Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table.

SA 4847. Mr. LEMIEUX (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4833. Mr. INHOFE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph 2 of section VI of Part V of the Protocol to the New START Treaty, strike ''a total of no more than ten Type One inspections'' and insert ''a total of no more than thirty Type One inspections''.

In paragraph 2 of section VII of Part V of the Protocol to the New START Treaty, strike ''a total of no more than eight Type Two inspections'' and insert ''a total of no more than twenty-four Type Two inspections''.

SA 4834. Mr. KERRY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5901, to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY OF TAX COURT TO APPOINT EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 7471 of the Internal Revenue Code of 1986 (relating to employees) is amended to read as follows:

''(a) APPOINTMENT AND COMPENSATION.—

''(1) CLERK.—The Tax Court may appoint a clerk without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The clerk shall serve at the pleasure of the Tax Court.

''(2) JUDGE-APPOINTED EMPLOYEES.—

''(A) IN GENERAL.—The judges and special trial judges of the Tax Court may appoint employees, in such numbers as the Tax Court may approve, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such employee shall serve at the pleasure of the appointing judge.

''(B) EXEMPTION FROM FEDERAL LEAVE PROVISIONS.—A law clerk appointed under this subsection shall be exempt from the provisions of subchapter I of chapter 63 of title 5, United States Code. Any unused sick leave or annual leave standing to the law clerk's credit as of the effective date of this subsection shall remain credited to the law clerk and shall be available to the law clerk upon separation from the Federal Government.

''(3) OTHER EMPLOYEES.—The Tax Court may appoint necessary employees without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such employees shall be subject to removal by the Tax Court.

''(4) PAY.—The Tax Court may fix and adjust the compensation for the clerk and other employees of the Tax Court without regard to the provisions of chapter 51, subchapter III of chapter 53, or section 5373 of title 5, United States Code. To the maximum extent feasible, the Tax Court shall compensate employees at rates consistent with those for employees holding comparable positions in courts established under Article III of the Constitution of the United States.

''(5) PROGRAMS.—The Tax Court may establish programs for employee evaluations, incentive awards, flexible work schedules, premium pay, and resolution of employee grievances.

''(6) DISCRIMINATION PROHIBITED.—The Tax Court shall—

''(A) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

''(B) promulgate procedures for resolving complaints of discrimination by employees and applicants for employment.

''(7) EXPERTS AND CONSULTANTS.—The Tax Court may procure the services of experts and consultants under section 3109 of title 5, United States Code.

''(8) RIGHTS TO CERTAIN APPEALS RESERVED.—Notwithstanding any other provision of law, an individual who is an employee of the Tax Court on the day before the effective date of this subsection and who, as of that day, was entitled to—

''(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

''(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code,

''(C) appeal a prohibited personnel practice described under section 2302(b) of title 5, United States Code, to the Merit Systems Protection Board under chapter 77 of that title,

''(D) make an allegation of a prohibited personnel practice described under section 2302(b) of title 5, United States Code, with the Office of Special Counsel under chapter 12 of that title for action in accordance with that chapter, or

''(E) file an appeal with the Equal Employment Opportunity Commission under part 1614 of title 29 of the Code of Federal Regulations,

shall continue to be entitled to file such appeal or make such an allegation so long as the individual remains an employee of the Tax Court.

''(9) COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Tax Court who has completed at least 1 year of continuous service under a non-temporary appointment with the Tax Court acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

''(10) MERIT SYSTEM PRINCIPLES, PROHIBITED PERSONNEL PRACTICES, AND PREFERENCE ELIGIBLES.—Any personnel management system of the Tax Court shall—

''(A) include the principles set forth in section 2301(b) of title 5, United States Code;

''(B) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code; and

''(C) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date the United States Tax Court adopts a personnel management system after the date of the enactment of this Act.

SA 4835. Mr. KERRY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5901, to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees; as follows:

Amend the title so as to read: ''An Act to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.''.

SA 4836. Mr. KERRY (for Mr. JOHANNS) proposed an amendment to the bill S. 1481, to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; as follows:

On page 19, line 9, strike ''811(k)(1) is amended by adding the following'' and insert the following: ''811(k) is amended—

''(1) in paragraph (1), by adding the following''

On page 19, line 16, strike the second period and insert the following: ''; and''.

On page 19, between lines 16 and 17, insert the following:

(2) in paragraph (4)—

(A) by striking ''prescribe, subject to the limitation under subsection (h)(6) of this section)'' and inserting ''prescribe)''; and

(B) by adding the following after the first sentence: ''Not later than the date that the Secretary prescribes a limit exceeding the 24 person limit in the previous sentence, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of the limit or the intention to prescribe a limit in excess of 24 persons, together with a detailed explanation of the reason for the new limit.''.

On page 20, strike line 4 and all that follows through page 25, line 14, and insert the following:

SEC. 4. PROJECT RENTAL ASSISTANCE.

Section 811(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''is authorized—'' and inserting ''is authorized to take the following actions:'';

(2) in paragraph (1)—

(A) by striking ''(1) to provide tenant-based'' and inserting ''(1) TENANT-BASED ASSISTANCE.—To provide tenant-based''; and

(B) by striking ''; and'' and inserting a period;

(3) in paragraph (2), by striking ''(2) to provide assistance'' and inserting ''(2) CAPITAL ADVANCES.—To provide assistance''; and

(4) by adding at the end the following:

''(3) PROJECT RENTAL ASSISTANCE.—

''(A) IN GENERAL.—To offer additional methods of financing supportive housing for non-elderly adults with disabilities, the Secretary shall make funds available for project rental assistance pursuant to subparagraph (B) for eligible projects under subparagraph (C). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary. The Secretary may not require any State housing finance agency or other entity applying for such project rental assistance funds to identify in such application the eligible projects for which such

funds will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in subparagraph (C)(ii).

''(B) CONTRACT TERMS.—

''(i) CONTRACT TERMS.—Project rental assistance under this paragraph shall be provided—

''(I) in accordance with subsection (d)(2); and

''(II) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

''(ii) LIMITATION ON UNITS ASSISTED.—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under this paragraph is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(iii) PROHIBITION OF CAPITAL ADVANCES.—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under this paragraph.

''(iv) ELIGIBLE POPULATION.—Project rental assistance under this paragraph may be provided only for dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

''(C) ELIGIBLE PROJECTS.—An eligible project under this subparagraph is a new or existing multifamily housing project for which—

''(i) the development costs are paid with resources from other public or private sources; and

''(ii) a commitment has been made—

''(I) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

''(II) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

''(III) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

''(D) STATE AGENCY INVOLVEMENT.—Assistance under this paragraph may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

''(i) to identify the target populations to be served by the project;

''(ii) to set forth methods for outreach and referral; and

''(iii) to make available appropriate services for tenants of the project.

''(E) USE REQUIREMENTS.—In the case of any project for which project rental assistance is provided under this paragraph, the dwelling units assisted pursuant to subparagraph (B) shall be operated for not less than 30 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in subparagraph (B)(iv).

''(F) REPORT.—Not later than 3 years after the date of the enactment of this paragraph, and again 2 years thereafter, the Secretary shall submit to Congress a report—

''(i) describing the assistance provided under this paragraph;

''(ii) analyzing the effectiveness of such assistance, including the effectiveness of such assistance compared to the assistance program for capital advances set forth under subsection (d)(1) (as in effect pursuant to the amendments made by such Act); and

''(iii) making recommendations regarding future models for assistance under this section.''.

On page 28, line 20, strike ''(l)'' and all that follows through ''Act)'' on line 21, and insert ''(k)''.

On page 29, strike line 1, and all that follows through page 30, line 23, and inserting the following:

(B) in paragraph (2), by striking the first sentence, and inserting the following: ''The term 'person with disabilities' means a household composed of one or more persons who is 18 years of age or older and less than 62 years of age, and who has a disability.'';

On page 31, line 23, strike ''(m)'' and all that follows through ''Act)'' on line 24, and insert ''(l)''.

On page 32, strike lines 7 through 24, and insert the following:

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (m) of section 811 is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance pursuant to this section $300,000,000 for each of fiscal years 2011 through 2015.''.

On page 33, strike lines 1 through 9.

On page 33, line 10, strike ''**SEC. 8.**'' and insert ''**SEC. 7.**''

SA 4837. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2, as reported pursuant to Senate amendment 4827, strike ''subsection (f)'' each place it appears and insert ''subsection (g)''.

In subsection (b)(2) of such section, redesignate subparagraph (C) as subparagraph (D) and insert after subparagraph (B) the following new subparagraph (C):

(C) That the report required by subsection (e) regarding the costs of implementing a repeal of section 654 of title 10, United States Code, has been completed and received by the congressional defense committees.

Redesignate subsections (e) and (f) of such section as subsections (f) and (g), respectively, and insert after subsection (d) the following new subsection (e):

(e) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed estimate of the costs of implementing a repeal of section 654 of title 10, United States Code, through fiscal year 2015, including an estimate of the costs of implementing—

(1) training and education programs and related materials and contractor support; and

(2) increased or new personnel benefits related to housing, pay, allowances, and the establishment of new relationship statuses for benefits eligibility.

SA 4838. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2(b), as reported pursuant to Senate amendment 4827, strike the stem of paragraph (2) and paragraph (2)(A) and insert the following:

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and each of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and each of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

SA 4839. Mr. RISCH (for himself, Mr. CORNYN, Mr. INHOFE, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In the preamble to the New START Treaty, insert after ''strategic offensive arms of the Parties,'' the following:

Acknowledging there is an interrelationship between non-strategic and strategic offensive arms, that as the number of strategic offensive arms is reduced this relationship becomes more pronounced and requires an even greater need for transparency and accountability, and that the disparity between the Parties' arsenals could undermine predictability and stability,

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SA 4840. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In Part One of the Protocol to the New START Treaty, in paragraph 45. (35.), strike ''and the self-propelled device on which it is mounted'' and insert ''and the self-propelled device or railcar or flatcar on which it is mounted''.

In Part One of the Protocol to the New START Treaty, in paragraph 57. (45.)(c), insert ''or railcar or flatcar'' after ''self-propelled device''.

SA 4841. Mr. THUNE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In section 1(a) of Article II of the Treaty, strike ''700, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers'' and insert ''720, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers''.

SA 4842. Mr. THUNE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In section 1 of Article II of the Treaty, strike ''(a) 700, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers'' and all that follows through the period at the end of paragraph (c) and insert the following:

''(a) 800, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

(b) 1550, for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers.

SA 4843. Mr. BINGAMAN (for Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. COONS, and Mr. BROWN of Massachusetts)) proposed an amendment to the bill H.R. 5116, to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—this Act may be cited as the ''America COMPETES Reauthorization Act of 2010'' or the ''America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—In title I, the term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) STEM.—The term ''STEM'' means the academic and professional disciplines of science, technology, engineering, and mathematics.

SEC. 3. BUDGETARY IMPACT STATEMENT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SEC. 101. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director shall establish a committee under the National Science and Technology Council, including the Office of Management and Budget, with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) coordinate STEM education activities and programs with the Office of Management and Budget;

(3) encourage the teaching of innovation and entrepreneurship as part of STEM education activities;

(4) review STEM education activities and programs to ensure they are not duplicative of similar efforts within the Federal government;

(5) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(6) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by women, underrepresented minorities, and persons in rural areas in such programs and activities.

(b) RESPONSIBILITIES OF OSTP.—The Director shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(5) is developed and executed effectively and that the objectives of the strategic plan are met.

(c) REPORT.—The Director shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(5). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) an evaluation of the levels of duplication and fragmentation of the programs and activities described under paragraph (1);

(4) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(5) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1)(A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1)(A) and (B)).

SEC. 102. COORDINATION OF ADVANCED MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director shall establish or designate a Committee on Technology under the National Science and Technology Council. The Committee shall be responsible for planning and coordinating Federal programs and activities in advanced manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The Committee shall—

(1) coordinate the advanced manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for advanced manufacturing research and development that will strengthen United States manufacturing;

(3) work with industry organizations, Federal agencies, and Federally Funded Research and Development Centers not represented on the Committee, to identify and reduce regulatory, logistical, and fiscal barriers within the Federal government and State governments that inhibit United States manufacturing;

(4) facilitate the transfer of intellectual property and technology based on federally supported university research into commercialization and manufacturing;

(5) identify technological, market, or business challenges that may best be addressed by public-private partnerships, and are likely to attract both participation and primary funding from industry;

(6) encourage the formation of public-private partnerships to respond to those challenges for transition to United States manufacturing; and

(7) develop, and update every 5 years, a strategic plan to guide Federal programs and activities in support of advanced manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan;

(C) describe how the Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new products and processes for the benefit of society to ensure national, energy, and economic security;

(D) describe how Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

(E) describe how the Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will assist small- and medium-sized manufacturers in developing and implementing new products and processes; and

(F) take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the strategic plan developed under subsection (b)(7) to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science and Technology, and shall transmit subsequent updates to those committees as appropriate.

SEC. 103. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group shall—

(1) identify the specific objectives and public interests that need to be addressed by any policies coordinated under (a);

(2) take into account inherent variability among Federal science agencies and scientific disciplines in the nature of research, types of data, and dissemination models;

(3) coordinate the development or designation of standards for research data, the structure of full text and metadata, navigation tools, and other applications to maximize interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(4) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(5) work with international science and technology counterparts to maximize interoperability between United States based unclassified research databases and international databases and repositories;

(6) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including the public, universities, nonprofit and for-profit publishers, libraries, federally funded and non federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research;

(7) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize the benefits of such policies with respect to their potential economic or other impact on the science and engineering enterprise and the stakeholders thereof;

(8) take into consideration the distinction between scholarly publications and digital data;

(9) take into consideration the role that scientific publishers play in the peer review process in ensuring the integrity of the record of scientific research, including the investments and added value that they make; and

(10) examine Federal agency practices and procedures for providing research reports to the agencies charged with locating and preserving unclassified research.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to undermine any right under the provisions of title 17 or 35, United States Code.

(d) APPLICATION WITH EXISTING LAW.—Nothing defined in section (b) shall be construed to affect existing law with respect to Federal science agencies' policies related to public access.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit a report to Congress describing—

(1) the specific objectives and public interest identified under (b)(1);

(2) any priorities established under subsection (b)(7);

(3) the impact the policies described under (a) have had on the science and engineering enterprise and the stakeholders, including the financial impact on research budgets;

(4) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(5) how any policies developed or being developed by Federal science agencies, as described in subsection (a), incorporate input from the non-Federal stakeholders described in subsection (b)(6).

(f) FEDERAL SCIENCE AGENCY DEFINED.—For the purposes of this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

SEC. 104. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy shall develop policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise. In developing those policies the Office of Science and Technology Policy shall consult, as appropriate, with—

(1) Federal agencies with such collections; and

(2) representatives of other organizations, institutions, and other entities not a part of the Federal Government that have a stake in the preservation, maintenance, and accessibility of such collections, including State and local government agencies, institutions of higher education, museums, and other entities engaged in the acquisition, holding, management, or use of scientific collections.

(b) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(c) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection's value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(d) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

(e) SCIENTIFIC COLLECTION DEFINED.—In this section, the term ''scientific collection'' means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance, and, as appropriate and feasible, the associated specimen data and materials.

SEC. 105. PRIZE COMPETITIONS.

(a) IN GENERAL.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. PRIZE COMPETITIONS.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means a Federal agency.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy.

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given under section 4, except that term shall not include any agency of the legislative branch of the Federal Government.

''(4) HEAD OF AN AGENCY.—The term 'head of an agency' means the head of a Federal agency.

''(b) IN GENERAL.—Each head of an agency, or the heads of multiple agencies in cooperation, may carry out a program to award prizes competitively to stimulate innovation that has the potential to advance the mission of the respective agency.

''(c) PRIZES.—For purposes of this section, a prize may be one or more of the following:

''(1) A point solution prize that rewards and spurs the development of solutions for a particular, well-defined problem.

''(2) An exposition prize that helps identify and promote a broad range of ideas and practices that may not otherwise attract attention, facilitating further development of the idea or practice by third parties.

''(3) Participation prizes that create value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

''(4) Such other types of prizes as each head of an agency considers appropriate to stimulate innovation that has the potential to advance the mission of the respective agency.

''(d) TOPICS.—In selecting topics for prize competitions, the head of an agency shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(e) ADVERTISING.—The head of an agency shall widely advertise each prize competition to encourage broad participation.

''(f) REQUIREMENTS AND REGISTRATION.—For each prize competition, the head of an agency shall publish a notice in the Federal Register announcing—

''(1) the subject of the competition;

''(2) the rules for being eligible to participate in the competition;

''(3) the process for participants to register for the competition;

''(4) the amount of the prize; and

''(5) the basis on which a winner will be selected.

''(g) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition under any rules promulgated by the head of an agency under subsection (f);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) may not be a Federal entity or Federal employee acting within the scope of their employment.

''(h) CONSULTATION WITH FEDERAL EMPLOYEES.—An individual or entity shall not be deemed ineligible under subsection (g) because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

''(i) LIABILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—In this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(B) LIABILITY.—Registered participants shall be required to agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether the injury, death, damage, or loss arises through negligence or otherwise.

''(2) INSURANCE.—Participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the head of an agency, for claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the Federal Government for damage or loss to Government property resulting from such an activity.

''(3) EXCEPTION.—The head of an agency may not require a participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the agency of the intellectual property, trade secrets, or confidential business information of the participant.

''(j) INTELLECTUAL PROPERTY.—

''(1) PROHIBITION ON THE GOVERNMENT ACQUIRING INTELLECTUAL PROPERTY RIGHTS.—The Federal Government may not gain an interest in intellectual property developed by a participant in a competition without the written consent of the participant.

''(2) LICENSES.—The Federal Government may negotiate a license for the use of intellectual property developed by a participant for a competition.

''(k) JUDGES.—

''(1) IN GENERAL.—For each competition, the head of an agency, either directly or through an agreement under subsection (l), shall appoint one or more qualified judges to select the winner or winners of the prize competition on the basis described under subsection (f). Judges for each competition may include individuals from outside the agency, including from the private sector.

''(2) RESTRICTIONS.—A judge may not—

''(A) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

''(B) have a familial or financial relationship with an individual who is a registered participant.

''(3) GUIDELINES.—The heads of agencies who carry out competitions under this section shall develop guidelines to ensure that the judges appointed for such competitions are fairly balanced and operate in a transparent manner.

''(4) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any committee, board, commission, panel, task force, or similar entity, created solely for the purpose of judging prize competitions under this section.

''(1) ADMINISTERING THE COMPETITION.—The head of an agency may enter into an agreement with a private, nonprofit entity to administer a prize competition, subject to the provisions of this section.

''(m) FUNDING.—

''(1) IN GENERAL.—Support for a prize competition under this section, including financial support for the design and administration of a prize or funds for a monetary prize purse, may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The head of an agency may accept funds from other Federal agencies to support such competitions. The head of an agency may not give any special consideration to any private sector entity in return for a donation.

''(2) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31, United States Code.

''(3) AMOUNT OF PRIZE.—

''(A) ANNOUNCEMENT.—No prize may be announced under subsection (f) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

''(B) INCREASE IN AMOUNT.—The head of an agency may increase the amount of a prize after an initial announcement is made under subsection (f) only if—

''(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

''(4) LIMITATION ON AMOUNT.—

''(A) NOTICE TO CONGRESS.—No prize competition under this section may offer a prize in an amount greater than $50,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

''(B) APPROVAL OF HEAD OF AGENCY.—No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the head of an agency.

''(n) GENERAL SERVICE ADMINISTRATION ASSISTANCE.—Not later than 180 days after the date of the enactment of the America COMPETES Reauthorization Act of 2010, the General Services Administration shall provide government wide services to share best practices and assist agencies in developing guidelines for issuing prize competitions. The General Services Administration shall develop a contract vehicle to provide agencies access to relevant products and services, including technical assistance in structuring and conducting prize competitions to take maximum benefit of the marketplace as they identify and pursue prize competitions to further the policy objectives of the Federal Government.

