of the Southern Nevada Public Land Management
Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007;
117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “may be expended” and inserting
“shall be expended”;

(ii) in clause (ii)—

(I) by inserting “, the Great Basin National
Park,” after “the Red Rock Canyon National Con-
servation Area”;(II) by inserting “and the Forest Service” after
“the Bureau of Land Management”; and(III) by striking “Clark and Lincoln Counties”
and inserting “Clark, Lincoln, and White Pine
Counties”;(iii) in clause (iii), by inserting “and implementa-
tion” before “of a multispecies habitat”;(iv) in clause (iv), by striking “Clark and Lincoln
Counties,” and inserting “Clark, Lincoln, and White

PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 3045

Pine Counties and Washoe County (subject to paragraph (4)),”;

(v) in clause (v), by striking “Clark and Lincoln Counties” and inserting “Clark, Lincoln, and White Pine Counties”;

(vi) in clause (vii)—

(I) by striking “for development” and inserting “development”; and

(II) by striking “and” at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section 373(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

“(viii) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

“(I) located in the disposal boundary described in subsection (a); and

“(II) reserved for affordable housing;

“(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

“(I) subject to approval by the Secretary; and

“(II) not more than 10 years in duration;”;

and

(B) by inserting after subparagraph (C) the following:

“(D) TRANSFER REQUIREMENT.—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

“(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

“(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure.”;

and

(2) by adding at the end the following:

“(4) LIMITATION FOR WASHOE COUNTY.—Until December 31, 2011, Washoe County shall be eligible to nominate for expendi-

120 STAT. 3046

120 STAT. 3046

PUBLIC LAW 109-432—DEC. 20, 2006

ture amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.”.

* * * * *

120 STAT. 3195

Approved December 20, 2006.

LEGISLATIVE HISTORY—H.R. 6111:

CONGRESSIONAL RECORD, Vol. 152 (2006):

Dec. 5, considered and passed House.

Dec. 7, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

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

Dec. 20, Presidential remarks and statement.

8. Great Smoky Mountains

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1241

Public Law 108–108
108th Congress

An Act

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

* * * * *

SEC. 138. (a) **SHORT TITLE.**—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

117 STAT. 1271
Eastern Band of Cherokee Indians Land Exchange Act of 2003.
16 USC 460a–5 note.

(b) **FINDINGS AND PURPOSES.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band’s ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe’s trust territory in Cherokee, North Carolina, and currently within

117 STAT. 1271

PUBLIC LAW 108-108—NOV. 10, 2003

the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

117 STAT. 1272

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1272

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior (“Secretary”) shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

117 STAT. 1273

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the “Ravensford Tract” on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

Deadline.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with

117 STAT. 1273

PUBLIC LAW 108–108—NOV. 10, 2003

the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

117 STAT. 1274

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the “No New Construction” area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

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117 STAT. 1321

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

Approved November 10, 2003.

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

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

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

July 16, 17, considered and passed House.
Sept. 17, 18, 22, 23, considered and passed Senate, amended.
Oct. 30, House agreed to conference report.
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):
Nov. 10, Presidential statement.

PUBLIC LAW 108–343—OCT. 18, 2004

118 STAT. 1372

Public Law 108–343
108th Congress

An Act

To authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Oct. 18, 2004
[S. 2319]

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

Tapoco Project
Licensing Act
of 2004.
16 USC 403 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tapoco Project Licensing Act of 2004”.

SEC. 2. DEFINITIONS.

16 USC 403 note.

In this Act:

(1) **APGI.**—The term “APGI” means Alcoa Power Generating Inc. (including its successors and assigns).

(2) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(3) **MAP.**—The term “map” means the map entitled “Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APGI”, numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) **PARK.**—The term “Park” means Great Smoky Mountains National Park.

(5) **PROJECT.**—The term “Project” means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

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

SEC. 3. LAND EXCHANGE.

16 USC 403 note.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Upon the conveyance by APGI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APGI title to the land identified in paragraph (3).

(2) **DESCRIPTION OF LAND TO BE CONVEYED BY APGI.**—The land to be conveyed by APGI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APGI power line; and

(B) as generally depicted on the map as “Proposed Property Transfer from APGI to National Park Service”.

(3) **DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.**—The land to be conveyed by the Secretary to APGI

are the approximately 110 acres of land within the Park that are—

- (A) adjacent to or flooded by the Chilhowee Reservoir;
- (B) within the boundary of the Project as of February 21, 2003; and

- (C) as generally depicted on the map as “Proposed Property Transfer from National Park Service to APGI”.

(b) **MINOR ADJUSTMENTS TO CONVEYED LAND.**—The Secretary and APGI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) **OPPORTUNITY TO MITIGATE.**—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APGI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) **CONSERVATION EASEMENT.**—The Secretary shall reserve a conservation easement over any land transferred to APGI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

- (1) specifically prohibit any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

- (2) authorize public access to the easement area, subject to National Park Service regulations; and

- (3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) **APPLICABILITY OF CERTAIN LAWS.**—Section 5(b) of Public Law 90-401 (16 U.S.C. 4601-22(b)), shall not apply to the land exchange authorized under this section.

(f) **REVERSION.**—

- (1) **IN GENERAL.**—The deed from the Secretary to APGI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

- (A) the Chilhowee Reservoir ceases to exist; or

- (B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

- (2) **APPLICABLE LAW.**—A reversion under this subsection shall not eliminate APGI’s responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) **BOUNDARY ADJUSTMENT.**—

- (1) **IN GENERAL.**—On completion of the land exchange authorized under this section, the Secretary shall—

- (A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

- (B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

- (2) **NATIONAL PARK SERVICE LAND.**—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.

PUBLIC LAW 108-343—OCT. 18, 2004

118 STAT. 1374

(3) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1). Federal Register, publication.

SEC. 4. PROJECT LICENSING.

16 USC 403 note.

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

SEC. 5. LAND ACQUISITION.

16 USC 403 note.

(a) IN GENERAL.—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any non-governmental organization; and

(2) is identified as “Permanent Easement” or “Term Easement” on the map entitled “Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee”, numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

Federal Register, publication.

(c) LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.—

(1) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

Federal Register, publication.

(2) MANAGEMENT.—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.

118 STAT. 1375

PUBLIC LAW 108-343—OCT. 18, 2004

16 USC 403 note. **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 18, 2004.

LEGISLATIVE HISTORY—S. 2319 (H.R. 4667):

HOUSE REPORTS: No. 108-721, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Resources) both accompanying H.R. 4667.

SENATE REPORTS: No. 108-299 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Oct. 4, considered and passed House.

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54
109th Congress

An Act

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

119 STAT. 520

* * * * *

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

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

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

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

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

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

Applicability.
16 USC 460l-6a note.

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

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

* * * * *

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

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

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

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

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

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

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

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

Aug. 2, Presidential statement.

9. Hawai'i Volcanoes

118 STAT. 1395

PUBLIC LAW 108–352—OCT. 21, 2004

Public Law 108–352
108th Congress**An Act**Oct. 21, 2004
[S. 2178]

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*National Park
System Laws
Technical
Amendments Act
of 2004.
16 USC 1 note.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

* * * * *

SEC. 3. HAWAII VOLCANOES NATIONAL PARK.

Section 5 of the Act of June 20, 1938 (16 U.S.C. 392c) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawai'i Volcanoes”.

* * * * *

118 STAT. 1398

Approved October 21, 2004.

LEGISLATIVE HISTORY—S. 2178:SENATE REPORTS: No. 108–239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
May 19, considered and passed Senate.
Oct. 6, considered and passed House.

10. Kenai Fjords

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 2809

Public Law 108–447
108th Congress

An Act

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

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

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

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

118 STAT. 2810
1 USC 1 note.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

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

* * * * *

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

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

* * * * *

TITLE III—GENERAL PROVISIONS

118 STAT. 3092

* * * * *

SEC. 344. Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106–291 (\$1,630,000) and Public Law 108–199 (\$2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title

118 STAT. 3106
Deadline.
Real property.

118 STAT. 3105

PUBLIC LAW 108-447—DEC. 8, 2004

of the appropriate portions thereof to the Federal Government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that compliment the new Federal facility.