''(o) COMPLIANCE WITH EXISTING LAW.—

''(1) IN GENERAL.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.

''(2) OTHER PRIZE AUTHORITY.— Nothing in this section affects the prize authority authorized by any other provision of law.

''(p) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than March 1 of each year, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the activities carried out during the preceding fiscal year under the authority in subsection (b).

''(2) INFORMATION INCLUDED.—The report for a fiscal year under this subsection shall include, for each prize competition under subsection (b), the following:

''(A) PROPOSED GOALS.—A description of the proposed goals of each prize competition.

''(B) PREFERABLE METHOD.—An analysis of why the utilization of the authority in subsection (b) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the agency, such as contracts, grants, and cooperative agreements.

''(C) AMOUNT OF CASH PRIZES.—The total amount of cash prizes awarded for each prize competition, including a description of amount of private funds contributed to the program, the sources of such funds, and the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the agency for recording as obligations and expenditures.

''(D) SOLICITATIONS AND EVALUATION OF SUBMISSIONS.—The methods used for the solicitation and evaluation of submissions under each prize competition, together with an assessment of the effectiveness of such methods and lessons learned for future prize competitions.

''(E) RESOURCES.—A description of the resources, including personnel and funding, used in the execution of each prize competition together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the agency for recording as obligations and expenditures.

''(F) RESULTS.—A description of how each prize competition advanced the mission of the agency concerned.''.

(b) REPEAL OF SPACE ACT LIMITATION.—Section 314(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f-1 is amended by striking ''The Administration may carry out a program to award prizes only in conformity with this section.''.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 201. NASA'S CONTRIBUTION TO INNOVATION AND COMPETITIVENESS.

It is the sense of Congress that a renewed emphasis on technology development would enhance current mission capabilities and enable future missions, while encouraging NASA, private industry, and academia to spur innovation. NASA's Innovative Partnership Program is a valuable mechanism to accelerate technology maturation and encourage the transfer of technology into the private sector.

SEC. 202. NASA'S CONTRIBUTION TO EDUCATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that NASA is uniquely positioned to interest students in science, technology, engineering, and mathematics, not only by the example it sets, but through its education programs.

(b) EDUCATIONAL PROGRAM GOALS.—NASA shall develop and maintain educational programs—

(1) to carry out and support research based programs and activities designed to increase student interest and participation in STEM, including students from minority and underrepresented groups;

(2) to improve public literacy in STEM;

(3) that employ proven strategies and methods for improving student learning and teaching in STEM;

(4) to provide curriculum support materials and other resources that—

(A) are designed to be integrated with comprehensive STEM education;

(B) are aligned with national science education standards;

(C) promote the adoption and implementation of high-quality education practices that build toward college and career-readiness; and

(5) to create and support opportunities for enhanced and ongoing professional development for teachers using best practices that improve the STEM content and knowledge of the teachers, including through programs linking STEM teachers with STEM educators at the higher education level.

SEC. 203. ASSESSMENT OF IMPEDIMENTS TO SPACE SCIENCE AND ENGINEERING WORKFORCE DEVELOPMENT FOR MINORITY AND UNDERREPRESENTED GROUPS AT NASA.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement for an independent assessment of any impediments to space science and engineering workforce development for minority and underrepresented groups at NASA, including recommendations on—

(1) measures to address such impediments;

(2) opportunities for augmenting the impact of space science and engineering workforce development activities and for expanding proven, effective programs; and

(3) best practices and lessons learned, as identified through the assessment, to help maximize the effectiveness of existing and future programs to increase the participation of minority and underrepresented groups in the space science and engineering workforce at NASA.

(b) REPORT.—A report on the assessment carried out under subsection (a) shall be transmitted to the House of Representatives Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation not later than 15 months after the date of enactment of this Act.

(c) IMPLEMENTATION.—To the extent practicable, the Administrator shall take all necessary steps to address any impediments identified in the assessment.

SEC. 204. INTERNATIONAL SPACE STATION'S CONTRIBUTION TO NATIONAL COMPETITIVENESS ENHANCEMENT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the International Space Station represents a valuable and unique national asset which can be utilized to increase educational opportunities and scientific and technological innovation which will enhance the Nation's economic security and competitiveness in the global technology fields of endeavor. If the period for active utilization of the International Space Station is extended to at least the year 2020, the potential for such opportunities and innovation would be increased. Efforts should be made to fully realize that potential.

(b) EVALUATION AND ASSESSMENT OF NASA'S INTERAGENCY CONTRIBUTION.—Pursuant to the authority provided in title II of the America COMPETES Act (Public Law 110–69), the Administrator shall evaluate and, where possible, expand efforts to maximize NASA's contribution to interagency efforts to enhance science, technology, engineering, and mathematics education capabilities, and to enhance the Nation's technological excellence and global competitiveness. The Administrator shall identify these enhancements in the annual reports required by section 2001(e) of that Act (42 U.S.C. 16611a(e)).

(c) REPORT TO THE CONGRESS.—Within 120 days after the date of enactment of this Act, the Administrator shall provide to the House of Representatives Committee on Science and Technology and the Senate Committee

on Commerce, Science, and Transportation a report on the assessment made pursuant to subsection (a). The report shall include—

(1) a description of current and potential activities associated with utilization of the International Space Station which are supportive of the goals of educational excellence and innovation and competitive enhancement established or reaffirmed by this Act, including a summary of the goals supported, the number of individuals or organizations participating in or benefiting from such activities, and a summary of how such activities might be expanded or improved upon;

(2) a description of government and private partnerships which are, or may be, established to effectively utilize the capabilities represented by the International Space Station to enhance United States competitiveness, innovation and science, technology, engineering, and mathematics education; and

(3) a summary of proposed actions or activities to be undertaken to ensure the maximum utilization of the International Space Station to contribute to fulfillment of the goals and objectives of this Act, and the identification of any additional authority, assets, or funding that would be required to support such activities.

SEC. 205. STUDY OF POTENTIAL COMMERCIAL ORBITAL PLATFORM PROGRAM IMPACT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) IN GENERAL.—Section 1003 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18421) is amended to read as follows:

''SEC. 1003. STUDY OF POTENTIAL COMMERCIAL ORBITAL PLATFORM PROGRAM IMPACT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

''A fundamental and unique capability of NASA is in stimulating science, technology, engineering, and mathematics education in the United States. In ensuring maximum use of that capability, the Administrator shall carry out a study to—

''(1) identify the benefits of and lessons learned from ongoing and previous NASA orbital student programs including, at a minimum, the Get Away Special (GAS) and Earth Knowledge Acquired by Middle School Students (EarthKAM) programs, on science, technology, engineering, and mathematics education;

''(2) assess the potential impacts on science, technology, engineering, and mathematics education of a program that would facilitate the development of scientific and educational payloads involving United States students and educators and the flights of those payloads on commercially available orbital platforms, when available and operational, with the goal of providing frequent and regular payload launches;

''(3) identify NASA expertise, such as NASA science, engineering, payload development, and payload operations, that could be made available to facilitate a science, technology, engineering, and mathematics program using commercial orbital platforms; and

''(4) identify the issues that would need to be addressed before NASA could properly assess the merits and feasibility of the program described in paragraph (2).''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 12, 2010.

SEC. 206. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE III—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 301. OCEANIC AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

Section 4001 of the America COMPETES Act (33 U.S.C. 893) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator''; and

(2) by adding at the end the following:

''(b) OCEANIC AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.—The Administrator shall implement programs and activities—

''(1) to identify emerging and innovative research and development priorities to enhance United States competitiveness, support development of new economic opportunities based on NOAA research, observations, monitoring modeling, and predictions that sustain ecosystem services;

''(2) to promote United States leadership in oceanic and atmospheric science and competitiveness in the applied uses of such knowledge, including for the development and expansion of economic opportunities; and

''(3) to advance ocean, coastal, Great Lakes, and atmospheric research and development, including potentially transformational research, in collaboration with other relevant Federal agencies, academic institutions, the private sector, and nongovernmental programs, consistent with NOAA's mission to understand, observe, and model the Earth's atmosphere and biosphere, including the oceans, in an integrated manner.

''(c) REPORT.—No later than 12 months after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Administrator, in consultation with the National Science Foundation or other such agencies with mature transformational research portfolios, shall develop and submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that describes NOAA's strategy for enhancing transformational research in its research and development portfolio to increase United States competitiveness in oceanic and atmospheric science and technology. The report shall—

''(1) define 'transformational research';

''(2) identify emerging and innovative areas of research and development where transformational research has the potential to make significant and revolutionary –advancements in both understanding and U.S. science leadership;

''(3) describe how transformational research priorities are identified and appropriately –balanced in the context of NOAA's broader research portfolio;

''(4) describe NOAA's plan for developing a competitive peer review and priority-setting –process, funding mechanisms, performance and evaluation measures, and transition-to-operation guidelines for transformational research; and

''(5) describe partnerships with other agencies involved in transformational research.''.

SEC. 302. OCEANIC AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

Section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended—

(1) by striking ''the agency.'' in subsection (a) and inserting ''agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups in STEM fields and in promoting the acquisition and retention of highly qualified and motivated young scientists to complement and supplement workforce needs.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) EDUCATIONAL PROGRAM GOALS.—The education programs developed by NOAA shall, to the extent applicable—

''(1) carry out and support research based programs and activities designed to increase student interest and participation in STEM;

''(2) improve public literacy in STEM;

''(3) employ proven strategies and methods for improving student learning and teaching in STEM;

''(4) provide curriculum support materials and other resources that—

''(A) are designed to be integrated with comprehensive STEM education;

''(B) are aligned with national science education standards; and

''(C) promote the adoption and implementation of high-quality education practices that build toward college and career-readiness; and

''(5) create and support opportunities for enhanced and ongoing professional development for teachers using best practices that improves the STEM content and knowledge of the teachers, including through programs linking STEM teachers with STEM educators at the higher education level.'';

(4) by striking ''develop'' in subsection (c), as redesignated, and inserting ''maintain''; and

(5) by adding at the end thereof the following:

''(e) STEM DEFINED.—In this section, the term 'STEM' means the academic and professional disciplines of science, technology, engineering, and mathematics.''.

SEC. 303. WORKFORCE STUDY.

(a) IN GENERAL.—The Secretary of Commerce, in cooperation with the Secretary of Education, shall request the National Academy of Sciences to conduct a study on the scientific workforce in the areas of oceanic and atmospheric research and development. The study shall investigate—

(1) whether there is a shortage in the number of individuals with advanced degrees in oceanic and atmospheric sciences who have the ability to conduct high quality scientific research in physical and chemical oceanography, meteorology, and atmospheric modeling, and related fields, for government, nonprofit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees;

(3) barriers to transitioning highly qualified oceanic and atmospheric scientists into Federal civil service scientist career tracks;

(4) what institutions of higher education, the private sector, and the Congress could do to increase the number of individuals with such post baccalaureate degrees;

(5) the impact of an aging Federal scientist workforce on the ability of Federal agencies to conduct high quality scientific research; and

(6) what actions the Federal government can take to assist the transition of highly qualified scientists into Federal career scientist positions and ensure that the experiences of retiring Federal scientists are adequately documented and transferred prior to retirement from Federal service.

(b) COORDINATION.—The Secretary of Commerce and the Secretary of Education shall consult with the heads of other Federal agencies and departments with oceanic and atmospheric expertise or authority in preparing the specifications for the study.

(c) REPORT.—No later than 18 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Education shall transmit a joint report to

each committee of Congress with jurisdiction over the programs described in 4002(b) of the America COMPETES Act (33 U.S.C. 893a(b)), as amended by section 302 of this Act, detailing the findings and recommendations of the study and setting forth a prioritized plan to implement the recommendations.

(d) PROGRAM AND PLAN.—The Administrator of the National Oceanic and Atmospheric Administration shall evaluate the National Academy of Sciences study and develop a workforce program and plan to institutionalize the Administration's Federal science career pathways and address aging workforce issues. The program and plan shall be developed in consultation with the Administration's cooperative institutes and other academic partners to identify and implement programs and mechanisms to ensure that—

(1) sufficient highly qualified scientists are able to transition into Federal career scientist positions in the Administration's laboratories and programs; and

(2) the technical and management experiences of senior employees are documented and transferred before leaving Federal service.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Institute of Standards and Technology Authorization Act of 2010''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $918,900,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $584,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $124,800,000 shall be authorized for the construction and maintenance of facilities; and

(C) $209,600,000 shall be authorized for industrial technology services activities, of which—

(i) $141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $970,800,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $661,100,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $84,900,000 shall be authorized for the construction and maintenance of facilities; and

(C) $224,800,000 shall be authorized for industrial technology services activities, of which—

(i) $155,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,039,709,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $676,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $121,300,000 shall be authorized for the construction and maintenance of facilities; and

(C) $241,709,000 shall be authorized for industrial technology services activities, of which—

(i) $165,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—The National Institute of Standards and Technology Act is amended by inserting after section 3 the following:

''SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the 'Under Secretary').

''(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

''(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

''(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item ''Associate Attorney General'' the following:

''Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.''.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Director, National Institute of Standards and Technology, Department of Commerce.''.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (4);

(2) by striking ''Institute.'' in paragraph (5) and inserting ''Institute; and''; and

(3) by adding at the end the following:

''(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.''.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) INNOVATIVE SERVICES INITIATIVE.—

''(1) ESTABLISHMENT.—The Director shall establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

''(A) reducing their energy usage, greenhouse gas emissions, and environmental waste to improve profitability;

''(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy and energy efficiency systems; and

''(C) identification of and diversification to new markets, including support for transitioning to the production of components for renewable energy and energy efficiency systems.

''(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.''.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (b), is further amended by adding at the end the following:

''(h) REPORTS.—

''(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director's governance of the program established under this section.

''(2) CRITERIA.—In conducting the assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).''.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Not later than 90 days after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Comptroller General shall submit to Congress a report on the cost share requirements under the program. The report shall—

''(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment, and the effect of such cost share structures on individual Centers and the overall program; and

''(B) include recommendations for how best to structure the cost share requirement to provide for the long-term sustainability of the program.''.

''(8) If consistent with the recommendations in the report transmitted to Congress under paragraph (7), the Secretary shall alter the cost structure requirements specified under paragraph (3)(B) and (5) provided that the modification does not increase the cost share structure in place before the date of enactment of the America COMPETES Reauthorization Act of 2010, or allow the Secretary to provide a Center more than 50 percent of the costs incurred by that Center.''.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.'.

(f) DESIGNATION OF PROGRAM.—

(1) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), as amended by subsection (c), is further amended by adding at the end the following:

''(i) DESIGNATION.—

''(1) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—The program under this section shall be known as the 'Hollings Manufacturing Extension Partnership'.

''(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the 'Hollings Manufacturing Extension Centers' (in this Act referred to as the 'Centers').''.

(2) CONFORMING AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' by striking ''2007: *Provided further*, That'' and all that follows through ''Extension Centers.'' and inserting ''2007.''.

(3) TECHNICAL AMENDMENTS.—

(A) Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended in the matter preceding paragraph (1) by striking ''Regional Centers for the Transfer of Manufacturing Technology'' and inserting ''regional centers for the transfer of manufacturing technology''.

(B) Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (f), is further amended by adding at the end the following:

''(j) COMMUNITY COLLEGE DEFINED.—In this section, the term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.''.

(h) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (g), is further amended by adding at the end the following:

''(k) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

''(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

''(2) implement a comprehensive plan to train the Centers to address such obstacles; and

''(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.''.

(i) NIST ACT AMENDMENT.—Section 25(f)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(3)) is amended by striking ''Director of the Centers program,'' and inserting ''Director of the Hollings MEP program,''.

SEC. 405. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies;

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies; and

(3) incorporate and build upon existing reports and studies on improving emergency communications.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by the assessment.

SEC. 406. BROADENING PARTICIPATION.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by adding at the end the following:

''(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g–2) is amended by adding at the end the following: ''In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g–2a(c)) is amended by adding at the end the following: ''The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).''.

SEC. 407. NIST FELLOWSHIPS.

(a) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended by striking '', in conjunction with the National Academy of Sciences,''.

(b) RESEARCH FELLOWSHIPS.—Section 18(a) of that Act (15 USC 278g–1(a)) is amended by striking ''up to 1.5 percent of the''.

(c) COMMERCE, SCIENCE, AND TECHNOLOGY FELLOWSHIP PROGRAM.—Section 5163(d) of the Omnibus Trade and Competition Act of 1988 (15 U.S.C. 1533) is repealed.

SEC. 408. GREEN MANUFACTURING AND CONSTRUCTION.

The Director shall carry out a green manufacturing and construction initiative—

(1) to develop accurate sustainability metrics and practices for use in manufacturing;

(2) to advance the development of standards, including high performance green building standards, and the creation of an information infrastructure to communicate sustainability information about suppliers; and

(3) to move buildings toward becoming high performance green buildings, including improving energy performance, service life, and indoor air quality of new and retrofitted buildings through validated measurement data.

SEC. 409. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

(3) HIGH PERFORMANCE GREEN BUILDING.—The term ''high performance green building'' has the meaning given that term by section 401(13) of the Energy Independence and Security Act of 2009 (42 U.S.C. 17061(13)).

TITLE V—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS SUPPORT PROGRAMS

SUBTITLE A—NATIONAL SCIENCE FOUNDATION

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''National Science Foundation Authorization Act of 2010''.

SEC. 502. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) EPSCoR.—The term ''EPSCoR'' means the Experimental Program to Stimulate Competitive Research.

(3) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) STATE.—The term ''State'' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(6) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,424,400,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $5,974,782,000 shall be made available to carry research and related activities;

(B) $937,850,000 shall be made available for education and human resources;

(C) $164,744,000 shall be made available for major research equipment and facilities construction;

(D) $327,503,000 shall be made available for agency operations and award management;

(E) $4,803,000 shall be made available for the Office of the National Science Board; and

(F) $14,718,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,800,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $6,234,281,000 shall be made available to carry research and related activities;

(B) $978,959,000 shall be made available for education and human resources;

(C) $225,544,000 shall be made available for major research equipment and facilities construction;

(D) $341,676,000 shall be made available for agency operations and award management;

(E) $4,808,000 shall be made available for the Office of the National Science Board; and

(F) $14,732,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,300,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $6,637,849,000 shall be made available to carry research and related activities;

(B) $1,041,762,000 shall be made available for education and human resources;

(C) $236,764,000 shall be made available for major research equipment and facilities construction;

(D) $363,670,000 shall be made available for agency operations and award management;

(E) $4,906,000 shall be made available for the Office of the National Science Board; and

(F) $15,049,000 shall be made available for the Office of Inspector General.

SEC. 504. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) STAFFING AT THE NATIONAL SCIENCE BOARD.—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking ''not more than 5''.

(b) NATIONAL SCIENCE BOARD REPORTS.—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting ''within the authority of the Foundation (or otherwise as requested by the Congress or the President)'' after ''individual policy matters''.

(c) BOARD ADHERENCE TO SUNSHINE ACT.—Section 15(a)(2) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-5(a)(2)) is amended—

(1) by striking ''The Board'' and inserting ''To ensure transparency of the Board's entire decision-making process, including deliberations on Board business occurring within its various subdivisions, the Board''; and

(2) by adding at the end the following: ''The preceding requirement will apply to meetings of the full Board, whenever a quorum is present; and to meetings of its subdivisions, whenever a quorum of the subdivision is present.''.

SEC. 505. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) ESTABLISHMENT.—There is established within the Foundation a National Center for Science and Engineering Statistics that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) DUTIES.—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) STATISTICAL REPORTS.—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 506. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) MANUFACTURING RESEARCH.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

(1) nanomanufacturing;

(2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;

(3) manufacturing enterprise systems;

(4) advanced sensing and control techniques;

(5) materials processing; and

(6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) MANUFACTURING EDUCATION.—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 507. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) MID-SCALE RESEARCH INSTRUMENTATION NEEDS.—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 508. PARTNERSHIPS FOR INNOVATION.

(a) IN GENERAL.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and nonprofit organizations.