* * * * *

118 STAT. 3466

Approved December 8, 2004.

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. Aug. 2, 2005
[H.R. 2361]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

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

* * * * *

TITLE IV—GENERAL PROVISIONS

119 STAT. 549

* * * * *

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended as follows: 119 STAT. 558

(1) by striking “seven”, “14910001,”, and “, 14913007, and 14913008”;

(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.”. 118 Stat. 3105.

* * * * *

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

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

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

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

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

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

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

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

Aug. 2, Presidential statement.

11. Mount Rainier

118 STAT. 1194

PUBLIC LAW 108–312—OCT. 5, 2004

Public Law 108–312
108th Congress**An Act**Oct. 5, 2004
[H.R. 265]To provide for an adjustment of the boundaries of Mount Rainier National Park,
and for other purposes.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*Mount Rainier
National Park
Boundary
Adjustment Act
of 2004.
Washington.
16 USC 91 note.**SECTION 1. SHORT TITLE.**This Act may be cited as the “Mount Rainier National Park
Boundary Adjustment Act of 2004”.16 USC 110d
note.**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Carbon River watershed within Pierce County in the State of Washington has unique qualities of ecological, economic, and educational importance, including clean water, productive salmon streams, important wildlife habitat, active geologic processes, outdoor recreational opportunities, scenic beauty, educational opportunities, and diverse economic opportunities.

(2) Mount Rainier National Park is one of the premier attractions in the State of Washington, providing recreational, educational, and economic opportunities that will be enhanced by the construction of new campgrounds and visitor contact facilities in the Carbon River valley outside old-growth forest habitats and above the flood plain.

(3) Coordination of management across national forest and national park lands in this corridor will enhance the conservation of the forest ecosystem and public enjoyment of these public lands.

(4) Protection and development of historic and recreational facilities in the Carbon River valley, such as trails and visitor centers, can be facilitated by the National Park Service.

16 USC 110d.

SEC. 3. MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of Mount Rainier National Park is modified to include the area within the boundary generally depicted on the map entitled “Mount Rainier National Park, Carbon River Boundary Adjustment”, numbered 105/92,002B, and dated June 2003. The Secretary of the Interior shall keep the map on file in the appropriate offices of the National Park Service.

(b) **LAND ACQUISITION.**—The Secretary of the Interior may acquire, only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange—

PUBLIC LAW 108–312—OCT. 5, 2004

118 STAT. 1195

(1) land or interests in land, totaling not more than 800 acres, and improvements thereon within the boundary generally depicted on the map referred to in subsection (a) for development of camping and other recreational facilities; and

(2) land or interests in land, totaling not more than one acre, and improvements thereon in the vicinity of Wilkeson, Washington, for a facility to serve visitors to public lands along the Carbon and Mowich Corridors.

(c) ADMINISTRATION OF ACQUIRED LANDS.—Lands acquired under this section shall be administered by the Secretary of the Interior as part of Mount Rainier National Park in accordance with applicable laws and regulations.

SEC. 4. ASSOCIATED LANDS.

The Secretary of Agriculture shall manage that portion of the Mt. Baker-Snoqualmie National Forest lying adjacent to Mt. Rainier National Park, as identified on the map referred to in section 3(a), to maintain the area's natural setting in a manner consistent with its management as of June 1, 2003.

Approved October 5, 2004.

LEGISLATIVE HISTORY—H.R. 265:

HOUSE REPORTS: No. 108–495 (Comm. on Resources).

SENATE REPORTS: No. 108–330 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 1, considered and passed House.