(2) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) PROGRAM.—Proposals funded under this section shall seek—

(1) to increase the impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) to increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) to enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) to strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) to broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) to build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) ADDITIONAL CRITERIA.—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) LIMITATION.—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 509. SUSTAINABLE CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

SEC. 510. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2013, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Foundation is authorized''; and

(2) by adding at the end the following:

''(b) AMOUNT.—The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of $12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.''.

SEC. 511. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) MATCHING REQUIREMENT.—Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

(b) RETIRING STEM PROFESSIONALS.—Section 10A(a)(2)(A) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1a(a)(2)(A)) is amended by inserting ''including retiring professionals in those fields,'' after ''mathematics professionals,''.

SEC. 512 UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, the Tribal Colleges and Universities Program, and Hispanic-serving institutions as separate programs.

SEC. 513. RESEARCH EXPERIENCES FOR HIGH SCHOOL STUDENTS.

The Director shall permit specialized STEM high schools conducting research to participate in major data collection initiatives from universities, corporations, or government labs under a research grant from the Foundation, as part of the research proposal.

SEC. 514. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) RESEARCH SITES.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more students enrolled in certificate, associate, or baccalaureate degree programs in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 515. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) IN GENERAL.—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. The partnerships may also include industry or professional associations.

(b) INTERNSHIP PROGRAM.— The grants awarded under section (a) may include internship programs in the manufacturing sector.

(c) USE OF GRANT FUNDS.—Grants under this section may be used—

(1) to develop and implement hands-on learning opportunities;

(2) to develop curricula and instructional materials related to industry, including the manufacturing sector;

(3) to perform outreach to secondary schools;

(4) to develop mentorship programs for students with partner organizations; and

(5) to conduct activities to support awareness of career opportunities and skill requirements.

(d) PRIORITY.—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities and Regional Centers for the Transfer of Manufacturing Technology established by section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) in developing academic courses designed to provide students with the skills or certifications necessary for employment in local or regional companies.

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

(d) COST-SHARE.—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(e) RESTRICTION.—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships unless private sector entities match 75 percent of such funding; or

(2) as payment or reimbursement to private sector entities, except for institutions of higher education.

(f) REPORT.—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, any evidence of the effect of those awards on workforce preparation and jobs placement for participating students, and an economic and ethnic breakdown of the participating students.

SEC. 516. CYBER-ENABLED LEARNING FOR NATIONAL CHALLENGES.

The Director shall, in consultation with appropriate Federal agencies, identify ways to use cyber-enabled learning to create an innovative STEM workforce and to help retrain and retain our existing STEM workforce to address national challenges, including national security and competitiveness, and use technology to enhance or supplement laboratory based learning.

SEC. 517. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) FINDINGS.—The Congress finds that—

(1) The National Science Foundation Act of 1950 stated, ''it shall be an objective of the Foundation to strengthen research and education in the sciences and engineering, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education,'';

(2) National Science Foundation funding remains highly concentrated, with 27 States and 2 jurisdictions, taken together, receiving only about 10 percent of all NSF research funding; each of these States received only a fraction of one percent of Foundation's research dollars each year;

(3) the Nation requires the talent, expertise, and research capabilities of all States in order to prepare sufficient numbers of scientists and engineers, remain globally competitive and support economic development.

(b) CONTINUATION OF PROGRAM.—The Director shall continue to carry out EPSCoR, with the objective of helping the eligible States to develop the research infrastructure that will make them more competitive for Foundation and other Federal research funding. The program shall continue to increase as the National Science Foundation funding increases.

(c) CONGRESSIONAL REPORTS.—The Director shall report to the appropriate committees of Congress on an annual basis, using the most recent available data—

(1) the total amount made available, by State, under EPSCoR;

(2) the amount of co-funding made available to EPSCoR States;

(3) the total amount of National Science Foundation funding made available to all institutions and entities within EPSCoR States; and

(4) efforts and accomplishments to more fully integrate the 29 EPSCoR jurisdictions in major activities and initiatives of the Foundation.

(d) COORDINATION OF EPSCOR AND SIMILAR FEDERAL PROGRAMS.—

(1) ANOTHER FINDING.—The Congress finds that a number of Federal agencies have programs, such as Experimental Programs to Stimulate Competitive Research and the National Institutes of Health Institutional Development Award program, designed to increase the capacity for and quality of science and technology research and training at academic institutions in States that historically have received relatively little Federal research and development funding.

(2) COORDINATION REQUIRED.—The EPSCoR Interagency Coordinating Committee, chaired by the National Science Foundation, shall—

(A) coordinate EPSCoR and Federal EPSCoR-like programs to maximize the impact of Federal support for building competitive research infrastructure, and in order to achieve an integrated Federal effort;

(B) coordinate agency objectives with State and institutional goals, to obtain continued non-Federal support of science and technology research and training;

(C) develop metrics to assess gains in academic research quality and competitiveness, and in science and technology human resource development;

(D) conduct a cross-agency evaluation of EPSCoR and other Federal EPSCoR-like programs and accomplishments, including management, investment, and metric-measuring strategies implemented by the different agencies aimed to increase the number of new investigators receiving peer-reviewed funding, broaden participation, and empower knowledge generation, dissemination, application, and national research and development competitiveness;

(E) coordinate the development and implementation of new, novel workshops, outreach activities, and follow-up mentoring activities among EPSCoR or EPSCoR-like programs for colleges and universities in EPSCoR States and territories in order to increase the number of proposals submitted and successfully funded and to enhance statewide coordination of EPSCoR and Federal EPSCoR-like programs;

(F) coordinate the development of new, innovative solicitations and programs to facilitate collaborations, partnerships, and mentoring activities among faculty at all levels in non-EPSCoR and EPSCoR States and jurisdictions;

(G) conduct an evaluation of the roles, responsibilities and degree of autonomy that program officers or managers (or the equivalent position) have in executing EPSCoR programs at the different Federal agencies and the impacts these differences have on the number of EPSCoR State and jurisdiction faculty participating in the peer review process and the percentage of successful awards by individual EPSCoR State jurisdiction and individual researcher; and

(H) conduct a survey of colleges and university faculty at all levels regarding their knowledge and understanding of EPSCoR, and their level of interaction with and knowledge about their respective State or Jurisdictional EPSCoR Committee.

(3) MEETINGS AND REPORTS.—The Committee shall meet at least twice each fiscal year and shall submit an annual report to the appropriate committees of Congress describing progress made in carrying out paragraph (2).

(e) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR or Federal EPSCoR-like program shall submit to the OSTP as part of its Federal budget submission—

(1) a description of the program strategy and objectives;

(2) a description of the awards made in the previous year, including—

(A) the percentage of reviewers and number of new reviewers from EPSCoR States;

(B) the percentage of new investigators from EPSCoR States;

(C) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and

(3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program in the last year.

(f) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) IN GENERAL.—The Director shall contract with the National Academy of Sciences to conduct a study on all Federal agencies that administer an Experimental Program to Stimulate Competitive Research or a program similar to the Experimental Program to Stimulate Competitive Research.

(2) MATTERS TO BE ADDRESSED.—The study conducted under paragraph (1) shall include the following:

(A) A delineation of the policies of each Federal agency with respect to the awarding of grants to EPSCoR States.

(B) The effectiveness of each program.

(C) Recommendations for improvements for each agency to achieve EPSCoR goals.

(D) An assessment of the effectiveness of EPSCoR States in using awards to develop science and engineering research and education, and science and engineering infrastructure within their States.

(E) Such other issues that address the effectiveness of EPSCoR as the National Academy of Sciences considers appropriate.

SEC. 518. SENSE OF THE CONGRESS REGARDING THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

It is the sense of the Congress that—

(1) the Science, Technology, Engineering, and Mathematics Talent Expansion Program established by the National Science Foundation Authorization Act of 2002 continues to be an effective program to increase the number of students, who are citizens or permanent residents of the United States, receiving associate or baccalaureate degrees in established or emerging fields within science, technology, engineering, and mathematics, and its authorization continues;

(2) the strategies employed continue to strengthen mentoring and tutoring between faculty and students and provide students with information and exposure to potential career pathways in science, technology, engineering, and mathematics areas;

(3) this highly competitive program awarded 145 Program implementation awards and 12 research projects in the first 6 years of operations; and

(4) the Science, Technology, Engineering, and Mathematics Talent Expansion Program should continue to be supported by the National Science Foundation.

SEC. 519. SENSE OF THE CONGRESS REGARDING THE NATIONAL SCIENCE FOUNDATION'S CONTRIBUTIONS TO BASIC RESEARCH AND EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) the National Science Foundation is an independent Federal agency created by Congress in 1950 to, among other things, promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

(2) the Foundation is the funding source for approximately 20 percent of all federally supported basic research conducted by America's colleges and universities, and is the major source of Federal backing for mathematics, computer science and other sciences;

(3) the America COMPETES Act of 2007 helped rejuvenate our focus on increasing basic research investment in the physical sciences, strengthening educational opportunities in the science, technology, engineering, and mathematics fields and developing a robust innovation infrastructure; and

(4) reauthorization of the America COMPETES Act should continue a robust investment in basic research and education and preserve the essence of the original Act by increasing the investment focus on science, technology, engineering, and mathematics basic research and education as a national priority.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the National Science Foundation is the finest scientific foundation in the world, and is a vital agency that must support basic research needed to advance the United States into the 21st century;

(2) the National Science Foundation should focus Federal research and development resources primarily in the areas of science, technology, engineering, and mathematics basic research and education; and

(3) the National Science Foundation should strive to ensure that federally-supported research is of the finest quality, is ground breaking, and answers questions or solves

problems that are of utmost importance to society at large.

SEC. 520. ACADEMIC TECHNOLOGY TRANSFER AND COMMERCIALIZATION OF UNIVERSITY RESEARCH.

(a) IN GENERAL.—Any institution of higher education (as such term is defined in section 101(A) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that receives National Science Foundation research support and has received at least $25,000,000 in total Federal research grants in the most recent fiscal year shall keep, maintain, and report annually to the National Science Foundation the universal record locator for a public website that contains information concerning its general approach to and mechanisms for transfer of technology and the commercialization of research results, including—

(1) contact information for individuals and university offices responsible for technology transfer and commercialization;

(2) information for both university researchers and industry on the institution's technology licensing and commercialization strategies;

(3) success stories, statistics, and examples of how the university supports commercialization of research results;

(4) technologies available for licensing by the university where appropriate; and

(5) any other information deemed by the institution to be helpful to companies with the potential to commercialize university inventions.

(b) NSF WEBSITE.—The National Science Foundation shall create and maintain a website accessible to the public that links to each website mentioned under (a).

(c) TRADE SECRET INFORMATION.—Notwithstanding subsection (a), an institution shall not be required to reveal confidential, trade secret, or proprietary information on its website.

SEC. 521. STUDY TO DEVELOP IMPROVED IMPACT-ON-SOCIETY METRICS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Director of the National Science Foundation shall contract with the National Academy of Sciences to initiate a study to evaluate, develop, or improve metrics for measuring the potential impact-on-society, including—

(1) the potential for commercial applications of research studies funded in whole or in part by grants of financial assistance from the Foundation or other Federal agencies;

(2) the manner in which research conducted at, and individuals graduating from, an institution of higher education contribute to the development of new intellectual property and the success of commercial activities;

(3) the quality of relevant scientific and international publications; and

(4) the ability of such institutions to attract external research funding.

(b) REPORT.—Within 1 year after initiating the study required by subsection (a), the Director shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology setting forth the Director's findings, conclusions, and recommendations.

SEC. 522. NSF GRANTS IN SUPPORT OF SPONSORED POST-DOCTORAL FELLOWSHIP PROGRAMS.

The Director of the National Science Foundation may utilize funds appropriated to carry out grants to institutions of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to provide financial support for post-graduate research in fields with potential commercial applications to match, in whole or in part, any private sector grant of financial assistance to any post-doctoral program in such a field of study.

SEC. 523. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that—

(1) the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable;

(2) in particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities; and

(3) for facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

SEC. 524. CLOUD COMPUTING RESEARCH ENHANCEMENT.

(a) RESEARCH FOCUS AREA.—The Director may support a national research agenda in key areas affected by the increased use of public and private cloud computing, including—

(1) new approaches, techniques, technologies, and tools for—

(A) optimizing the effectiveness and efficiency of cloud computing environments; and

(B) mitigating security, identity, privacy, reliability, and manageability risks in cloud-based environments, including as they differ from traditional data centers;

(2) new algorithms and technologies to define, assess, and establish large-scale, trustworthy, cloud-based infrastructures;

(3) models and advanced technologies to measure, assess, report, and understand the performance, reliability, energy consumption, and other characteristics of complex cloud environments; and

(4) advanced security technologies to protect sensitive or proprietary information in global-scale cloud environments.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director shall initiate a review and assessment of cloud computing research opportunities and challenges, including research areas listed in subsection (a), as well as related issues such as—

(A) the management and assurance of data that are the subject of Federal laws and regulations in cloud computing environments, which laws and regulations exist on the date of enactment of this Act;

(B) misappropriation of cloud services, piracy through cloud technologies, and other threats to the integrity of cloud services;

(C) areas of advanced technology needed to enable trusted communications, processing, and storage; and

(D) other areas of focus determined appropriate by the Director.

(2) UNSOLICITED PROPOSALS.—The Director may accept unsolicited proposals that review and assess the issues described in paragraph (1). The proposals may be judged according to existing criteria of the National Science Foundation.

(c) REPORT.—The Director shall provide an annual report for not less than 5 consecutive years to Congress on the outcomes of National Science Foundation investments in cloud computing research, recommendations for research focus and program improvements, or other related recommendations. The reports, including any interim findings or recommendations, shall be made publicly available on the website of the National Science Foundation.

(d) NIST SUPPORT.—The Director of the National Institute of Standards and Technology shall—

(1) collaborate with industry in the development of standards supporting trusted cloud computing infrastructures, metrics, interoperability, and assurance; and

(2) support standards development with the intent of supporting common goals.

SEC. 525. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) IN GENERAL.—The Director shall continue to support a program to award grants on a competitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding provided under this section may be used for laboratory equipment and materials.

SEC. 526. BROADER IMPACTS REVIEW CRITERION.

(a) GOALS.—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K–12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) POLICY.—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the

portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 527. TWENTY-FIRST CENTURY GRADUATE EDUCATION.

(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K–12 schools, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

SUBTITLE B—STEM-TRAINING GRANT PROGRAM

SEC. 551. PURPOSE.

The purpose of this subtitle is to replicate and implement programs at institutions of higher education that provide integrated courses of study in science, technology, engineering, or mathematics, and teacher education, that lead to a baccalaureate degree in science, technology, engineering, or mathematics with concurrent teacher certification.

SEC. 552. PROGRAM REQUIREMENTS.

The Director shall replicate and implement undergraduate degree programs under this subtitle that—

(1) are designed to recruit and prepare students who pursue a baccalaureate degree in science, technology, engineering, or mathematics to become certified as elementary and secondary teachers;

(2) require the education department (or its equivalent) and the departments or division responsible for preparation of science, technology, engineering, and mathematics majors at an institution of higher education to collaborate in establishing and implementing the program at that institution;

(3) require students participating in the program to enter the program through a field-based course and to continue to complete field-based courses supervised by master teachers throughout the program;

(4) hire sufficient teachers so that the ratio of students to master teachers in the program does not exceed 100 to 1;

(5) include instruction in the use of scientifically-based instructional materials and methods, assessments, pedagogical content knowledge (including the interaction between mathematics and science), the use of instructional technology, and how to incorporate State and local standards into the classroom curriculum;

(6) restrict to students participating in the program those courses that are specifically designed for the needs of teachers of science, technology, engineering, and mathematics; and

(7) require students participating in the program to successfully complete a final evaluation of their teaching proficiency, based on their classroom teaching performance, conducted by multiple trained observers, and a portfolio of their accomplishments.

SEC. 553. GRANT PROGRAM.

(a) IN GENERAL.—The Director shall establish a grant program to support programs at institutions of higher education to carry out the purpose of this subtitle.

(b) GEOGRAPHICAL CONSIDERATIONS.—In the administration of this subtitle, the Director shall take such steps as may be necessary to ensure that grants are equitably distributed across all regions of the United States, taking into account population density and other geographic and demographic considerations.

(c) AMOUNT OF GRANT.—Subject to the requirements of subsection (d), the Director may award grants annually on a competitive basis to institutions of higher education in the amount of $2,000,000, per institution of which—

(1) $1,500,000 shall be used—

(A) to design, implement, and evaluate a program that meets the requirements of section 552;

(B) to employ master teachers at the institution to oversee field experiences;

(C) to provide a stipend to mentor teachers participating in the program; and

(D) to support curriculum development and implementation strategies for science, technology, engineering, and mathematics content courses taught through the program; and

(2) up to $500,000 shall be set aside by the grantee for technical support and evaluation services from the institution whose programs will be replicated.

(d) ELIGIBILITY.—To be eligible to apply for a grant under this section, an institution of higher education shall—

(1) include former secondary school science, technology, engineering, or mathematics master teachers as faculty in its science department for this program;

(2) grant terminal degrees in science, technology, engineering, and mathematics; and

(3) have a process to be used in establishing partnerships with local educational agencies for placement of participating students in their field experiences, including a process for identifying mentor teachers working in local schools to supervise classroom field experiences in cooperation with university-based master teachers;

(4) maintain policies allowing flexible entry to the program throughout the undergraduate coursework;

(5) require that master teachers employed by the institution will supervise field experiences of students in the program;

(6) require that the program complies with State certification or licensing requirements and the requirements under section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) for highly qualified teachers;

(7) develop during the course of the grant a plan for long-term support and assessment of its graduates, which shall include—

(A) induction support for graduates in their first one to two years of teaching;

(B) systems to determine the teaching status of graduates and thereby determine retention rates; and

(C) methods to analyze the achievement of students taught by graduates, and methods to analyze classroom practices of graduates; and

(8) be able upon completion of the grant at the end of 5 years to fund essential program costs, including salaries of master teachers

and other necessary personnel, from recurring university budgets.

(e) APPLICATION REQUIREMENTS.—An institution of higher education seeking a grant under the program shall submit an application to the Director in such form, at such time, and containing such information and assurances as the Director may require, including—

(1) a description of the current rate at which individuals majoring in science, technology, engineering, and mathematics become certified as elementary and secondary teachers;

(2) a description for the institution's plan for increasing the numbers of students enrolled in and graduating from the program supported under this subtitle;

(3) a description of the institution's capacity to develop a program in which individuals majoring in science, technology, engineering, and mathematics can become certified as elementary and secondary teachers;

(4) identification of the organizational unit within the department or division of arts and sciences or the science department at the institution that will adopt teacher certification for elementary and secondary teachers as its primary mission;

(5) identification of core faculty within the department or division of arts and sciences or the science department at the institution to champion teacher preparation in their departments by teaching courses dedicated to preparing future elementary and secondary school teachers, helping create new degree plans, advising prospective students within their major, and assisting as needed with program administration;

(6) identification of core faculty in the education department or its equivalent at the institution to champion teacher preparation by creating and teaching courses specific to the preparation of science, technology, engineering, and mathematics and working closely with colleagues in the department or division of arts and sciences or the science department; and

(7) a description of involving practical, field-based experience in teaching and degree plans enabling students to graduate in 4 years with a major in science, technology, engineering, or mathematics and elementary or secondary school teacher certification.

(f) MATCHING REQUIREMENT.—An institution of higher education may not receive a grant under this section unless it provides, from non-federal sources, to carry out the activities supported by the grant, an amount that is not less than—

(1) 35 percent of the amount of the grant for the first fiscal year of the grant;

(2) 55 percent of the amount of the grant for the second and third fiscal years of the grant; and

(3) 75 percent of the amount of the grant for the fourth and fifth fiscal years of the grant.

(g) GUIDANCE.—Within 90 days after the date of enactment of this Act, the Director shall initiate a proceeding to promulgate guidance for the administration of the grant program established under subsection (a).

SEC. 554. GRANT OVERSIGHT AND ADMINISTRATION.

(a) IN GENERAL.—The Director may execute a contract for program oversight and fiscal management with an organization at an institution of higher education, a non-profit organization, or other entity that demonstrates capacity for and experience in—

(1) replicating 1 or more similar programs at regional or national levels;

(2) providing programmatic and technical implementation assistance for the program;

(3) performing data collection and analysis to ensure proper implementation and continuous program improvement; and

(4) providing accountability for results by measuring and monitoring achievement of programmatic milestones.

(b) OVERSIGHT RESPONSIBILITIES.—

(1) MANDATORY DUTIES.—If the Director executes a contract under subsection (a) with an organization for program oversight and fiscal management, the organization shall—

(A) ensure that a grant recipient faithfully replicates and implements the program or programs for which the grant is awarded;

(B) ensure that grant funds are used for the purposes authorized and that a grant recipient has a system in place to track and account for all Federal grant funds provided;

(C) provide technical assistance to grant recipients;

(D) collect and analyze data and report to the Director annually on the effects of the program on—

(i) the progress of participating students in achieving teaching competence and teaching certification;

(ii) the participation of students in the program by major, compared with local and State needs on secondary teachers by discipline; and

(iii) the participation of students in the program by demographic subgroup;

(E) collect and analyze data and report to the Director annually on the effects of the program on the academic achievement of elementary and secondary school students taught by graduates of programs funded by grants under this subtitle; and

(F) submit an annual report to the Director demonstrating compliance with the requirements of subparagraphs (A) through (E).

(2) DISCRETIONARY DUTIES.—At the request of the Director, the organization under contract under subsection (a) may assist the Director in evaluating grant applications.

(c) REPORTS TO CONGRESS.—The Director shall submit a copy of the annual report required by subsection (b)(1)(F) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Health, Education, Labor, and Pensions, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Education and Labor.

SEC. 555. DEFINITIONS.

In this subtitle:

(1) FIELD-BASED COURSE.—The term ''field-based course'' means a course of instruction offered by an institution of higher education that includes a requirement that students teach a minimum of 3 lessons or sequences of lessons to elementary or secondary students.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) MASTER TEACHER.—The term ''master teacher'' means an individual—

(A) who has been awarded a master's or doctoral degree by an institution of higher education;

(B) whose graduate coursework included courses in mathematics, science, computer science, or engineering;

(C) who has at least 3 years teaching experience in K-12 settings; and

(D) whose teaching has been recognized for exceptional accomplishments in educating students, or is demonstrated to have resulted in improved student achievement.

(4) MENTOR TEACHER.—The term ''mentor teacher'' means an elementary or secondary school classroom teacher who assists with the training of students participating in a field-based course.

(5) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

SEC. 556. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this subtitle $10,000,000 for each of fiscal years 2011 through 2013.

TITLE VI—INNOVATION

SEC. 601. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 106 of this Act, is amended by adding at the end the following:

''SEC. 25. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

''(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

''(1) developing policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

''(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers, particularly in States participating in the Experimental Program to Stimulate Competitive Research;

''(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

''(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization, including those focused on the needs of small businesses and rural communities, within the Department of Commerce, between the Department of Commerce and other Federal agencies, and between the Department of Commerce and appropriate State government agencies and institutions, as appropriate; and

''(5) any other duties as determined by the Secretary.

''(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).''.

SEC. 602. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 601, is further amended by adding at the end the following:

''SEC. 26. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

''(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under the program only for a project that re-equips, expands, or establishes a manufacturing facility in the United States—

''(1) to use an innovative technology or an innovative process in manufacturing;

''(2) to manufacture an innovative technology product or an integral component of such a product; or

''(3) to commercialize an innovative product, process, or idea that was developed by research funded in whole or in part by a grant from the Federal government.

''(c) ELIGIBLE BORROWER.—A loan guarantee may be made under the program only

for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (l).

''(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

''(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

''(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

''(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

''(3) the obligation is not subordinate to other financing;

''(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

''(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

''(f) DEFAULTS.—

''(1) PAYMENT BY SECRETARY.—

''(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

''(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

''(2) SUBROGATION.—

''(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

''(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(g) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate—

''(1) to protect the interests of the United States in the case of default; and

''(2) to have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

''(h) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this section, the Secretary shall consult with the Secretary of the Treasury.

''(i) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into the Treasury of the United States; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

''(j) RECORDS.—

''(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

''(k) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

''(l) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. The regulations shall include—

''(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

''(A) whether a borrower is a small- or medium-sized manufacturer; and

''(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such a product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

''(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (i), including criteria related to the amount of the obligation;

''(3) policies and procedures for selecting and monitoring lenders and loan performance; and

''(4) any other policies, procedures, or information necessary to implement this section.

''(m) AUDIT.—

''(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall conduct a biennial review of the Secretary's execution of the program under this section.

''(3) REPORT.—The results of the independent audit under paragraph (1) and the Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(n) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

''(o) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

''(p) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section and to conduct outreach to potential borrowers, as appropriate.

''(q) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A-129, entitled 'Policies for Federal Credit Programs and Non-Tax Receivables', as in effect on the date of enactment of the America COMPETES Reauthorization Act of 2010.

''(r) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

''(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

''(2) all persons assigned by the borrower to perform work within the United States on the project.

''(s) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) INNOVATIVE PROCESS.—The term 'innovative process' means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(3) INNOVATIVE TECHNOLOGY.—The term 'innovative technology' means a technology that is significantly improved as compared to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(4) LOAN GUARANTEE.—The term 'loan guarantee' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(6) PROGRAM.—The term 'program' means the loan guarantee program established in subsection (a).

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2011 through 2013 to provide the cost of loan guarantees under this section.''.

SEC. 603. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 602, is further amended by adding at the end thereof the following:

''SEC. 27. REGIONAL INNOVATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to

encourage and support the development of regional innovation strategies, including regional innovation clusters and science and research parks.

''(b) CLUSTER GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

''(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

''(A) Feasibility studies.

''(B) Planning activities.

''(C) Technical assistance.

''(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

''(E) Attracting additional participants to a regional innovation cluster.

''(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

''(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

''(H) Interacting with the public and State and local governments to meet the goals of the cluster.

''(3) ELIGIBLE RECIPIENT DEFINED.—In this subsection, the term 'eligible recipient' means—

''(A) a State;

''(B) an Indian tribe;

''(C) a city or other political subdivision of a State;

''(D) an entity that—

''(i) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, or an economic development organization or similar entity; and

''(ii) has an application that is supported by a State or a political subdivision of a State; or

''(E) a consortium of any of the entities described in subparagraphs (A) through (D).

''(4) APPLICATION.—

''(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(B) COMPONENTS.—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of—

''(i) whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders;

''(ii) how the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival existing participants;

''(iii) the extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development;

''(iv) whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce;

''(v) whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources; and

''(vi) the likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

''(C) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications from regions that contain communities negatively impacted by trade.

''(5) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to an eligible recipient who agrees to collaborate with local workforce investment area boards.

''(6) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

''(7) USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

''(c) SCIENCE AND RESEARCH PARK DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants for the development of feasibility studies and plans for the construction of new science parks or the renovation or expansion of existing science parks.

''(2) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection may not exceed $750,000.

''(3) AWARD.—

''(A) COMPETITION REQUIRED.—The Secretary shall award grants under this subsection pursuant to a full and open competition.

''(B) GEOGRAPHIC DISPERSION.— In conducting a competitive process, the Secretary shall consider the need to avoid undue geographic concentration among any one category of States based on their predominant rural or urban character as indicated by population density.

''(C) SELECTION CRITERIA.—The Secretary shall publish the criteria to be utilized in any competition for the selection of recipients of grants under this subsection, which shall include requirements relating to the—

''(i) effect the science park will have on regional economic growth and development;

''(ii) number of jobs to be created at the science park and the surrounding regional community each year during its first 3 years;

''(iii) funding to be required to construct, renovate or expand the science park during its first 3 years;

''(iv) amount and type of financing and access to capital available to the applicant;

''(v) types of businesses and research entities expected in the science park and surrounding regional community;

''(vi) letters of intent by businesses and research entities to locate in the science park;

''(vii) capability to attract a well trained workforce to the science park;

''(viii) the management of the science park during its first 5 years;

''(ix) expected financial risks in the construction and operation of the science park and the risk mitigation strategy;

''(x) physical infrastructure available to the science park, including roads, utilities, and telecommunications;

''(xi) utilization of energy-efficient building technology including nationally recognized green building design practices, renewable energy, cogeneration, and other methods that increase energy efficiency and conservation;

''(xii) consideration to the transformation of military bases affected by the base realignment and closure process or the redevelopment of existing buildings, structures, or brownfield sites that are abandoned, idled, or underused into single or multiple building facilities for science and technology companies and institutions;

''(xiii) ability to collaborate with other science parks throughout the world;

''(xiv) consideration of sustainable development practices and the quality of life at the science park; and

''(xv) other such criteria as the Secretary shall prescribe.

''(4) ALLOCATION CONSTRAINTS.—The Secretary may not allocate less than one-third of the total grant funding allocated under this section for any fiscal year to grants under subsection (b) or this subsection without written notification to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Energy and Commerce.

''(d) LOAN GUARANTEES FOR SCIENCE PARK INFRASTRUCTURE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may guarantee up to 80 percent of the loan amount for projects for the construction or expansion, including renovation and modernization, of science park infrastructure.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $50,000,000 with respect to any single project; and

''(B) $300,000,000 with respect to all projects.

''(3) SELECTION OF GUARANTEE RECIPIENTS.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and such other things of values as the Secretary shall deem necessary. Recipients of grants under subsection (c) are not eligible for a loan guarantee during the period of the grant. To the extent that the Secretary determines it to be feasible, the Secretary may select recipients of guarantee assistance in accord with a competitive process that takes into account the factors set out in subsection (c)(3)(C) of this section.

''(4) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

''(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

''(i) 30 years; or

''(ii) 90 percent of the useful life of any physical asset to be financed by the loan;

''(B) a loan guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

''(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that provision is made for servicing the loan on reasonable terms and in a manner that adequately protects the financial interest of the United States;

''(D) a loan may not be guaranteed under this subsection if—

''(i) the income from the loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

''(ii) the guarantee provides significant collateral or security, as determined by the Secretary in coordination with the Secretary of the Treasury, for other obligations the income from which is so excluded;

''(E) any guarantee provided under this subsection shall be conclusive evidence that—

''(i) the guarantee has been properly obtained;

''(ii) the underlying loan qualified for the guarantee; and

''(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

''(F) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

''(G) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(5) PAYMENT OF LOSSES.—

''(A) IN GENERAL.—If, as a result of a default by a borrower under a loan guaranteed under this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to the holder the percentage of the loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

''(B) ENFORCEMENT OF RIGHTS.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

''(C) FORBEARANCE.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990) is available.

''(6) EVALUATION OF CREDIT RISK.—

''(A) The Secretary shall periodically assess the credit risk of new and existing direct loans or guaranteed loans.

''(B) Not later than 2 years after the date of the enactment of the America COMPETES Reauthorization Act of 2010, the Comptroller General of the United States shall—

''(i) conduct a review of the subsidy estimates for the loan guarantees under this section; and

''(ii) submit to Congress a report on the review conducted under this paragraph.

''(7) TERMINATION.—A loan may not be guaranteed under this section after September 30, 2013.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each of fiscal years 2011 through 2013 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteeing $300,000,000 in loans under this section, such sums to remain available until expended.

''(e) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program—

''(A) to gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

''(B) to provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

''(C) to support the development of relevant metrics and measurement standards to evaluate regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

''(D) to collect and make available data on regional innovation cluster activity in the United States, including data on—

''(i) the size, specialization, and competitiveness of regional innovation clusters;

''(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

''(iii) supply chain product and service flows within and between regional innovation clusters.

''(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

''(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

''(4) REGIONAL INNOVATION GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any grant under subsection (b) or (c) and any loan guarantee under subsection (d) into the program established under this subsection.

''(f) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

''(2) COLLABORATION.—

''(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

''(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

''(g) EVALUATION.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

''(2) REQUIREMENTS.—The evaluation shall include—

''(A) whether the program is achieving its goals;

''(B) any recommendations for how the program may be improved; and

''(C) a recommendation as to whether the program should be continued or terminated.

''(h) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) SCIENCE PARK.—The term 'Science park' means a property-based venture, which has—

''(A) master-planned property and buildings designed primarily for private-public research and development activities, high technology and science-based companies, and research and development support services;

''(B) a contractual or operational relationship with one or more science- or research-related institution of higher education or governmental or non-profit research laboratories;

''(C) a primary mission to promote research and development through industry partnerships, assisting in the growth of new ventures and promoting innovation-driven economic development;

''(D) a role in facilitating the transfer of technology and business skills between researchers and industry teams; and

''(E) a role in promoting technology-led economic development for the community or region in which the science park is located. A science park may be owned by a governmental or not-for-profit entity, but it may enter into partnerships or joint ventures with for-profit entities for development or management of specific components of the park.

''(3) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (d)(8), there are authorized to be appropriated $100,000,000 for each of fiscal years 2011 through 2013 to carry out this section (other than for loan guarantees under subsection (d)).''.

SEC. 604. STUDY ON ECONOMIC COMPETITIVENESS AND INNOVATIVE CAPACITY OF UNITED STATES AND DEVELOPMENT OF NATIONAL ECONOMIC COMPETITIVENESS STRATEGY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall complete a comprehensive study of the economic competitiveness and innovative capacity of the United States.

(2) MATTERS COVERED.—The study required by paragraph (1) shall include the following:

(A) An analysis of the United States economy and innovation infrastructure.

(B) An assessment of the following:

(i) The current competitive and innovation performance of the United States economy relative to other countries that compete economically with the United States.

(ii) Economic competitiveness and domestic innovation in the current business climate, including tax and Federal regulatory policy.

(iii) The business climate of the United States and those of other countries that compete economically with the United States.

(iv) Regional issues that influence the economic competitiveness and innovation capacity of the United States, including—

(I) the roles of State and local governments and institutions of higher education; and

(II) regional factors that contribute positively to innovation.

(v) The effectiveness of the Federal Government in supporting and promoting economic competitiveness and innovation, including any duplicative efforts of, or gaps in

coverage between, Federal agencies and departments.

(vi) Barriers to competitiveness in newly emerging business or technology sectors, factors influencing underperforming economic sectors, unique issues facing small and medium enterprises, and barriers to the development and evolution of start-ups, firms, and industries.

(vii) The effects of domestic and international trade policy on the competitiveness of the United States and the United States economy.

(viii) United States export promotion and export finance programs relative to export promotion and export finance programs of other countries that compete economically with the United States, including Canada, France, Germany, Italy, Japan, Korea, and the United Kingdom, with noting of export promotion and export finance programs carried out by such countries that are not analogous to any programs carried out by the United States.

(ix) The effectiveness of current policies and programs affecting exports, including an assessment of Federal trade restrictions and State and Federal export promotion activities.

(x) The effectiveness of the Federal Government and Federally funded research and development centers in supporting and promoting technology commercialization and technology transfer.

(xi) Domestic and international intellectual property policies and practices.

(xii) Manufacturing capacity, logistics, and supply chain dynamics of major export sectors, including access to a skilled workforce, physical infrastructure, and broadband network infrastructure.

(xiii) Federal and State policies relating to science, technology, and education and other relevant Federal and State policies designed to promote commercial innovation, including immigration policies.

(C) Development of recommendations on the following:

(i) How the United States should invest in human capital.

(ii) How the United States should facilitate entrepreneurship and innovation.

(iii) How best to develop opportunities for locally and regionally driven innovation by providing Federal support.

(iv) How best to strengthen the economic infrastructure and industrial base of the United States.

(v) How to improve the international competitiveness of the United States.

(3) CONSULTATION.—

(A) IN GENERAL.—The study required by paragraph (1) shall be conducted in consultation with the National Economic Council of the Office of Policy Development, such Federal agencies as the Secretary considers appropriate, and the Innovation Advisory Board established under subparagraph (B). The Secretary shall also establish a process for obtaining comments from the public.

(B) INNOVATION ADVISORY BOARD.—

(i) IN GENERAL.—The Secretary shall establish an Innovation Advisory Board for purposes of obtaining advice with respect to the conduct of the study required by paragraph (1).

(ii) COMPOSITION.—The Advisory Board established under clause (i) shall be comprised of 15 members, appointed by the Secretary—

(I) who shall represent all major industry sectors;

(II) a majority of whom should be from private industry, including large and small firms, representing advanced technology sectors and more traditional sectors that use technology; and

(III) who may include economic or innovation policy experts, State and local government officials active in technology-based economic development, and representatives from higher education.

(iii) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board established under clause (i).

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the completion of the study required by subsection (a), the Secretary shall develop, based on the study required by subsection (a)(1), a national 10-year strategy to strengthen the innovative and competitive capacity of the Federal Government, State and local governments, United States institutions of higher education, and the private sector of the United States.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Actions to be taken by individual Federal agencies and departments to improve competitiveness.

(B) Proposed legislative actions for consideration by Congress.

(C) Annual goals and milestones for the 10-year period of the strategy.

(D) A plan for monitoring the progress of the Federal Government with respect to improving conditions for innovation and the competitiveness of the United States.

(c) REPORT.—

(1) IN GENERAL.—Upon the completion of the strategy required by subsection (b), the Secretary of Commerce shall submit to Congress and the President a report on the study conducted under subsection (a) and the strategy developed under subsection (b).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the study conducted under subsection (a).

(B) The strategy required by subsection (b).

SEC. 605. PROMOTING USE OF HIGH-END COMPUTING SIMULATION AND MODELING BY SMALL- AND MEDIUM-SIZED MANUFACTURERS.

(a) FINDINGS.—Congress finds that—

(1) the utilization of high-end computing simulation and modeling by large-scale government contractors and Federal research entities has resulted in substantial improvements in the development of advanced manufacturing technologies; and

(2) such simulation and modeling would also benefit small- and medium-sized manufacturers in the United States if such manufacturers were to deploy such simulation and modeling throughout their manufacturing chains.

(b) POLICY.—It is the policy of the United States to take all effective measures practicable to ensure that Federal programs and policies encourage and contribute to the use of high-end computing simulation and modeling in the United States manufacturing sector.

(c) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, shall carry out, through an interagency consulting process, a study of the barriers to the use of high-end computing simulation and modeling by small- and medium-sized manufacturers in the United States.

(2) FACTORS.—In carrying out the study required by paragraph (1), the Secretary of Commerce, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, shall consider the following:

(A) The access of small- and medium-sized manufacturers in the United States to high-performance computing facilities and resources.

(B) The availability of software and other applications tailored to meet the needs of such manufacturers.

(C) Whether such manufacturers employ or have access to individuals with appropriate expertise for the use of such facilities and resources.

(D) Whether such manufacturers have access to training to develop such expertise.

(E) The availability of tools and other methods to such manufacturers to understand and manage the costs and risks associated with transitioning to the use of such facilities and resources.

(3) REPORT.—Not later than 270 days after the commencement of the study required by paragraph (1), the Secretary of Commerce shall, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, submit to Congress a report on such study. Such report shall include such recommendations for such legislative or administrative action as the Secretary of Commerce considers appropriate in light of the study to increase the utilization of high-end computing simulation and modeling by small- and medium-sized manufacturers in the United States.

(d) AUTHORIZATION OF DEMONSTRATION AND PILOT PROGRAMS.—As part of the study required by subsection (c)(1), the Secretary of Commerce, the Secretary of Energy, and the Director of the Office of Science and Technology Policy may carry out such demonstration or pilot programs as either Secretary or the Director considers appropriate to gather experiential data to evaluate the feasibility and advisability of a specific program or policy initiative to reduce barriers to the utilization of high-end computer modeling and simulation by small- and medium-sized manufacturers in the United States.

TITLE VII—NIST GREEN JOBS

SEC. 701. SHORT TITLE.

This title may be cited as the ''NIST Grants for Energy Efficiency, New Job Opportunities, and Business Solutions Act of 2010'' or the ''NIST GREEN JOBS Act of 2010''.

SEC. 702. FINDINGS.

Congress finds the following:

(1) Over its 20-year existence, the Hollings Manufacturing Extension Partnership has proven its value to manufacturers as demonstrated by the resulting impact on jobs and the economies of all 50 States and the Nation as a whole.