Sept. 15, considered and passed Senate.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54
109th Congress

An Act

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

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

119 STAT. 507

NATIONAL PARK SERVICE

* * * * *

119 STAT. 508

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$301,291,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the “Land Acquisition and State Assistance” account for Everglades National Park land acquisitions, and of which \$400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed

PUBLIC LAW 109–54—AUG. 2, 2005

119 STAT. 508

engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further*, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

119 STAT. 509

* * * * *

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

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

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

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

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

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

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

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

Aug. 2, Presidential statement.

12. Petrified Forest

118 STAT. 2606

PUBLIC LAW 108–430—DEC. 3, 2004

Public Law 108–430
108th Congress

An Act

Dec. 3, 2004
[H.R. 1630]

To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

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

Petrified Forest
National Park
Expansion Act of
2004.
16 USC 119 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Petrified Forest National Park Expansion Act of 2004”.

16 USC 119 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Proposed Boundary Adjustments, Petrified Forest National Park”, numbered 110/80,044, and dated July 2004.

(2) **PARK.**—The term “Park” means the Petrified Forest National Park in the State.

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

(4) **STATE.**—The term “State” means the State of Arizona.

16 USC 119 note.

SEC. 3. BOUNDARY REVISION.

(a) **IN GENERAL.**—The Secretary is authorized to revise the boundary of the Park to include approximately 125,000 acres as depicted on the map.

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

16 USC 119 note.

SEC. 4. ACQUISITION OF ADDITIONAL LAND.

(a) **PRIVATE LAND.**—The Secretary may acquire from a willing seller, by donation, purchase with donated or appropriated funds, or exchange, any private land or interests in private land within the revised boundary of the Park. In acquiring private land and interests in private land within the revised boundary of the Park, the Secretary shall undertake to acquire such private land and interests in private land first by donation or exchange.

(b) **STATE LAND.**—

(1) **IN GENERAL.**—The Secretary may, with the consent of the State and in accordance with Federal and State law, acquire from the State any State land or interests in State land within the revised boundary of the Park.

Deadline.

(2) **PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition for State land or interests in State land under paragraph (1).

PUBLIC LAW 108-430—DEC. 3, 2004

118 STAT. 2607

(3) **MANAGEMENT AGREEMENT.**—If the Secretary is unable to acquire the State land under paragraph (1) within the 3-year period required by paragraph (2), the Secretary may enter into an agreement that would allow the National Park Service to manage State land within the revised boundary of the Park.

SEC. 5. ADMINISTRATION.

16 USC 119 note.

(a) **IN GENERAL.**—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) **TRANSFER OF JURISDICTION.**—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) **EXCHANGE AFTER ENACTMENT.**—Upon completion of an exchange of land after the date of the enactment of this Act, the Secretary shall transfer administrative jurisdiction over the exchanged lands within the boundary of the Park as depicted on the map to the National Park Service.

(d) **GRAZING.**—

(1) **IN GENERAL.**—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws, regulations, and Executive orders.

(2) **TERMINATION OF LEASES OR PERMITS.**—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(e) **AMENDMENT TO GENERAL MANAGEMENT PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

Deadline.

118 STAT. 2608

PUBLIC LAW 108-430—DEC. 3, 2004

16 USC 119 note. **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved December 3, 2004.

LEGISLATIVE HISTORY—H.R. 1630:**HOUSE REPORTS:** No. 108-713 (Comm. on Resources).**CONGRESSIONAL RECORD**, Vol. 150 (2004):

Oct. 4, considered and passed House.

Oct. 10, considered and passed Senate, amended.

Nov. 19, House concurred in Senate amendment.

13. Redwood

PUBLIC LAW 109–131—DEC. 20, 2005

119 STAT. 2566

Public Law 109–131
109th Congress

An Act

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

Dec. 20, 2005
[S. 136]

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

* * * * *

**TITLE III—REDWOOD NATIONAL PARK
BOUNDARY ADJUSTMENT**

119 STAT. 2569
Redwood
National Park
Boundary
Adjustment Act
of 2005.
16 USC 79a note.

SEC. 301. SHORT TITLE.

This title may be cited as the “Redwood National Park Boundary Adjustment Act of 2005”.