(2) The Hollings Manufacturing Extension Partnership has helped thousands of companies reinvest in themselves through process improvement and business growth initiatives leading to more sales, new markets, and the adoption of technology to deliver new products and services.

(3) Manufacturing is an increasingly important part of the construction sector as the industry moves to the use of more components and factory built sub-assemblies.

(4) Construction practices must become more efficient and precise if the United States is to construct and renovate its building stock to reduce related carbon emissions to levels that are consistent with combating global warming.

(5) Many companies involved in construction are small, without access to innovative manufacturing techniques, and could benefit from the type of training and business analysis activities that the Hollings Manufacturing Extension Partnership routinely provides to the Nation's manufacturers and their supply chains.

(6) Broadening the competitiveness grant program under section 25(f) of the National Institute of Standards and Technology Act

(15 U.S.C. 278k(f)) could help develop and diffuse knowledge necessary to capture a large portion of the estimated $100 billion or more in energy savings if buildings in the United States met the level and quality of energy efficiency now found in buildings in certain other countries.

(7) It is therefore in the national interest to expand the capabilities of the Hollings Manufacturing Extension Partnership to be supportive of the construction and green energy industries.

SEC. 703. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—Section 25(f)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(3)) is amended—

(1) by striking ''to develop'' in the first sentence and inserting ''to add capabilities to the MEP program, including the development of''; and

(2) by striking the last sentence and inserting ''Centers may be reimbursed for costs incurred under the program. These themes—

''(A) shall be related to projects designed to increase the viability both of traditional manufacturing sectors and other sectors, such as construction, that increasingly rely on manufacturing through the use of manufactured components and manufacturing techniques, including supply chain integration and quality management;

''(B) shall be related to projects related to the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities; and

''(C) may extend beyond these traditional areas to include projects related to construction industry modernization.''.

(b) SELECTION.—Section 25(f)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(5)) is amended to read as follows:

''(5) SELECTION.—

''(A) IN GENERAL.—Awards under this section shall be peer reviewed and competitively awarded. The Director shall endeavor to select at least one proposal in each of the 9 statistical divisions of the United States (as designated by the Bureau of the Census). The Director shall select proposals to receive awards that will—

''(i) create jobs or train newly hired employees;

''(ii) promote technology transfer and commercialization of environmentally focused materials, products, and processes;

''(iii) increase energy efficiency; and

''(iv) improve the competitiveness of industries in the region in which the Center or Centers are located.

''(B) ADDITIONAL SELECTION CRITERIA.—The Director may select proposals to receive awards that will—

''(i) encourage greater cooperation and foster partnerships in the region with similar Federal, State, and locally funded programs to encourage energy efficiency and building technology; and

''(ii) collect data and analyze the increasing connection between manufactured products and manufacturing techniques, the future of construction practices, and the emerging application of products from the green energy industries.''.

(c) OTHER MODIFICATIONS.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended—

(1) by adding at the end the following:

''(7) DURATION.—Awards under this section shall last no longer than 3 years.

''(8) ELIGIBLE PARTICIPANTS.—In addition to manufacturing firms eligible to participate in the Centers program, awards under this subsection may be used by the Centers to assist small- or medium-sized construction firms. Centers may be reimbursed under the program for working with such eligible participants.

''(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized or appropriated to carry out this section, there are authorized to be appropriated to the Secretary of Commerce $7,000,000 for each of the fiscal years 2011 through 2013 to carry out this subsection.''.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than May 31, 2013, the Comptroller General of the United States shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that evaluates the status of the programs authorized in this Act, including the extent to which such programs have been funded, implemented, and are contributing to achieving the goals of the Act.

SEC. 802. SALARY RESTRICTIONS.

(a) OBSCENE MATTER ON FEDERAL PROPERTY.—None of the funds authorized under this Act may be used to pay the salary of any individual who is convicted of violating section 1460 of title 18, United States Code.

(b) USE OF FEDERAL COMPUTERS FOR CHILD PORNOGRAPHY OR EXPLOITATION OF MINORS.—None of the funds authorized under this Act may be used to pay the salary of any individual who is convicted of a violation of section 2252 of title 18, United States Code.

SEC. 803. ADDITIONAL RESEARCH AUTHORITIES OF THE FCC.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 12. ADDITIONAL RESEARCH AUTHORITIES OF THE FCC.

''In order to carry out the purposes of this Act, the Commission may—

''(1) undertake research and development work in connection with any matter in relation to which the Commission has jurisdiction; and

''(2) promote the carrying out of such research and development by others, or otherwise to arrange for such research and development to be carried out by others.''.

TITLE IX—DEPARTMENT OF ENERGY

SEC. 901. SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.

(a) IN GENERAL.—Sections 3171, 3175, and 3191 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381h, 7381j, 7381p) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS FOR SUMMER INSTITUTES.—Section 3185(f) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381n(f)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) $25,000,000 for each of fiscal years 2011 through 2013.''.

(c) CONFORMING AMENDMENTS.—

(1) Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended by striking chapters 1, 2, and 5 (42 U.S.C. 7381h, 7381j, 7381p).

(2) Section 3195 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381r) is amended by striking ''chapters 1, 3, and 4'' each place it appears and inserting ''chapters 3 and 4''.

SEC. 902. ENERGY RESEARCH PROGRAMS.

(a) NUCLEAR SCIENCE TALENT PROGRAM.—Section 5004(f) of the America COMPETES Act (42 U.S.C. 16532(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $9,800,000 for fiscal year 2011;

''(E) $10,100,000 for fiscal year 2012; and

''(F) $10,400,000 for fiscal year 2013.''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $8,240,000 for fiscal year 2011;

''(E) $8,500,000 for fiscal year 2012; and

''(F) $8,750,000 for fiscal year 2013.''.

(b) HYDROCARBON SYSTEMS SCIENCE TALENT PROGRAM.—Section 5005 of the America COMPETES Act (42 U.S.C. 16533) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) hydrocarbon spill response and remediation.''; and

(2) in subsection (f)(1)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $9,800,000 for fiscal year 2011;

''(E) $10,000,000 for fiscal year 2012; and

''(F) $10,400,000 for fiscal year 2013.''.

(c) EARLY CAREER AWARDS.—Section 5006(h) of the America COMPETES Act (42 U.S.C. 16534(h)) is amended by striking ''2010'' and inserting ''2013''.

(d) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009(f) of the America COMPETES Act (42 U.S.C. 16536(f)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $20,600,000 for fiscal year 2011;

''(5) $21,200,000 for fiscal year 2012; and

''(6) $21,900,000 for fiscal year 2013.''.

(e) DISTINGUISHED SCIENTIST PROGRAM.—Section 5011(j) of the America COMPETES Act (42 U.S.C. 16537(j)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $31,000,000 for fiscal year 2011;

''(5) $32,000,000 for fiscal year 2012; and

''(6) $33,000,000 for fiscal year 2013.''.

SEC. 903. BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $5,247,000,000 for fiscal year 2011;

''(6) $5,614,000,000 for fiscal year 2012; and

''(7) $6,007,000,000 for fiscal year 2013.''.

SEC. 904. ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (a)(3), by striking ''subsection (m)(1)'' and inserting ''subsection (n)(1)'';

(2) in subsection (c)(2)(A), by inserting ''and applied'' after ''advances in fundamental'';

(3) in subsection (e)—

(A) in paragraph (3)—

(i) by striking subparagraph (C) and inserting the following:

''(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and''; and

(ii) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) pursuant to subsection (c)(2)(C)—

''(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

''(B) adopting measures to ensure that, in making awards, program managers adhere to the purposes of subsection (c)(2)(C); and

''(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA-E funding projects in technology areas already being undertaken by industry.'';

(4) by redesignating subsections (f) through (m) as subsections (g) through (n), respectively;

(5) by inserting after subsection (e) the following:

''(f) AWARDS.—In carrying out this section, the Director may provide awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) IN GENERAL.—The Director shall establish and maintain within ARPA-E a staff with sufficient qualifications and expertise to enable ARPA-E to carry out the responsibilities of ARPA-E under this section in conjunction with other operations of the Department.'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the paragraph heading, by striking ''PROGRAM MANAGERS'' and inserting ''PROGRAM DIRECTORS'';

(ii) in subparagraph (A), by striking ''program managers for each of'' and inserting ''program directors for'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''program manager'' and inserting ''program director'';

(II) in clause (iv), by striking '', with advice under subsection (j) as appropriate,'';

(III) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(IV) by inserting after clause (iv) the following:

''(v) identifying innovative cost-sharing arrangements for ARPA-E projects, including through use of the authority provided under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));'';

(V) in clause (vi) (as redesignated by subclause (III)), by striking ''; and'' and inserting a semicolon; and

(VI) by inserting after clause (vi) (as redesignated by subclause (III)) the following:

''(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and'';

(iv) in subparagraph (C), by inserting ''not more than'' after ''shall be''; and

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end; and

(II) by striking clause (ii) and inserting the following:

''(ii) fix the basic pay of such personnel at a rate to be determined by the Director at rates not in excess of Level II of the Executive Schedule (EX-II) without regard to the civil service laws; and

''(iii) pay any employee appointed under this subpart payments in addition to basic pay, except that the total amount of additional payments paid to an employee under this subpart for any 12-month period shall not exceed the least of the following amounts:

''(I) $25,000.

''(II) The amount equal to 25 percent of the annual rate of basic pay of the employee.

''(III) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.'';

(ii) in subparagraph (B), by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120'';

(7) in subsection (h)(2) (as redesignated by paragraph (4))—

(A) by striking ''2008'' and inserting ''2010''; and

(B) by striking ''2011'' and inserting''2013'';

(8) by striking subsection (j) (as redesignated by paragraph (4)) and inserting the following:

''(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA-E.'';

(9) in subsection (l) (as redesignated by paragraph (4))—

(A) in paragraph (1), by striking ''4 years'' and inserting''6 years''; and

(B) in paragraph (2)(B), by inserting '', and the manner in which those lessons may apply to the operation of other programs of the Department'' after ''ARPA-E''; and

(10) in subsection (n) (as redesignated by paragraph (4))—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) $300,000,000 for fiscal year 2011;

''(D) $306,000,000 for fiscal year 2012; and

''(E) $312,000,000 for fiscal year 2013.'';

(B) by striking paragraph (4);

(C) by redesignating paragraph (5) as paragraph (4); and

(D) in paragraph (4)(B) (as redesignated by subparagraph (C))—

(i) by striking'' 2.5 percent'' and inserting ''5 percent''; and

(ii) by inserting '', consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii)'' after ''outreach activities''.

TITLE X—EDUCATION

SEC. 1001. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the America COMPETES Act (Public Law 110–69).

SEC. 1002. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of the Act are repealed:

(1) Section 6001 (20 U.S.C. 9801).

(2) Part III of subtitle A of title VI (20 U.S.C. 9841).

(3) Subtitle B of title VI (20 U.S.C. 9851 et seq.)

(4) Subtitle C of title VI (20 U.S.C. 9861 et seq.).

(5) Subtitle E of title VI (20 U.S.C. 9881 et seq.).

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) by redesignating section 6002 (20 U.S.C. 9802) as section 6001;

(2) by redesignating subtitle D of title VI (20 U.S.C. 9871) as subtitle B of title VI; and

(3) by redesignating section 6401 (20 U.S.C. 9871) as section 6201.

SEC.1003. AUTHORIZATIONS OF APPROPRIATIONS AND MATCHING REQUIREMENT.

(a) TEACHERS FOR A COMPETITIVE TOMORROW.—Section 6116 (20 U.S.C. 9816) is amended to read as follows:

''SEC. 6116. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2011 through 2013, of which—

''(1) $2,000,000 shall be available to carry out section 6113 for each of fiscal years 2011 through 2013; and

''(2) $2,000,000 shall be available to carry out section 6114 for each of fiscal years 2011 through 2013.''.

(b) ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS AND MATCHING REQUIREMENT.—Section 6123 (20 U.S.C. 9833) is amended—

(1) in subsection (h)(1)—

(A) by striking ''100'' and inserting ''50''; and

(B) by striking ''200'' and inserting ''100''; and

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

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2011 through 2013.''.

(c) ALIGNMENT OF EDUCATION PROGRAMS.—Section 6201(j), as redesignated by section 1002(b)(3), is amended to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $120,000,000 for each of fiscal years 2011 and 2012.''.

SA 4844. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the House amendment, add the following:

SEC. 17. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the DREAM Act of 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 4845. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 303, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Great Outdoors Act of 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into the following divisions:

(1) Division A–National Park Service Authorizations.

(2) Division B–National Wilderness Preservation System.

(3) Division C–Forest Service Authorizations.

(4) Division D–Department of the Interior Authorizations.

(5) Division E–National Heritage Areas.

(6) Division F–Bureau of Land Management Authorizations.

(7) Division G–Rivers and Trails.

(8) Division H–Water and Hydropower Authorizations.

(9) Division I–Insular Areas.

(10) Division J–Wildlife Conservation and Water Quality Protection and Restoration.

(11) Division K–Oceans and Fisheries.

(12) Division L–Indian Homelands and Trust Land.

(13) Division M–Miscellaneous.

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

DIVISION A—NATIONAL PARK SERVICE AUTHORIZATIONS

TITLE I—ADDITIONS TO THE NATIONAL PARK SYSTEM

Subtitle A—Valles Caldera National Preserve

SEC. 101. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means a person who was a full-time or part-time employee of the Trust during the 180-day period immediately preceding the date of enactment of this Act.

(2) FUND.—The term ''Fund'' means the Valles Caldera Fund established by section 106(h)(2) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(2)).

(3) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve in the State.

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

(5) STATE.—The term ''State'' means the State of New Mexico.

(6) TRUST.—The term ''Trust'' means the Valles Caldera Trust established by section 106(a) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(a)).

SEC. 102. VALLES CALDERA NATIONAL PRESERVE.

(a) DESIGNATION AS UNIT OF THE NATIONAL PARK SYSTEM.—To protect, preserve, and restore the fish, wildlife, watershed, natural, scientific, scenic, geologic, historic, cultural, archaeological, and recreational values of the area, the Valles Caldera National Preserve is designated as a unit of the National Park System.

(b) MANAGEMENT.—

(1) APPLICABLE LAW.—The Secretary shall administer the Preserve in accordance with—

(A) this subtitle; and

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

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

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

(2) MANAGEMENT COORDINATION.—The Secretary may coordinate the management and operations of the Preserve with the Bandelier National Monument.

(3) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to implement this subsection, the Secretary shall prepare a management plan for the Preserve.

(B) APPLICABLE LAW.—The management plan shall be prepared in accordance with—

(i) section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)); and

(ii) any other applicable laws.

(C) CONSULTATION.—The management plan shall be prepared in consultation with—

(i) the Secretary of Agriculture;

(ii) State and local governments;

(iii) Indian tribes and pueblos, including the Pueblos of Jemez, Santa Clara, and San Ildefonso; and

(iv) the public.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the Preserve by—

(A) purchase with donated or appropriated funds;

(B) donation; or

(C) transfer from another Federal agency.

(2) ADMINISTRATION OF ACQUIRED LAND.—On acquisition of any land or interests in land under paragraph (1), the acquired land or interests in land shall be administered as part of the Preserve.

(d) SCIENCE AND EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall—

(A) until the date on which a management plan is completed in accordance with subsection (b)(3), carry out the science and education program for the Preserve established by the Trust; and

(B) beginning on the date on which a management plan is completed in accordance with subsection (b)(3), establish a science and education program for the Preserve that—

(i) allows for research and interpretation of the natural, historic, cultural, geologic and other scientific features of the Preserve;

(ii) provides for improved methods of ecological restoration and science-based adaptive management of the Preserve; and

(iii) promotes outdoor educational experiences in the Preserve.

(2) SCIENCE AND EDUCATION CENTER.—As part of the program established under paragraph (1)(B), the Secretary may establish a science and education center outside the boundaries of the Preserve.

(e) GRAZING.—The Secretary may allow the grazing of livestock within the Preserve to continue—

(1) consistent with this subtitle; and

(2) to the extent the use furthers scientific research or interpretation of the ranching history of the Preserve.

(f) FISH AND WILDLIFE.—Nothing in this subtitle affects the responsibilities of the State with respect to fish and wildlife in the State, except that the Secretary, in consultation with the New Mexico Department of Game and Fish—

(1) shall permit hunting and fishing on land and water within the Preserve in accordance with applicable Federal and State laws; and

(2) may designate zones in which, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, the protection of wildlife and wildlife habitats, or public use and enjoyment.

(g) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—The Secretary shall undertake activities to improve the health of forest, grassland, and riparian areas within the Preserve, including any activities carried out in accordance with title IV of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7301 et seq.).

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with adjacent pueblos to coordinate activities carried out under paragraph (1) on the Preserve and adjacent pueblo land.

(h) WITHDRAWAL.—Subject to valid existing rights, all land and interests in land within the boundaries of the Preserve are withdrawn from—

(1) entry, disposal, or appropriation under the public land laws;

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

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

(i) VOLCANIC DOMES AND OTHER PEAKS.—

(1) IN GENERAL.—Except as provided in paragraph (3), for the purposes of preserving the natural, cultural, religious, archaeological, and historic resources of the volcanic domes and other peaks in the Preserve described in paragraph (2) within the area of the domes and peaks above 9,600 feet in elevation or 250 feet below the top of the dome, whichever is lower—

(A) no roads or buildings shall be constructed; and

(B) no motorized access shall be allowed.

(2) DESCRIPTION OF VOLCANIC DOMES.—The volcanic domes and other peaks referred to in paragraph (1) are—

(A) Redondo Peak;

(B) Redondito;
(C) South Mountain;
(D) San Antonio Mountain;
(E) Cerro Seco;
(F) Cerro San Luis;
(G) Cerros Santa Rosa;
(H) Cerros del Abrigo;
(I) Cerro del Medio;
(J) Rabbit Mountain;
(K) Cerro Grande;
(L) Cerro Toledo;
(M) Indian Point;
(N) Sierra de los Valles; and
(O) Cerros de los Posos.

(3) EXCEPTION.—Paragraph (1) shall not apply in cases in which construction or motorized access is necessary for administrative purposes (including ecological restoration activities or measures required in emergencies to protect the health and safety of persons in the area).

(j) TRADITIONAL CULTURAL AND RELIGIOUS SITES.—

(1) IN GENERAL.—The Secretary, in consultation with Indian tribes and pueblos, shall ensure the protection of traditional cultural and religious sites in the Preserve.

(2) ACCESS.—The Secretary, in accordance with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996)—

(A) shall provide access to the sites described in paragraph (1) by members of Indian tribes or pueblos for traditional cultural and customary uses; and

(B) may, on request of an Indian tribe or pueblo, temporarily close to general public use 1 or more specific areas of the Preserve to protect traditional cultural and customary uses in the area by members of the Indian tribe or pueblo.

(3) PROHIBITION ON MOTORIZED ACCESS.—The Secretary shall maintain prohibitions on the use of motorized or mechanized travel on Preserve land located adjacent to the Santa Clara Indian Reservation, to the extent the prohibition was in effect on the date of enactment of this Act.

(k) CALDERA RIM TRAIL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, affected Indian tribes and pueblos, and the public, shall study the feasibility of establishing a hiking trail along the rim of the Valles Caldera on—

(A) land within the Preserve; and

(B) National Forest System land that is adjacent to the Preserve.

(2) AGREEMENTS.—On the request of an affected Indian tribe or pueblo, the Secretary and the Secretary of Agriculture shall seek to enter into an agreement with the Indian tribe or pueblo with respect to the Caldera Rim Trail that provides for the protection of—

(A) cultural and religious sites in the vicinity of the trail; and

(B) the privacy of adjacent pueblo land.

(l) VALID EXISTING RIGHTS.—Nothing in this subtitle affects valid existing rights.

SEC. 103. TRANSFER OF ADMINISTRATIVE JURISDICTION.

(a) IN GENERAL.—Administrative jurisdiction over the Preserve is transferred from the Secretary of Agriculture and the Trust to the Secretary, to be administered as a unit of the National Park System, in accordance with section 102.

(b) EXCLUSION FROM SANTA FE NATIONAL FOREST.—The boundaries of the Santa Fe National Forest are modified to exclude the Preserve.

(c) INTERIM MANAGEMENT.—

(1) MEMORANDUM OF AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Trust shall enter into a memorandum of agreement to facilitate the orderly transfer to the Secretary of the administration of the Preserve.

(2) EXISTING MANAGEMENT PLANS.—Notwithstanding the repeal made by section 104(a), until the date on which the Secretary completes a management plan for the Preserve in accordance with section 102(b)(3), the Secretary may administer the Preserve in accordance with any management activities or plans adopted by the Trust under the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.), to the extent the activities or plans are consistent with section 102(b)(1).

(3) PUBLIC USE.—The Preserve shall remain open to public use during the interim management period, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) VALLES CALDERA TRUST.—

(1) TERMINATION.—The Trust shall terminate 180 days after the date of enactment of this Act unless the Secretary determines that the termination date should be extended to facilitate the transitional management of the Preserve.

(2) ASSETS AND LIABILITIES.—

(A) ASSETS.—On termination of the Trust—

(i) all assets of the Trust shall be transferred to the Secretary; and

(ii) any amounts appropriated for the Trust shall remain available to the Secretary for the administration of the Preserve.

(B) ASSUMPTION OF OBLIGATIONS.—

(i) IN GENERAL.—On termination of the Trust, the Secretary shall assume all contracts, obligations, and other liabilities of the Trust.

(ii) NEW LIABILITIES.—

(I) BUDGET.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Trust shall prepare a budget for the interim management of the Preserve.

(II) WRITTEN CONCURRENCE REQUIRED.—The Trust shall not incur any new liabilities not authorized in the budget prepared under subclause (I) without the written concurrence of the Secretary.

(3) PERSONNEL.—

(A) HIRING.—The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions at the Preserve or other areas or offices under the jurisdiction of the Secretary or the Secretary of Agriculture.

(B) SALARY.—Any employees hired from the Trust under subparagraph (A) shall be subject to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(C) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—For a period of not less than 180 days beginning on the date of enactment of this Act, all eligible employees of the Trust shall be—

(i) retained in the employment of the Trust;

(ii) considered to be placed on detail to the Secretary; and

(iii) subject to the direction of the Secretary.

(D) TERMINATION FOR CAUSE.—Nothing in this paragraph precludes the termination of employment of an eligible employee for cause during the period described in subparagraph (C).

(4) RECORDS.—The Secretary shall have access to all records of the Trust pertaining to the management of the Preserve.

(5) VALLES CALDERA FUND.—

(A) IN GENERAL.—Effective on the date of enactment of this Act, the Secretary shall assume the powers of the Trust over the Fund.

(B) AVAILABILITY AND USE.—Any amounts in the Fund as of the date of enactment of this Act shall be available to the Secretary for use, without further appropriation, for the management of the Preserve.

SEC. 104. REPEAL OF VALLES CALDERA PRESERVATION ACT.

(a) REPEAL.—On the termination of the Trust, the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) is repealed.

(b) EFFECT OF REPEAL.—Notwithstanding the repeal made by subsection (a)—

(1) the authority of the Secretary of Agriculture to acquire mineral interests under section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is transferred to the Secretary and any proceeding for the condemnation of, or payment of compensation for, an outstanding mineral interest pursuant to the transferred authority shall continue;

(2) the provisions in section 104(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(g)) relating to the Pueblo of Santa Clara shall remain in effect; and

(3) the Fund shall not be terminated until all amounts in the Fund have been expended by the Secretary.

(c) BOUNDARIES.—The repeal of the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) shall not affect the boundaries as of the date of enactment of this Act (including maps and legal descriptions) of—

(1) the Preserve;

(2) the Santa Fe National Forest (other than the modification made by section 103(b));

(3) Bandelier National Monument; and

(4) any land conveyed to the Pueblo of Santa Clara.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Waco Mammoth National Monument

SEC. 111. DEFINITIONS.

In this subtitle the following definitions apply:

(1) NATIONAL MONUMENT.—The term ''national monument'' means the Waco Mammoth National Monument, established in section 112.

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

(3) MAP.—The term ''map'' means the map titled ''Proposed Boundary Waco-Mammoth National Monument'', numbered T21/80,000, and dated April, 2009.

SEC. 112. WACO MAMMOTH NATIONAL MONUMENT, TEXAS.

(a) ESTABLISHMENT.—There is established the Waco Mammoth National Monument in the State of Texas, as a unit of the National Park System, as generally 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.

SEC. 113. ADMINISTRATION OF NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary shall administer the national monument in accordance with this subtitle, the cooperative agreements described in this section, and laws and regulations generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1).

(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements for the management of the national monument with Baylor University and City of Waco, pursuant to the National Park Service General Authorities Act (16 U.S.C. 1a–2(1)).

SEC. 114. ACQUISITION OF PROPERTY AND BOUNDARY MANAGEMENT.

(a) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire from willing

sellers lands, or interests in lands, within the proposed boundary of the national monument necessary for effective management.

(b) CONDITIONS.—Lands identified in subsection (a) may be acquired—

(1) by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or by exchange; and

(2) in the case of lands owned by the State of Texas, or a political subdivision thereof, or Baylor University only by donation or exchange.

SEC. 115. CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.

(a) IN GENERAL.—The Secretary is authorized, subject to the appropriation of necessary funds, to construct essential administrative or visitor use facilities on non-Federal lands within the national monument.

(b) OTHER FUNDING.—In addition to the use of Federal funds authorized in subsection (a), the Secretary may use donated funds, property, and services to carry out this section.

SEC. 116. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than three years after the date on which funds are made available to carry out this subtitle, the Secretary, in consultation with Baylor University and City of Waco, shall prepare a management plan for the national monument.

(b) INCLUSIONS.—The management plan shall include, at a minimum—

(1) measures for the preservation of the resources of the national monument;

(2) requirements for the type and extent of development and use of the national monument;

(3) identification of visitor carrying capacities for national monument; and

(4) opportunities for involvement by Baylor University, the City of Waco, the State of Texas, and other local and national entities in the formulation of educational programs for the national monument and for developing and supporting the national monument.

TITLE II—EXISTING UNITS OF THE NATIONAL PARK SYSTEM

Subtitle A—Oregon Caves National Monument Expansion

SEC. 201. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Oregon Caves National Monument and Preserve'', numbered 150/80,023, and dated May 2010.

(2) MONUMENT.—The term ''Monument'' means the Oregon Caves National Monument established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909.

(3) NATIONAL MONUMENT AND PRESERVE.—The term ''National Monument and Preserve'' means the Oregon Caves National Monument and Preserve designated by section 202(a)(1).

(4) NATIONAL PRESERVE.—The term ''National Preserve'' means the National Preserve designated by section 202(a)(2).

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

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management.

(7) STATE.—The term ''State'' means the State of Oregon.

SEC. 202. DESIGNATIONS; LAND TRANSFER; BOUNDARY ADJUSTMENT.

(a) DESIGNATIONS.—

(1) IN GENERAL.—The Monument and the National Preserve shall be administered as a single unit of the National Park System and collectively known and designated as the ''Oregon Caves National Monument and Preserve''.

(2) NATIONAL PRESERVE.—The approximately 4,070 acres of land identified on the map as ''Proposed Addition Lands'' shall be designated as a National Preserve.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the land designated as a National Preserve under subsection (a)(2) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the National Monument and Preserve.

(2) EXCLUSION OF LAND.—The boundaries of the Rogue River-Siskiyou National Forest are adjusted to exclude the land transferred under paragraph (1).

(c) BOUNDARY ADJUSTMENT.—The boundary of the National Monument and Preserve is modified to exclude approximately 4 acres of land—

(1) located in the City of Cave Junction; and

(2) identified on the map as the ''Cave Junction Unit''.

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

(e) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Monument shall be considered to be a reference to the ''Oregon Caves National Monument and Preserve''.

SEC. 203. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the National Monument and Preserve in accordance with—

(1) this subtitle;

(2) Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909; and

(3) any law (including regulations) generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FIRE MANAGEMENT.—As soon as practicable after the date of enactment of this Act, in accordance with subsection (a), the Secretary shall—

(1) revise the fire management plan for the Monument to include the land transferred under section 202(b)(1); and

(2) in accordance with the revised plan, carry out hazardous fuel management activities within the boundaries of the National Monument and Preserve.

(c) EXISTING FOREST SERVICE CONTRACTS.—

(1) IN GENERAL.—The Secretary shall—

(A) allow for the completion of any Forest Service stewardship or service contract executed as of the date of enactment of this Act with respect to the National Preserve; and

(B) recognize the authority of the Secretary of Agriculture for the purpose of administering a contract described in subparagraph (A) through the completion of the contract.

(2) TERMS AND CONDITIONS.—All terms and conditions of a contract described in paragraph (1)(A) shall remain in place for the duration of the contract.

(3) LIABILITY.—The Forest Service shall be responsible for any liabilities relating to a contract described in paragraph (1)(A).

(d) GRAZING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may allow the grazing of livestock within the National Preserve to continue as authorized under permits or leases in existence as of the date of enactment of this Act.

(2) APPLICABLE LAW.—Grazing under paragraph (1) shall be—

(A) at a level not greater than the level at which the grazing exists as of the date of enactment of this Act, as measured in Animal Unit Months; and

(B) in accordance with each applicable law (including National Park Service regulations).

(e) FISH AND WILDLIFE.—The Secretary shall permit hunting and fishing on land and waters within the National Preserve in accordance with applicable Federal and State laws, except that the Secretary may, in consultation with the Oregon Department of Fish and Wildlife, designate zones in which, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, or compliance by the Secretary with any applicable law (including regulations).

SEC. 204. VOLUNTARY GRAZING LEASE OR PERMIT DONATION PROGRAM.

(a) DONATION OF LEASE OR PERMIT.—

(1) ACCEPTANCE BY SECRETARY CONCERNED.—The Secretary concerned shall accept a grazing lease or permit that is donated by a lessee or permittee for—

(A) the Big Grayback Grazing Allotment located in the Rogue River-Siskiyou National Forest; and

(B) the Billy Mountain Grazing Allotment located on a parcel of land that is managed by the Secretary (acting through the Director of the Bureau of Land Management).

(2) TERMINATION.—With respect to each grazing permit or lease donated under paragraph (1), the Secretary shall—

(A) terminate the grazing permit or lease; and

(B) ensure a permanent end to grazing on the land covered by the grazing permit or lease.

(b) EFFECT OF DONATION.—A lessee or permittee that donates a grazing lease or grazing permit (or a portion of a grazing lease or grazing permit) under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 205. WILD AND SCENIC RIVER DESIGNATIONS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(208) RIVER STYX, OREGON.—The subterranean segment of Cave Creek, known as the River Styx, to be administered by the Secretary of the Interior as a scenic river.''.

(b) POTENTIAL ADDITIONS.—

(1) IN GENERAL.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(141) OREGON CAVES NATIONAL MONUMENT AND PRESERVE, OREGON.—

''(A) CAVE CREEK, OREGON.—The 2.6-mile segment of Cave Creek from the headwaters at the River Styx to the boundary of the Rogue River Siskiyou National Forest.

''(B) LAKE CREEK, OREGON.—The 3.6-mile segment of Lake Creek from the headwaters at Bigelow Lakes to the confluence with Cave Creek.

''(C) NO NAME CREEK, OREGON.—The 0.6-mile segment of No Name Creek from the headwaters to the confluence with Cave Creek.

''(D) PANTHER CREEK.—The 0.8-mile segment of Panther Creek from the headwaters to the confluence with Lake Creek.

''(E) UPPER CAVE CREEK.—The segment of Upper Cave Creek from the headwaters to the confluence with River Styx.''.

(2) STUDY; REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(20) OREGON CAVES NATIONAL MONUMENT AND PRESERVE, OREGON.—Not later than 3

years after the date on which funds are made available to carry out this paragraph, the Secretary shall—

''(A) complete the study of the Oregon Caves National Monument and Preserve segments described in subsection (a)(141); and

''(B) submit to Congress a report containing the results of the study.''.

Subtitle B—Minuteman Missile National Historic Site Boundary Modification

SEC. 211. BOUNDARY MODIFICATION.

Section 3(a) of the Minuteman Missile National Historic Site Establishment Act of 1999 (16 U.S.C. 461 note; Public Law 106–115) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

''(A) IN GENERAL.—In addition to the components described in paragraph (2), the historic site shall include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).

''(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) consists of approximately 25 acres of land within the Buffalo Gap National Grassland in South Dakota as generally depicted on the map entitled 'Minuteman Missile National Historic Site Boundary Modification', numbered 406/80,011, and dated July 17, 2009.

''(C) AVAILABILITY OF MAP.—The map described in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

''(D) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in subparagraph (B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site.

''(E) BOUNDARY ADJUSTMENT.—The boundaries of the Buffalo Gap National Grasslands are modified to exclude the land transferred under subparagraph (D).''.

Subtitle C—Indiana Dunes National Lakeshore Visitor Center

SEC. 221. DOROTHY BUELL MEMORIAL VISITOR CENTER.

(a) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior may enter into a memorandum of understanding to establish a joint partnership with the Porter County Convention, Recreation and Visitor Commission. The memorandum of understanding shall—

(1) identify the overall goals and purpose of the Dorothy Buell Memorial Visitor Center;

(2) establish how management and operational duties will be shared;

(3) determine how exhibits, signs, and other information are developed;

(4) indicate how various activities will be funded;

(5) identify who is responsible for providing site amenities;

(6) establish procedures for changing or dissolving the joint partnership; and

(7) address any other issues deemed necessary by the Secretary or the Porter County Convention, Recreation and Visitor Commission.

(b) DEVELOPMENT OF EXHIBITS.—The Secretary may plan, design, construct, and install exhibits in the Dorothy Buell Memorial Visitor Center related to the use and management of the resources at Indiana Dunes National Lakeshore, at a cost not to exceed $1,500,000.

(c) NATIONAL LAKESHORE PRESENCE.—The Secretary may use park staff from Indiana Dunes National Lakeshore in the Dorothy Buell Memorial Visitor Center to provide visitor information and education.

SEC. 222. INDIANA DUNES NATIONAL LAKESHORE.

Section 19 of the Act entitled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' (16 U.S.C. 460u–19) is amended—

(1) by striking ''After notifying'' and inserting ''(a) After notifying''; and

(2) by adding at the end the following:

''(b) CONTIGUOUS CLARIFIED.—For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.''.

Subtitle D—North Cascades National Park Fish Stocking

SEC. 231. DEFINITIONS.

In this subtitle:

(1) NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.—The term ''North Cascades National Park Service Complex'' means collectively the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

(2) PLAN.—The term ''plan'' means the document entitled ''North Cascades National Park Service Complex Mountain Lakes Fishery Management Plan and Environmental Impact Statement'' and dated June 2008.

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

SEC. 232. STOCKING OF CERTAIN LAKES IN THE NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall authorize the stocking of fish in lakes in the North Cascades National Park Service Complex.

(b) CONDITIONS.—

(1) IN GENERAL.—The Secretary is authorized to allow stocking of fish in not more than 42 of the 91 lakes in the North Cascades National Park Service Complex that have historically been stocked with fish.

(2) NATIVE NONREPRODUCING FISH.—The Secretary shall only stock fish that are—

(A) native to the slope of the Cascade Range on which the lake to be stocked is located; and

(B) nonreproducing, as identified in management alternative B of the plan.

(3) CONSIDERATIONS.—In making fish stocking decisions under this subtitle, the Secretary shall make use of relevant scientific information, including the plan and information gathered under subsection (c).

(4) REQUIRED COORDINATION.—The Secretary shall coordinate the stocking of fish under this subtitle with the State of Washington.

(c) RESEARCH AND MONITORING.—The Secretary shall—

(1) continue a program of research and monitoring of the impacts of fish stocking on the resources of the applicable unit of the North Cascades National Park Service Complex; and

(2) beginning on the date that is 5 years after the date of enactment of this Act and every 5 years thereafter, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the research and monitoring under paragraph (1).

Subtitle E—Petersburg National Battlefield Boundary Modification

SEC. 241. BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this subtitle as the ''Secretary'') is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under this section as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

SEC. 242. ADMINISTRATIVE JURISDICTION TRANSFER.

(a) IN GENERAL.—The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1.171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield, for approximately 1.170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.

(b) MAP.—The land to be exchanged is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.

(c) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction authorized in subsection (a) shall be subject to the following conditions:

(1) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall occur without reimbursement or consideration.

(2) DEADLINE.—The Secretary and the Secretary of the Army shall complete the transfers authorized by this section not later than 120 days after the funds are made available for that purpose.

(3) MANAGEMENT.—The land conveyed to the Secretary under subsection (a) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

Subtitle F—Gettysburg National Battlefield Boundary Modification

SEC. 251. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

Section 1 of the Act titled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'', approved August 17, 1990 (16 U.S.C. 430g–4), is amended by adding at the end the following:

''(d) ADDITIONAL LAND.—In addition to the land identified in subsections (a) and (b), the park shall also include the following, as depicted on the map titled 'Gettysburg National Military Park Proposed Boundary Addition', numbered 305/80,045 and dated January 2010:

''(1) The land and interests in land commonly known as the 'Gettysburg Train Station' and its immediate surroundings in the Borough of Gettysburg.

''(2) The land and interests in land located along Plum Run in Cumberland Township.''.

SEC. 252. ACQUISITION AND DISPOSAL OF LAND.

Section 2 of that Act (16 U.S.C. 430g–5) is amended by adding at the end of subsection (a) the following: ''The Secretary is also authorized to acquire publicly owned property within the area defined in section 1(d)(1) by purchase, from willing sellers only, if efforts to acquire that property without cost have been exhausted. The Secretary may not acquire property within the area defined in section 1(d) by eminent domain.''.

Subtitle G—Cane River National Historical Park Curatorial Center

SEC. 261. COLLECTIONS CONSERVATION CENTER.

Section 304 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–2) is amended by adding at the end the following:

''(f) COLLECTIONS CONSERVATION CENTER.—

''(1) IN GENERAL.—Subject to the appropriation of the full cost of construction in advance, the Secretary may enter into an agreement with Northwestern State University (referred to in this subsection as the 'University') to construct a facility on land owned by the University to be used—

''(A) to house the museum collection of the historical park;

''(B) to provide additional space for use by the National Center for Preservation Technology and Training; and

''(C) to provide space to the University for educational purposes relating to the Williamson Museum collection, if the University pays an appropriate rental fee to the National Park Service, as determined in the agreement entered into under this paragraph.

''(2) USE OF FEE.—Proceeds from the rental fees collected under paragraph (1)(C) shall be available until expended, without further appropriation, for the historical park.

''(3) TERMS OF LEASE.—The Secretary may enter into a lease with the University for a term of not more than 40 years if the land made available by the University under paragraph (1) is leased at a nominal cost to the Secretary.''.

SEC. 262. TECHNICAL CORRECTIONS.

The Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc et seq.) is amended—

(1) in the third sentence of section 304(e) (16 U.S.C. 410ccc–2(e)), by striking ''of Technology'' and inserting ''Technology''; and

(2) in section 305(a) (16 U.S.C. 410ccc–3(a)), by striking ''interest'' and inserting ''interests''.

TITLE III—SPECIAL RESOURCE STUDIES

SEC. 301. NEW PHILADELPHIA, ILLINOIS.

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''Study Area'' means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

(b) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(c) CONTENTS.—In conducting the study under subsection (b), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(d) APPLICABLE LAW.—The study required under subsection (b) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(e) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (b), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 302. GEORGE C. MARSHALL HOME, VIRGINIA.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Dodona Manor and gardens in Leesburg, Virginia, the home of George C. Marshall during the most important period of Marshall's career (referred to in this section as the ''study area'').

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area and the surrounding area;

(2) determine the suitability and feasibility of designating the study area as an affiliated area of the National Park System;

(3) consider other alternatives for the preservation, protection, and interpretation of the study area by—

(A) the Federal Government;

(B) State or local governmental entities; or

(C) private or nonprofit organizations;

(4) consult with interested—

(A) Federal, State, or local governmental entities;

(B) private or nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 303. HEART MOUNTAIN RELOCATION CENTER, WYOMING.