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking “(a) The area” and all that follows through the period at the end and inserting the following: “(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.”;

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

“(2) The map referred to in paragraph (1) shall be—

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

“(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.”; and

(3) in the second sentence—

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

“(3) The Secretary;” and

(B) by striking “one hundred and six thousand acres” and inserting “133,000 acres”.

Approved December 20, 2005.

LEGISLATIVE HISTORY—S. 136:

SENATE REPORTS: No. 109–63 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Dec. 6, considered and passed House.

120 STAT. 2064

PUBLIC LAW 109–362—OCT. 17, 2006

Public Law 109–362
109th Congress

An Act

Oct. 17, 2006
[H.R. 233]

To designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

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

Northern
California
Coastal Wild
Heritage
Wilderness Act.
Conservation.
16 USC 460sss
note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Northern California Coastal Wild Heritage Wilderness Act”.

* * * * *

120 STAT. 2073

SEC. 10. CONTINUATION OF TRADITIONAL COMMERCIAL SURF FISHING, REDWOOD NATIONAL AND STATE PARKS.

(a) **AVAILABILITY OF LIMITED NUMBER OF PERMITS.**—For the sole purpose of continuing traditional commercial surf fishing, the Secretary of the Interior shall permit the right of entry for authorized vehicle access onto the wave slope area at that area known as Gold Bluffs Beach, Prairie Creek Redwoods State Park, and that portion of the beach north and south of Redwood Creek in Redwood National and State Parks. The number of permits issued under the authority of this section shall be limited to the number of valid permits that were held on the date of enactment of this Act. The permits so issued shall be perpetual and subject to the same conditions as the permits held on the date of the enactment of this Act.

(b) **WAVE SLOPE AREA DEFINED.**—In this section, the term “wave slope area” refers to the area that has been wet by the wave action of the previous high tide, but does not include any vegetated areas.

Approved October 17, 2006.

LEGISLATIVE HISTORY—H.R. 233 (S. 128):

SENATE REPORTS: No. 109–47 accompanying S. 128 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 24, considered and passed House.

Sept. 29, considered and passed Senate.

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

Oct. 17, Presidential statement.

14. Rocky Mountain

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7
108th Congress

Joint Resolution

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

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

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

Consolidated
Appropriations
Resolution, 2003.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

117 STAT. 12
1 USC 1 note.

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

* * * * *

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

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

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2003, and for other purposes.

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

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 237

* * * * *

117 STAT. 244
16 USC 195 note.

SEC. 140. In fiscal year 2003 and each fiscal year thereafter,
notwithstanding any other provision of law, with respect to a service
contract for the provision solely of transportation services at Zion
National Park or Rocky Mountain National Park, the Secretary
of the Interior may obligate the expenditure of fees expected to
be received in that fiscal year before the fees are received, so
long as total obligations do not exceed fee collections retained at

117 STAT. 244

PUBLIC LAW 108-7—FEB. 20, 2003

Zion National Park or Rocky Mountain National Park, respectively,
by the end of that fiscal year.

* * * * *

117 STAT. 554

Approved February 20, 2003.

LEGISLATIVE HISTORY—H.J. Res. 2:

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

Jan. 8, considered and passed House.

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

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

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

Feb. 20, Presidential statements.

PRIVATE LAW 109-1—MAY 12, 2006

120 STAT. 3705

Private Law 109-1
109th Congress

An Act

To require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

May 12, 2006
[S. 584]

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

Betty Dick
Residence
Protection Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Betty Dick Residence Protection Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 4(b) by Betty Dick for the remainder of her natural life.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the agreement between the National Park Service and Fred Dick entitled “Settlement Agreement” and dated July 17, 1980.

Fred Dick.

(2) **MAP.**—The term “map” means the map entitled “RMNP Land Occupancy” and dated September 2005, which identifies approximately 8 acres for the occupancy and use by the tenant.

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

(4) **TENANT.**—The term “tenant” means Betty Dick, widow of George Fredrick Dick, who held a 25-year reservation of occupancy and use at a property within the boundaries of Rocky Mountain National Park.

SEC. 4. RIGHT OF OCCUPANCY.

(a) **IN GENERAL.**—The Secretary shall allow the tenant to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of the tenant, subject to the requirements of this Act.

(b) **DESCRIPTION OF PROPERTY.**—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as “residence” and “occupancy area”.

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this Act, the occupancy and use of the property identified in subsection (b) by the tenant shall be subject to the same terms and conditions specified in the Agreement.

(2) **PAYMENTS.**—

120 STAT. 3706

PRIVATE LAW 109-1—MAY 12, 2006

(A) IN GENERAL.—In exchange for the continued occupancy and use of the property, the tenant shall annually pay to the Secretary an amount equal to $\frac{1}{25}$ of the amount specified in section 3(B) of the Agreement.

(B) ADVANCE PAYMENT REQUIRED.—The annual payments required under subparagraph (A) shall be paid in advance by not later than May 1 of each year.

(C) DISPOSITION.—Amounts received by the Secretary under this paragraph shall be—

(i) deposited in a special account in the Treasury of the United States; and

(ii) made available, without further appropriation, to the Rocky Mountain National Park until expended.

(3) PUBLIC ACCESS.—The public shall have access to both banks of the main channel of the Colorado River.

(d) TERMINATION.—The right of occupancy and use authorized under this Act—

(1) shall not be extended to any individual other than the tenant; and

(2) shall terminate—

(A) on the death of the tenant;

(B) if the tenant does not make a payment required under subsection (c)(2); or

(C) if the tenant otherwise fails to comply with the terms of this Act.

(e) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than the tenant.

Approved May 12, 2006.

PUBLIC LAW 109–93—OCT. 26, 2005

119 STAT. 2104

Public Law 109–93
109th Congress

An Act

To adjust the boundary of Rocky Mountain National Park in the State of Colorado.

Oct. 26, 2005

[S. 55]

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

Rocky Mountain
National Park
Boundary
Adjustment Act
of 2005.
16 USC 191 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rocky Mountain National Park Boundary Adjustment Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL PARCEL.**—The term “Federal parcel” means the parcel of approximately 70 acres of Federal land near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(2) **MAP.**—The term “map” means the map numbered 121/80,154, dated June 2004.

(3) **NON-FEDERAL PARCELS.**—The term “non-Federal parcels” means the 3 parcels of non-Federal land comprising approximately 5.9 acres that are located near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

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

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) **EXCHANGE OF LAND.**—

(1) **IN GENERAL.**—The Secretary shall accept an offer to convey all right, title, and interest in and to the non-Federal parcels to the United States in exchange for the Federal parcel.

(2) **CONVEYANCE.**—Not later than 60 days after the date on which the Secretary receives an offer under paragraph (1), the Secretary shall convey the Federal parcel in exchange for the non-Federal parcels.

Deadline.

(3) **CONSERVATION EASEMENT.**—As a condition of the exchange of land under paragraph (2), the Secretary shall reserve a perpetual easement to the Federal parcel for the purposes of protecting, preserving, and enhancing the conservation values of the Federal parcel.

(b) **BOUNDARY ADJUSTMENT; MANAGEMENT OF LAND.**—On acquisition of the non-Federal parcels under subsection (a)(2), the Secretary shall—

(1) adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels; and

119 STAT. 2105

PUBLIC LAW 109–93—OCT. 26, 2005

(2) manage the non-Federal parcels as part of the Park, in accordance with any laws (including regulations) applicable to the Park.

Approved October 26, 2005.

LEGISLATIVE HISTORY—S. 55 (H.R. 774):

HOUSE REPORTS: No. 109–108 accompanying H.R. 774 (Comm. on Resources).

SENATE REPORTS: No. 109–19 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Oct. 18, considered and passed House.

15. Sequoia

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447
108th Congress

An Act

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

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

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

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

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

118 STAT. 2810
1 USC 1 note.

SEC. 4. STATEMENT OF APPROPRIATIONS.