(a) STUDY.—The Secretary of the Interior shall conduct a special resource study of the Heart Mountain Relocation Center, in Park County, Wyoming.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Heart Mountain Relocation Center and surrounding area;

(2) determine the suitability and feasibility of designating the Heart Mountain Relocation Center as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities, or private and nonprofit organizations;

(4) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives;

(5) identify any potential impacts of designation of the site as a unit of the National Park System on private landowners; and

(6) consult with interested Federal, State, or local governmental entities, federally recognized Indian tribes, private and nonprofit organizations, owners of private property that may be affected by any such designation, or any other interested individuals.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study and any conclusions and recommendations of the Secretary.

SEC. 304. COLONEL CHARLES YOUNG HOME, OHIO.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Secretary of the Army, shall conduct a special resource study of the Colonel Charles Young Home, a National Historic Landmark in Xenia, Ohio (referred to in this section as the ''Home'').

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate any architectural and archeological resources of the Home;

(2) determine the suitability and feasibility of designating the Home as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Home by Federal, State, or local governmental entities or private and nonprofit organizations, including the use of shared management agreements with the Dayton Aviation Heritage National Historical Park or specific units of that Park, such as the Paul Laurence Dunbar Home;

(4) consult with the Ohio Historical Society, Central State University, Wilberforce University, and other interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that contains—

(1) the results of the study under subsection (a); and

(2) any conclusions and recommendations of the Secretary.

SEC. 305. UNITED STATES CIVIL RIGHTS TRAIL.

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a special resource study for the purpose of evaluating a range of alternatives for protecting and interpreting sites associated with the struggle for civil rights in the United States, including alternatives for potential addition of some or all of the sites to the National Trails System.

(b) CONSULTATION.—The Secretary shall conduct the special resource study in consultation with appropriate Federal, State, county, and local governmental entities.

(c) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(d) STUDY OBJECTIVES.—In conducting the special resource study, the Secretary shall evaluate alternatives for achieving the following objectives:

(1) Identifying the resources and historic themes associated with the movement to secure racial equality in the United States for African Americans that, focusing on the period from 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights for all American citizens.

(2) Making a review of existing studies and reports, such as the Civil Rights Framework Study, to complement and not duplicate other studies of the historical importance of the civil rights movements that may be underway or undertaken.

(3) Establishing connections with agencies, organizations, and partnerships already engaged in the preservation and interpretation of various trails and sites dealing with the civil rights movement.

(4) Protecting historically significant landscapes, districts, sites, and structures.

(5) Identifying alternatives for preservation and interpretation of the sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations, including the potential inclusion of some or all of the sites in a National Civil Rights Trail.

(6) Identifying cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives developed under the special resource study.

(e) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study conducted under subsection (c) and any recommendations of the Secretary with respect to the route.

SEC. 306. CAMP HALE, COLORADO.

(a) DEFINITIONS.—In this section:

(1) CAMP HALE.—The term ''Camp Hale'' means the area comprising approximately 200,000 acres on the White River and San Isabel National Forests in west-central Colorado located within portions of Eagle, Lake, Pitkin, and Summit counties.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(b) STUDY.—The Secretaries shall conduct a study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a unit of the National Park System, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)); or

(2) any other designation or management option that would provide for the protection of resources within Camp Hale, including continued management of Camp Hale by the Forest Service.

(c) REQUIRED ANALYSIS.—The study under subsection (b) shall include an analysis of—

(1) the significance of Camp Hale in relation to national security during World War II and the Cold War, including—

(A) the use of Camp Hale for training of the 10th Mountain Division and other elements of the United States Armed Forces; and

(B) the use of Camp Hale for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet;

(2) opportunities for public enjoyment and recreation at Camp Hale; and

(3) any operational, management, or private property issues relating to Camp Hale.

(d) CONGRESSIONAL INTENT.—It is the intent of Congress that, in conducting the study under subsection (b), the Secretaries not propose any designation that would affect valid existing rights, including—

(1) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights—

(A) decreed at Camp Hale; or

(B) flowing within, below, or through Camp Hale;

(3) water rights in the State of Colorado;

(4) water rights held by the United States; and

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water.

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

(1) the study conducted under this section; and

(2) any recommendations of the Secretaries relating to Camp Hale.

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

TITLE IV—BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

SEC. 401. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 402. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means the parcel of land—

(i) identified as ''Area I''; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term ''Federal land'' does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term ''memorial'' means the memorial authorized to be established under section 403(a).

SEC. 403. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 404. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

TITLE V—GENERAL AUTHORITIES

Subtitle A—Revolutionary War and War of 1812 American Battlefield Funding

SEC. 501. REVOLUTIONARY WAR AND WAR OF 1812 AMERICAN BATTLEFIELD PROTECTION.

Section 7301(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) is amended as follows:

(1) In paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) BATTLEFIELD REPORT.—The term ''battlefield report'' means, collectively—

''(i) the report entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993; and

''(ii) the report entitled 'Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States', prepared by the National Park Service, and dated September 2007.''; and

(B) in subpagraph (C)(ii), by striking ''Battlefield Report'' and inserting ''battlefield report''.

(2) In paragraph (2), by inserting ''eligible sites or'' after ''acquiring''.

(3) In paragraph (3), by inserting ''an eligible site or'' after ''acquire''.

(4) In paragraph (4), by inserting ''an eligible site or'' after ''acquiring''.

(5) In paragraph (5), by striking ''An'' and inserting ''An eligible site or an''.

(6) By redesignating paragraph (6) as paragraph (8).

(7) By inserting after paragraph (5) the following new paragraphs:

''(6) WILLING SELLERS.—Acquisition of land or interests in land under this subsection shall be from willing sellers only.

''(7) REPORT.—Not later than 5 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out under this subsection, including a description of—

''(A) preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;

''(B) changes in the condition of the battlefields and associated sites during that period; and

''(C) any other relevant developments relating to the battlefields and associated sites during that period.''.

(8) By striking paragraph (8) (as redesignated by paragraph (6)) and inserting the following:

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this subsection for each of fiscal years 2010 through 2020—

''(A) $10,000,000 for the protection of Civil War battlefields; and

''(B) $10,000,000 for the protection of Revolutionary War and War of 1812 battlefields.''.

Subtitle B—National Park Service Miscellaneous Authorizations

SEC. 511. NATIONAL PARK SYSTEM AUTHORITIES.

(a) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3(f) of the Act entitled, ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 463(f)), is amended in the first sentence by striking ''2010'' and inserting ''2020''.

(b) NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.—Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105–391) is amended by striking ''2009'' and inserting ''2019''.

(c) NATIONAL PARK SYSTEM UNIFORM PENALTIES.—

(1) FINES AND IMPRISONMENT.—The first section of the Act entitled, ''An Act to provide for the protection of national military

parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department'', approved March 2, 1933 (47 Stat. 1420, ch. 180), is amended by striking ''such fine and imprisonment.'' and inserting ''such fine and imprisonment; except if the violation occurs within a park, site, monument, or memorial that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the 'National Park Service Organic Act') and section 3571 of title 18, United States Code.''.

(2) COST OF PROCEEDINGS.—Section 2(k) of the Act entitled, ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 462(k)), is amended by striking ''cost of the proceedings.'' and inserting ''cost of the proceedings; except if the violation occurs within an area that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the 'National Park Service Organic Act'), and section 3571 of title 18, United States Code.''.

(d) VOLUNTEERS IN THE PARKS.—Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking ''$3,500,000'' and inserting ''$10,000,000''.

SEC. 512. PEARL HARBOR TICKETING.

(a) DEFINITIONS.—In this section:

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

(2) PEARL HARBOR HISTORIC SITE.—The term ''Pearl Harbor historic site'' means a historic attraction within the Pearl Harbor Naval Complex, including the USS Bowfin Submarine Museum and Park, the Battleship Missouri Memorial, the Pacific Aviation Museum—Pearl Harbor, and any other historic attraction that the Secretary identifies as a Pearl Harbor historic site and that is not administered or managed by the Secretary.

(3) VISITOR CENTER.—The term ''visitor center'' means the visitor center located within the Pearl Harbor Naval Complex on lands that are within the World War II Valor in the Pacific National Monument and managed by the Secretary through the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—The Secretary, in managing the World War II Valor in the Pacific National Monument, may enter into an agreement with the nonprofit organizations or other legally recognized entities that are authorized to administer or manage a Pearl Harbor historic site—

(A) to allow visitors to a Pearl Harbor historic site to gain access to the site by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a Pearl Harbor historic site within the Visitor Center by employees of the National Park Service or by organizations that administer or manage a Pearl Harbor historic site.

(2) TERMS AND CONDITIONS.—In any agreement entered into pursuant to this section, the Secretary—

(A) shall require the organization administering or managing a Pearl Harbor historic site to pay to the Secretary a reasonable fee to recover administrative costs associated with the use of the Visitor Center for public access and ticket sales, the proceeds of which shall remain available, without further appropriation, for use by the National Park Service at the World War II Valor in the Pacific National Monument;

(B) shall ensure the limited liability of the United States arising from the admission of the public through the Visitor Center to a Pearl Harbor historic site and the sale or issuance of any tickets to the site; and

(C) may include any other terms and conditions the Secretary deems appropriate.

(3) LIMITATION OF AUTHORITY.—Under this section, the Secretary shall have no authority—

(A) to regulate or approve the rates for admission to an attraction within the Pearl Harbor historic site;

(B) to regulate or manage any visitor services of any historic sites within the Pearl Harbor Naval Complex other than at those sites managed by the National Park Service as part of World War II Valor in the Pacific National Monument; or

(C) to charge an entrance fee for admission to the World War II Valor in the Pacific National Monument.

(c) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a Pearl Harbor historic site to take any action in derogation of the preservation and protection of the values and resources of the World War II Valor in the Pacific National Monument.

SEC. 513. CHANGES TO NATIONAL PARK UNITS.

(a) GEORGE WASHINGTON MEMORIAL PARKWAY.—

(1) PURPOSE.—The purpose of this subsection is to authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land in accordance with the terms and conditions of this subsection.

(2) DEFINITIONS.—In this subsection:

(A) FARM.—The term ''Farm'' means the Claude Moore Colonial Farm.

(B) MAP.—The term ''Map'' means the map titled ''GWMP—Claude Moore Proposed Boundary Adjustment'', numbered 850/82003, and dated April 2004. The map shall be available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(C) RESEARCH CENTER.—The term ''Research Center'' means the Federal Highway Administration's Turner-Fairbank Highway Research Center.

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

(3) ADMINISTRATIVE JURISDICTION TRANSFER.—

(A) TRANSFER OF JURISDICTION.—

(i) IN GENERAL.—The Secretary and the Secretary of Transportation are authorized to transfer administrative jurisdiction for approximately 0.342 acre of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as ''B'' on the Map, for approximately 0.479 acre within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as ''A'' on the Map.

(ii) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acre of land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the north perimeter fence of the Research Center, generally depicted as ''C'' on the Map, by prohibiting the storage, construction, or installation of any item that may obstruct the view from the Research Center into the George Washington Memorial Parkway.

(B) REIMBURSEMENT OR CONSIDERATION.—The transfer of administrative jurisdiction under this section shall occur without reimbursement or consideration.

(C) COMPLIANCE WITH AGREEMENT.—

(i) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the Agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the lands discussed in the Agreement.

(ii) ACCESS TO LAND.—The Secretary shall allow the Research Center access to the land the Secretary restricts under subparagraph (A)(ii) for purposes of maintenance in accordance with National Park Service standards, which includes grass mowing and weed control, tree maintenance, fence maintenance, and visual appearance. No tree 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary. Any pesticide use must be approved in writing by the Secretary prior to application of the pesticide.

(4) MANAGEMENT OF TRANSFERRED LANDS.—

(A) INTERIOR LAND.—The land transferred to the Secretary under paragraph (3)(A) shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(B) TRANSPORTATION LAND.—The land transferred to the Secretary of Transportation under paragraph (3)(A) shall be included in the boundary of the Research Center and shall be removed from the boundary of the parkway.

(C) RESTRICTED-USE LAND.—The land the Secretary has designated for restricted use under paragraph (3)(A) shall be maintained by the Research Center.

(b) DISTRICT OF COLUMBIA SNOW REMOVAL.—Section 3 of the Act entitled, ''An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia'', approved September 16, 1922 (Sec. 9–603, D.C. Official Code), is amended to read as follows:

''SEC. 3. (a) It shall be the duty of a Federal agency to remove, or cause to be removed, snow, sleet, or ice from paved sidewalks and crosswalks within the fire limits of the District of Columbia that are—

''(1) in front of or adjacent to buildings owned by the United States and under such Federal agency's jurisdiction; or

''(2) public thoroughfares in front of, around, or through public squares, reservations, or open spaces and that are owned by the United States and under such Federal agency's jurisdiction.

''(b) The snow, sleet, or ice removal required by subsection (a) shall occur within a reasonable time period after snow or sleet ceases to fall or after ice has accumulated. In the event that snow, sleet, or ice has hardened and cannot be removed, such Federal agency shall—

''(1) make the paved sidewalks and crosswalks under its jurisdiction described in subsection (a) reasonably safe for travel by the application of sand, ashes, salt, or other acceptable materials; and

''(2) as soon as practicable, thoroughly remove the snow, sleet, or ice.

''(c)(1) The duty of a Federal agency described in subsections (a) and (b) may be delegated to another governmental or nongovernmental entity through a lease, contract, or other comparable arrangement.

''(2) If two or more Federal agencies have overlapping responsibility for the same sidewalk or crosswalk they may enter into an arrangement assigning responsibility.''.

(c) MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK.—

(1) AMENDMENTS.—The Act entitled ''An Act to establish the Martin Luther King, Junior, National Historic Site in the State of

Georgia, and for other purposes'', approved October 10, 1980 (Public Law 96–428; 94 Stat. 1839) is amended—

(A) in the first section, by striking ''the map entitled 'Martin Luther King, Junior, National Historic Site Boundary Map', number 489/80,013B, and dated September 1992'' and inserting ''the map titled 'Martin Luther King, Jr. National Historical Park', numbered 489/80,032, and dated April 2009'';

(B) by striking ''Martin Luther King, Junior, National Historic Site'' each place it appears and inserting ''Martin Luther King, Jr. National Historical Park''; and

(C) by striking ''historic site'' each place it appears and inserting ''historical park''.

(2) REFERENCES.—Any reference in any law (other than this Act), map, regulation, document, record, or other official paper of the United States to the ''Martin Luther King, Junior, National Historic Site'' shall be considered to be a reference to the ''Martin Luther King, Jr. National Historical Park''.

(d) LAVA BEDS NATIONAL MONUMENT WILDERNESS BOUNDARY ADJUSTMENT.—The first section of the Act of October 13, 1972 (Public Law 92–493; 16 U.S.C. 1132 note), is amended in the first sentence—

(1) by striking ''That, in'' and inserting the following:

''SECTION 1. In''; and

(2) by striking ''ten thousand acres'' and all that follows through the end of the sentence and inserting ''10,431 acres, as depicted within the proposed wilderness boundary on the map titled 'Lava Beds National Monument, Proposed Wilderness Boundary Adjustment', numbered 147/80,015, and dated September 2005, and those lands within the area generally known as the 'Schonchin Lava Flow', comprising approximately 18,029 acres, as depicted within the proposed wilderness boundary on the map, are designated as wilderness.''.

SEC. 514. TECHNICAL CORRECTIONS.

(a) BALTIMORE NATIONAL HERITAGE AREA.—The Omnibus Public Land Management Act of 2009 (Public Law 111–11) is amended—

(1) in sections 8005(b)(3) and 8005(b)(4) by striking ''Baltimore Heritage Area Association'' and inserting ''Baltimore City Heritage Area Association''; and

(2) in section 8005(i) by striking ''EFFECTIVENESS'' and inserting ''FINANCIAL ASSISTANCE''.

(b) MUSCLE SHOALS NATIONAL HERITAGE AREA.—Section 8009(j) of the Omnibus Public Land Management Act of 2009 is amended by striking ''EFFECTIVENESS'' and inserting ''FINANCIAL ASSISTANCE''.

(c) SNAKE RIVER HEADWATERS.—Section 5002(c)(1) of the Omnibus Public Land Management Act of 2009 is amended by striking ''paragraph (205) of section 3(a)'' each place it appears and inserting ''paragraph (206) of section 3(a)''.

(d) TAUNTON RIVER.—Section 5003(b) of the Omnibus Public Land Management Act of 2009 is amended by striking ''section 3(a)(206)'' each place it appears and inserting ''section 3(a)(207)''.

(e) CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6(b) of the Act titled ''An Act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes'' (Public Law 92–536) is amended by striking ''physiographic conditions not prevailing'' and inserting ''physiographic conditions now prevailing''.

(f) NIAGARA FALLS NATIONAL HERITAGE AREA.—Section 427(k) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229) is amended by striking ''Except as provided for the leasing of administrative facilities under subsection (g)(1), the'' and inserting ''The''.

DIVISION B—NATIONAL WILDERNESS PRESERVATION SYSTEM

TITLE XX—ORGAN MOUNTAINS-DESERT PEAKS WILDERNESS

SEC. 2001. DEFINITIONS.

In this title:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means each of the Organ Mountains National Conservation Area and the Desert Peaks National Conservation Area established by section 2003(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Areas developed under section 2003(d).

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

(4) STATE.—The term ''State'' means the State of New Mexico.

SEC. 2002. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) ADEN LAVA FLOW WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 27,650 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, which shall be known as the ''Aden Lava Flow Wilderness''.

(2) BROAD CANYON WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 13,900 acres, as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated May 18, 2010, which shall be known as the ''Broad Canyon Wilderness''.

(3) CINDER CONE WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,950 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, which shall be known as the ''Cinder Cone Wilderness''.

(4) ORGAN MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 19,400 acres, as generally depicted on the map entitled ''Organ Mountains National Conservation Area'' and dated June 22, 2010, which shall be known as the ''Organ Mountains Wilderness''.

(5) POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 125,850 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, which shall be known as the ''Potrillo Mountains Wilderness''.

(6) ROBLEDO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,950 acres, as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated May 18, 2010, which shall be known as the ''Robledo Mountains Wilderness''.

(7) SIERRA DE LAS UVAS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 11,100 acres, as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated May 18, 2010, which shall be known as the ''Sierra de las Uvas Wilderness''.

(8) WHITETHORN WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 9,600 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, which shall be known as the ''Whitethorn Wilderness''.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.) except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a wilderness area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this title; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas designated by subsection (a), including military overflights that can be seen or heard within the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this title; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this title.

(f) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(g) PERMIT AUTHORIZATION.—The Secretary may continue to authorize the competitive running event permitted from 1970 through 2010 in the vicinity of the boundaries of the Organ Mountains Wilderness designated by subsection (a)(4) in a manner compatible with the preservation of the area as wilderness.

(h) POTENTIAL WILDERNESS AREA.—

(1) ROBLEDO MOUNTAINS POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management, comprising approximately 100 acres as generally depicted as ''Potential Wilderness'' on the map entitled ''Desert Peaks National Conservation Area'' and dated May 18, 2010, is designated as a potential wilderness area.

(B) USES.—The Secretary shall permit only such uses on the land described in subparagraph (A) that were permitted on the date of enactment of this Act.

(C) DESIGNATION AS WILDERNESS.—

(i) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the notice described in clause (ii), the potential wilderness area designated under subparagraph (A) shall be—

(I) designated as wilderness and as a component of the National Wilderness Preservation System; and

(II) incorporated into the Robledo Mountains Wilderness designated by subsection (a)(6).

(ii) NOTICE.—The notice referred to in clause (i) is notice that—

(I) the communications site within the potential wilderness area designated under subparagraph (A) is no longer used;

(II) the associated right-of-way is relinquished or not renewed; and

(III) the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.).

(i) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Doña Ana County administered by the Bureau of Land Management not designated as wilderness by subsection (a)—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with—

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

(B) this title; and

(C) any other applicable laws.