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

* * * * *

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

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

118 STAT. 3062

* * * * *

SEC. 139.

118 STAT. 3068
California.
Federal buildings and facilities.

* * * * *

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3480) is amended—

16 USC 45f.

(1) in subsection (c)(2), by striking “Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later.”; and

118 STAT. 3069

(2) in subsection (d)(2)(B), by inserting “and to their heirs, successors, and assigns” after “those persons who were lessees or permittees of record on the date of enactment of this Act”.

(c)(1) The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

16 USC 45a-1 note.

(2) Section 3 of Public Law 99-338 is amended to read as follows:

100 Stat. 641.

“SEC. 3. The permit shall contain the following provisions:

118 STAT. 3069

PUBLIC LAW 108-447—DEC. 8, 2004

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

“(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”.

(3) Public Law 99-338 is further amended by adding at the end the following new section:

“SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.”.

* * * * *

118 STAT. 3466

Approved December 8, 2004.

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

16. Shenandoah

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447
108th Congress

An Act

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

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

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

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

118 STAT. 2810
1 USC 1 note.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

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

* * * * *

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

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

118 STAT. 3048

* * * * *

CONSTRUCTION

118 STAT. 3049

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$307,362,000, to remain available until expended, of which \$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight

118 STAT. 3049

PUBLIC LAW 108-447—DEC. 8, 2004

93 Memorial: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail.

118 STAT. 3050

* * * * *

118 STAT. 3466

Approved December 8, 2004.

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

17. Wind Cave

PUBLIC LAW 109–71—SEPT. 21, 2005

119 STAT. 2011

Public Law 109–71
109th Congress

An Act

To revise the boundary of the Wind Cave National Park in the State of South
Dakota.

Sept. 21, 2005
[S. 276]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wind Cave National Park
Boundary Revision Act of 2005”.

Wind Cave
National Park
Boundary
Revision Act of
2005.
16 USC 141a
note.
16 USC 141a
note.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map entitled “Wind
Cave National Park Boundary Revision”, numbered 108/80,030,
and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National
Park in the State.

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

(4) STATE.—The term “State” means the State of South
Dakota.

SEC. 3. LAND ACQUISITION.

16 USC 141a
note.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or
interest in land described in subsection (b)(1) for addition to
the Park.

(2) MEANS.—An acquisition of land under paragraph (1)
may be made by donation, purchase from a willing seller with
donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection
(a)(1) shall consist of approximately 5,675 acres, as generally
depicted on the map.

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

(3) REVISION.—The boundary of the Park shall be adjusted
to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

16 USC 141a
note.

(a) IN GENERAL.—The Secretary shall administer any land
acquired under section 3(a)(1) as part of the Park in accordance
with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

119 STAT. 2012

PUBLIC LAW 109–71—SEPT. 21, 2005

(1) **IN GENERAL.**—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) **MAP AND ACREAGE.**—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

16 USC 141a
note.

SEC. 5. GRAZING.

(a) **GRAZING PERMITTED.**—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) **LIMITATION.**—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) **PURCHASE OF PERMIT OR LEASE.**—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) **TERMINATION OF LEASES OR PERMITS.**—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

Approved September 21, 2005.

LEGISLATIVE HISTORY—S. 276:

SENATE REPORTS: No. 109–21 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
July 26, considered and passed Senate.
Sept. 13, considered and passed House.

18. Yellowstone

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 2809

Public Law 108–447
108th Congress

An Act

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

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

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

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 3. REFERENCES.

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

118 STAT. 2810
1 USC 1 note.

SEC. 4. STATEMENT OF APPROPRIATIONS.

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

* * * * *

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

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

118 STAT. 3062

* * * * *

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004–2005 that commences on or about December 15, 2004.

118 STAT. 3074

* * * * *

Approved December 8, 2004.

118 STAT. 3466

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

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

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

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

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

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

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

Dec. 8, Presidential statement.

119 STAT. 231

PUBLIC LAW 109–13—MAY 11, 2005

Public Law 109–13
109th Congress

An Act

May 11, 2005
[H.R. 1268]

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

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. 3. REFERENCES.

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

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

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

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

* * * * *

119 STAT. 281

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

* * * * *

119 STAT. 288

WEST YELLOWSTONE VISITOR INFORMATION CENTER

119 STAT. 289

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

* * * * *

119 STAT. 323

Approved May 11, 2005.

LEGISLATIVE HISTORY—H.R. 1268:

HOUSE REPORTS: Nos. 109–16 (Comm. on Appropriations) and 109–72 (Comm. of Conference).

SENATE REPORTS: No. 109–52 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 15, 16, considered and passed House.

Apr. 11–15, 18–21, considered and passed Senate, amended.

May 5, House agreed to conference report.

May 10, Senate agreed to conference report.

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

May 11, Presidential statement.

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 499

Public Law 109-54
109th Congress

An Act

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

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

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

119 STAT. 520

* * * * *

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005-2006 that commences on or about December 15, 2005.

119 STAT. 525
Applicability.
Effective date.

* * * * *

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

119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

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

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

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

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

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

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

Aug. 2, Presidential statement.

19. Yosemite

119 STAT. 2566

PUBLIC LAW 109–131—DEC. 20, 2005

**Public Law 109–131
109th Congress****An Act**Dec. 20, 2005
[S. 136]

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

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

* * * * *

**TITLE I—YOSEMITE NATIONAL PARK
AUTHORIZED PAYMENTS****SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.**

(a) **IN GENERAL.**—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park;

or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

119 STAT. 2567

(b) **LIMITATION ON USE OF FUNDS.**—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) **LIMITATION ON AMOUNT OF FUNDS.**—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) **SOURCE OF PAYMENTS.**—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note; Public Law 104-134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

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

(a) **FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.**—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting “**AND YOSEMITE NATIONAL PARK**” after “**ZION NATIONAL PARK**”;

119 STAT. 2568

(2) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “for transportation systems or” after “appropriated funds”; and

(3) in the second sentence by striking “facilities” and inserting “systems or facilities”.

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

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Approved December 20, 2005.

119 STAT. 2569

LEGISLATIVE HISTORY—S. 136:

SENATE REPORTS: No. 109-63 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 26, considered and passed Senate.

Dec. 6, considered and passed House.

20. Zion

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7
108th Congress**Joint Resolution**Feb. 20, 2003
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,
and for other purposes.Consolidated
Appropriations
Resolution, 2003.*Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**This joint resolution may be cited as the “Consolidated Approp-
riations Resolution, 2003”.

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117 STAT. 12
1 USC 1 note.**SEC. 3. REFERENCES.**Except as expressly provided otherwise, any reference to “this
Act” contained in any division of this joint resolution shall be
treated as referring only to the provisions of that division.

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117 STAT. 216
Department of
the Interior and
Related Agencies
Appropriations
Act, 2003.**DIVISION F—INTERIOR AND RELATED AGENCIES
APPROPRIATIONS, 2003****JOINT RESOLUTION**Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the Department of
the Interior and related agencies for the fiscal year ending Sep-
tember 30, 2003, and for other purposes, namely:**TITLE I—DEPARTMENT OF THE INTERIOR****BUREAU OF LAND MANAGEMENT**

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117 STAT. 237

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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117 STAT. 244
16 USC 195 note.**SEC. 140.** In fiscal year 2003 and each fiscal year thereafter,
notwithstanding any other provision of law, with respect to a service
contract for the provision solely of transportation services at Zion
National Park or Rocky Mountain National Park, the Secretary
of the Interior may obligate the expenditure of fees expected to
be received in that fiscal year before the fees are received, so
long as total obligations do not exceed fee collections retained at

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 244

Zion National Park or Rocky Mountain National Park, respectively,
by the end of that fiscal year.

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Approved February 20, 2003.

117 STAT. 554

LEGISLATIVE HISTORY—H.J. Res. 2:

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

Jan. 8, considered and passed House.

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

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

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

Feb. 20, Presidential statements.