SEC. 2003. ESTABLISHMENT OF NATIONAL CONSERVATION AREAS.

(a) ESTABLISHMENT.—The following areas in the State are established as National Conservation Areas:

(1) ORGAN MOUNTAINS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 84,950 acres, as generally depicted on the map entitled ''Organ Mountains National Conservation Area'' and dated June 22, 2010, which shall be known as the ''Organ Mountains National Conservation Area''.

(2) DESERT PEAKS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 75,550 acres, as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated May 18, 2010, which shall be known as the ''Desert Peaks National Conservation Area''.

(b) PURPOSES.—The purposes of the Conservation Areas are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, geological, historical, ecological, watershed, wildlife, educational, recreational, and scenic resources of the Conservation Areas.

(c) MANAGEMENT.—

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

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Areas; and

(B) in accordance with—

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

(ii) this title; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Areas that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Areas shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Areas after the date of enactment of this Act unless the road is necessary for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Areas, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this section precludes the Secretary from renewing or authorizing the upgrading (including widening) of a utility right-of-way in existence as of the date of enactment of this Act through the Organ Mountains National Conservation Area—

(i) in accordance with—

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

(II) any other applicable law; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for each of the Conservation Areas.

(2) CONSULTATION.—The management plans shall be developed in consultation with—

(A) interested Federal agencies;

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

(C) the public.

(3) CONSIDERATIONS.—In preparing and implementing the management plans, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for providing access to, and protection for, traditional cultural and religious sites in the Conservation Areas.

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a Conservation Area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the Conservation Area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) this title; and

(B) any other applicable laws.

(f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Transfer from DOD to BLM'' on the map entitled ''Organ Mountains National Conservation Area'' and dated June 22, 2010, shall—

(1) be transferred from the Secretary of Defense to the Secretary;

(2) become part of the Organ Mountains National Conservation Area; and

(3) be managed in accordance with—

(A) this title; and

(B) any other applicable laws.

SEC. 2004. GENERAL PROVISIONS.

(a) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Conservation Areas and the wilderness areas designated by this title with—

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

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

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Areas and the wilderness areas designated by this title shall be administered as components of the National Landscape Conservation System.

(c) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establish periods during which, hunting, or fishing shall not be allowed for reasons of public safety, administration, the protection for nongame species and their habitats, or public use and enjoyment.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land within the Conservation Areas, the wilderness areas designated by this title, and any land or interest in land that is acquired by the United States in the Conservation Areas or wilderness areas after the date of enactment of this Act is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

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

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

(2) PARCEL A.—The approximately 1,300 acres of land generally depicted as ''Parcel A'' on the map entitled ''Organ Mountains National Conservation Area'' and dated June 22, 2010, is withdrawn in accordance with paragraph (1), except that the land is not withdrawn from disposal under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(3) PARCEL B.—The approximately 6,500 acres of land generally depicted as ''Parcel B'' on the map entitled ''Organ Mountains National Conservation Area'' and dated June 22, 2010, is withdrawn in accordance with paragraph (1), except that the land is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

SEC. 2005. PREHISTORIC TRACKWAYS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 2103 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 431 note; Public Law 111–11; 123 Stat. 1097) is amended by striking subsection (b) and inserting the following:

''(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,750 acres of public land in Donã Ana County, New Mexico, as generally depicted on the map entitled 'Desert Peaks National Conservation Area' and dated May 18, 2010.''.

SEC. 2006. BORDER SECURITY.

(a) IN GENERAL.—Nothing in this title—

(1) prevents the Secretary of Homeland Security from undertaking law enforcement and border security activities, in accordance with section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), within the areas designated as wilderness by this title, including the ability to use motorized access within a wilderness area while in pursuit of a suspect;

(2) affects the 2006 Memorandum of Understanding among the Department of Homeland Security, the Department of the Interior, and the Department of Agriculture regarding cooperative national security and counterterrorism efforts on Federal land along the borders of the United States; or

(3) prevents the Secretary of Homeland Security from conducting any low-level overflights over the wilderness areas designated by this title that may be necessary for law enforcement and border security purposes.

(b) RESTRICTED USE AREA.—

(1) WITHDRAWAL.—The area identified as ''Restricted Use Area'' on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, is withdrawn in accordance with section 2004(d)(1).

(2) ADMINISTRATION.—Except as provided in paragraphs (3) and (4), the Secretary shall administer the area described in paragraph (1) in a manner that, to the maximum extent practicable, protects the wilderness character of the area.

(3) USE OF MOTOR VEHICLES.—The use of motor vehicles, motorized equipment, and mechanical transport shall be prohibited in the area described in paragraph (1), except as necessary for—

(A) the administration of the area (including the conduct of law enforcement and border security activities in the area); or

(B) grazing uses by authorized permittees.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection precludes the Secretary from allowing within the area described in paragraph (1) the installation and maintenance of communication or surveillance infrastructure necessary for law enforcement or border security activities.

(c) RESTRICTED ROUTE.—The route excluded from the Potrillo Mountains Wilderness identified as ''Restricted–Administrative Access'' on the map entitled ''Potrillo Mountains Complex'' and dated May 18, 2010, shall be—

(1) closed to public access; but

(2) available for administrative and law enforcement uses, including border security activities.

SEC. 2007. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE XXI—ALPINE LAKES WILDERNESS ADDITIONS

SEC. 2101. EXPANSION OF ALPINE LAKES WILDERNESS.

(a) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington comprising approximately 22,173 acres that is within the Proposed Alpine Lakes Wilderness Additions Boundary, as generally depicted on the map entitled ''Proposed Alpine Lakes Wilderness Additions'' and dated December 3, 2009, which is incorporated in and shall be considered to be a part of the Alpine Lakes Wilderness.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the ''Secretary''), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the land designated as wilderness by subsection (a) with—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interests in land within the Proposed Alpine Lakes Wilderness Additions Boundary, as generally depicted on the map entitled ''Proposed Alpine Lakes Wilderness Additions'' and dated December 3, 2009, that is acquired by the United States shall—

(1) become part of the wilderness area; and

(2) be managed in accordance with subsection (b)(1).

SEC. 2102. WILD AND SCENIC RIVER DESIGNATIONS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 205(a)) is amended by adding at the end the following:

''(209) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 6.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the west section line of sec. 3, T. 23 N., R. 12 E., as a wild river.

''(B) The approximately 21-mile segment from the west section line of sec. 3, T. 23 N., R. 12 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., as a scenic river.

''(210) PRATT RIVER, WASHINGTON.—The entirety of the Pratt River in the State of Washington, located in the Mount Baker-Snoqualmie National Forest, to be administered by the Secretary of Agriculture as a wild river.''.

TITLE XXII—DEVIL'S STAIRCASE WILDERNESS

SEC. 2201. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Devil's Staircase Wilderness Proposal'' and dated June 15, 2010.

(2) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Oregon.

(4) WILDERNESS.—The term ''Wilderness'' means the Devil's Staircase Wilderness designated by section 2202(a).

SEC. 2202. DEVIL'S STAIRCASE WILDERNESS, OREGON.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 30,540 acres of Forest Service land and Bureau of Land Management land in the State, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Devil's Staircase Wilderness''.

(b) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Wilderness.

(2) FORCE OF LAW.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(c) ADMINISTRATION.—Subject to valid existing rights, the area designated as wilderness by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the Wilderness.

(d) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this section creates any protective perimeter or buffer zone around the Wilderness.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside the Wilderness can be seen or heard within the Wilderness shall not preclude the activity or use outside the boundary of the Wilderness.

(f) PROTECTION OF TRIBAL RIGHTS.—Nothing in this section diminishes any treaty rights of an Indian tribe.

(g) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 49 acres of Bureau of Land Management land north of the Umpqua River in sec. 32, T. 21 S., R. 11 W, is transferred from the Bureau of Land Management to the Forest Service.

(2) ADMINISTRATION.—The Secretary shall administer the land transferred by paragraph (1) in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

SEC. 2203. WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 2102) is amended by adding at the end the following:

''(211) FRANKLIN CREEK, OREGON.—The 4.5-mile segment from its headwaters to the line of angle points within sec. 8, T. 22 S., R. 10 W., shown on the survey recorded in the Official Records of Douglas County, Oregon, as M64-62, to be administered by the Secretary of Agriculture as a wild river.

''(212) WASSON CREEK, OREGON.—The 10.1-mile segment in the following classes:

''(A) The 4.2-mile segment from the eastern boundary of sec. 17, T. 21 S., R. 9 W., downstream to the western boundary of sec. 12, T. 21 S., R. 10 W., to be administered by the Secretary of the Interior as a wild river.

''(B) The 5.9-mile segment from the western boundary of sec. 12, T. 21 S., R. 10 W., downstream to the eastern boundary of the northwest quarter of sec. 22, T. 21 S., R. 10

W., to be administered by the Secretary of Agriculture as a wild river.''.

TITLE XXIII—IDAHO WILDERNESS WATER FACILITIES

SEC. 2301. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture is authorized to issue a special use authorization to each of the 20 owners of a water storage, transport, or diversion facility (in this section referred to as a ''facility'') located on National Forest System land in the Frank Church-River of No Return Wilderness or the Selway-Bitterroot Wilderness (as identified on the map titled ''Unauthorized Private Water Diversions located within the Frank Church River of No Return Wilderness'', dated December 14, 2009, or the map titled ''Unauthorized Private Water Diversions located within the Selway-Bitterroot Wilderness'', dated December 11, 2009) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as ''the date of designation'');

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) TERMS AND CONDITIONS.—

(1) EQUIPMENT, TRANSPORT, AND USE TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) after conducting a minimum tool analysis for the facility, the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) ADDITIONAL TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

DIVISION C—FOREST SERVICE AUTHORIZATIONS

TITLE XXX—CHIMNEY ROCK NATIONAL MONUMENT AUTHORIZATION

SEC. 3001. DEFINITIONS.

In this title:

(1) NATIONAL MONUMENT.—The term ''national monument'' means the Chimney Rock National Monument established by section 3002(a).

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

(3) STATE.—The term ''State'' means the State of Colorado.

SEC. 3002. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established in the State the Chimney Rock National Monument—

(1) to preserve, protect, and restore the archeological, cultural, historic, geologic, hydrologic, natural, educational, and scenic resources of Chimney Rock and adjacent land; and

(2) to provide for public interpretation and recreation consistent with the protection of the resources described in paragraph (1).

(b) BOUNDARIES.—

(1) IN GENERAL.—The national monument shall consist of approximately 4,726 acres of land and interests in land, as generally depicted on the map entitled ''Boundary Map, Chimney Rock National Monument'' and dated January 5, 2010.

(2) MINOR ADJUSTMENTS.—The Secretary may make minor adjustments to the boundary of the national monument to reflect the inclusion of significant archeological resources discovered after the date of enactment of this Act on adjacent National Forest System land.

(3) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 3003. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall—

(1) administer the national monument—

(A) in furtherance of the purposes for which the national monument was established; and

(B) in accordance with—

(i) this title; and

(ii) any laws generally applicable to the National Forest System; and

(2) allow only such uses of the national monument that the Secretary determines would further the purposes described in section 3002(a).

(b) TRIBAL USES.—

(1) IN GENERAL.—The Secretary shall administer the national monument in accordance with—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the policy described in Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996).

(2) TRADITIONAL USES.—Subject to any terms and conditions the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the national monument by members of Indian tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(c) VEGETATION MANAGEMENT.—The Secretary may carry out vegetation management treatments within the national monument, except that the harvesting of timber shall only be used if the Secretary determines that the harvesting is necessary for—

(1) ecosystem restoration in furtherance of the purposes described in section 3002(a); or

(2) the control of fire, insects, or diseases.

(d) MOTOR VEHICLES AND MOUNTAIN BIKES.—The use of motor vehicles and mountain bikes in the national monument shall be limited to the roads and trails identified by the Secretary as appropriate for the use of motor vehicles and mountain bikes.

(e) GRAZING.—The Secretary shall permit grazing within the national monument, where established before the date of enactment of this Act—

(1) subject to all applicable laws (including regulations); and

(2) consistent with the purposes described in section 3002(a).

(f) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this title precludes the Secretary from renewing or authorizing the upgrading of a utility right-of-way in existence as of the date of enactment of this Act through the national monument—

(1) in accordance with—

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

(B) any other applicable law; and

(2) subject to such terms and conditions as the Secretary determines to be appropriate.

(g) EDUCATION AND INTERPRETIVE CENTER.—The Secretary may develop and construct an education and interpretive center to interpret the scientific and cultural resources of the national monument for the public.

SEC. 3004. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Indian tribes with a cultural or historic tie to Chimney Rock, shall develop a management plan for the national monument.

(b) PUBLIC COMMENT.—In developing the management plan, the Secretary shall provide an opportunity for public comment by—

(1) State and local governments;

(2) tribal governments; and

(3) any other interested organizations and individuals.

SEC. 3005. LAND ACQUISITION.

The Secretary may acquire land and any interest in land within or adjacent to the boundary of the national monument by—

(1) purchase from willing sellers with donated or appropriated funds;

(2) donation; or

(3) exchange.

SEC. 3006. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal land within the national monument (including any land or interest in land acquired after the date of enactment of this Act) is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) subject to subsection (b), operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) LIMITATION.—Notwithstanding subsection (a)(3), the Federal land is not withdrawn for the purposes of issuance of gas pipeline rights-of-way within easements in existence as of the date of enactment of this Act.

SEC. 3007. EFFECT.

(a) WATER RIGHTS.—

(1) IN GENERAL.—Nothing in this title affects any valid water rights, including water rights held by the United States.

(2) RESERVED WATER RIGHT.—The designation of the national monument does not create a Federal reserved water right.

(b) TRIBAL RIGHTS.—Nothing in this title affects—

(1) the rights of any Indian tribe on Indian land;

(2) any individually-held trust land or Indian allotment; or

(3) any treaty rights providing for nonexclusive access to or within the national monument by members of Indian tribes for traditional and cultural purposes.

(c) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction of the State with respect to the management of fish and wildlife on public land in the State.

(d) ADJACENT USES.—Nothing in this title—

(1) creates a protective perimeter or buffer zone around the national monument; or

(2) affects private property outside of the boundary of the national monument.

SEC. 3008. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE XXXI—NORTH FORK FLATHEAD RIVER WATERSHED PROTECTION

SEC. 3101. DEFINITIONS.

In this title:

(1) ELIGIBLE FEDERAL LAND.—The term ''eligible Federal land'' means—

(A) any federally owned land or interest in land depicted on the Map as within the North Fork Federal Lands Withdrawal Area; or

(B) any land or interest in land located within the North Fork Federal Lands Withdrawal Area that is acquired by the Federal Government after the date of enactment of this Act.

(2) MAP.—The term ''Map'' means the Bureau of Land Management map entitled ''North Fork Federal Lands Withdrawal Area'' and dated June 9, 2010.

SEC. 3102. WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, the eligible Federal land is withdrawn from—

(1) all forms of location, entry, and patent under the mining laws; and

(2) disposition under all laws relating to mineral leasing and geothermal leasing.

(b) AVAILABILITY OF MAP.—Not later than 30 days after the date of enactment of this Act, the Map shall be made available to the public at each appropriate office of the Bureau of Land Management.

TITLE XXXII—LAND CONVEYANCES AND EXCHANGES

Subtitle A—Sugar Loaf Fire District Land Exchange

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term ''District'' means the Sugar Loaf Fire Protection District of Boulder, Colorado.

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

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(3) NATIONAL FOREST.—The term ''National Forest'' means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3202. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this subtitle, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

Subtitle B—Wasatch-Cache National Forest Land Conveyance

SEC. 3211. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term ''Federal land'' means the following 3 parcels of National Forest System land located in the Wasatch-Cache National Forest in the incorporated boundary of the Town:

(A) A parcel of land occupied by the administration building of the Town pursuant to Forest Service special use permit SLC102708.

(B) A parcel of land occupied by the public service building of the Town pursuant to Forest Service special use permit SLC102708.

(C) A parcel of land occupied by the water service building of the Town pursuant to Forest Service special use permit SLC102707.

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

(3) TOWN.—The term ''Town'' means the town of Alta, Utah.

SEC. 3212. CONVEYANCE OF FEDERAL LAND TO ALTA, UTAH.

(a) IN GENERAL.—Subject to subsection (b) and valid existing rights, as soon as practicable after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—

(1) USE OF FEDERAL LAND.—As a condition of the conveyance under subsection (a), the Town shall use the Federal land only for public purposes consistent with the applicable special use permit described in section 3211(1).

(2) DEED AND REVERSION.—The conveyance under subsection (a) shall be by quitclaim deed, which shall provide that the Federal land shall revert to the Secretary, at the election of the Secretary, if the Federal land is used for a purpose other than a purpose provided under paragraph (1).

(3) ACREAGE.—

(A) IN GENERAL.—The boundaries of the Federal land conveyed under subsection (a) shall be determined by the Secretary, in consultation with the Town, subject to the condition that the Federal land conveyed may not exceed a total of 2 acres.

(B) SURVEY AND LEGAL DESCRIPTION.—The exact acreage and legal description of the Federal land shall be determined, in accordance with subparagraph (A), by a survey approved by the Secretary.

(4) COSTS.—The Town shall pay each administrative cost of the conveyance under subsection (a), including the costs of the survey carried out under paragraph (3).

(5) ADDITIONAL TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to such terms and conditions as the Secretary may require.

Subtitle C—Los Padres National Forest Land Exchange

SEC. 3221. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 5 acres of National Forest System land in Santa Barbara County, California, as generally depicted on the map.

(2) FOUNDATION.—The term ''Foundation'' means the White Lotus Foundation, a nonprofit foundation located in Santa Barbara, California.

(3) MAP.—The term ''map'' means the map entitled ''San Marcos Pass Encroachment for Consideration of Legislative Remedy'' and dated June 1, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3222. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this section, if the Foundation offers to convey to the Secretary all right, title, and interest of the Foundation in and to a parcel of non-Federal land that is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the Foundation all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—The land exchange authorized under subsection (a) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—If the land exchange under subsection (a) is not completed by the date that is 2 years after the date of enactment of this Act, the Secretary may offer to sell to the Foundation the Federal land for fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) and any sale under subsection (d) shall be subject to—

(1) valid existing rights;

(2) the Secretary finding that the public interest would be well served by making the exchange or sale;

(3) any terms and conditions that the Secretary may require; and

(4) the Foundation paying the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the land exchange or sale.

(f) APPRAISALS.—

(1) IN GENERAL.—The land conveyed under subsection (a) or (d) shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(g) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (d).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the Los Padres National Forest.

(h) MANAGEMENT AND STATUS OF ACQUIRED LAND.—Any non-Federal land acquired by the Secretary under this subtitle shall be managed by the Secretary in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

Subtitle D—Box Elder Land Conveyance

SEC. 3231. CONVEYANCE OF CERTAIN LANDS TO MANTUA, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the town of Mantua, Utah (in this section referred to as the ''town''), all right, title, and interest of the United States in and to parcels of National Forest System land in the Wasatch-Cache National Forest in Box Elder County, Utah, consisting of approximately 31.5 acres within section 27, township 9 north, range 1 west, Salt Lake meridian and labeled as parcels A, B, and C on the map entitled ''Box Elder Utah Land Conveyance Act'' and dated July 14, 2008.

(b) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the town.

(c) USE OF LAND.—As a condition of the conveyance under subsection (a), the town shall use the land conveyed under such subsection for public purposes.

(d) REVERSIONARY INTEREST.—In the quitclaim deed to the town prepared as part of the conveyance under subsection (a), the Secretary shall provide that the land conveyed to the town under such subsection shall revert to the Secretary, at the election of the Secretary, if the land is used for other than public purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Deafy Glade Land Exchange

SEC. 3241. LAND EXCHANGE, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Solano County, California.

(2) FEDERAL LAND.—The term ''Federal land'' means the parcel of approximately 82 acres of land—

(A) known as the ''Fouts Springs Ranch''; and

(B) generally depicted as the ''Fouts Springs Parcel'' on the map.

(3) MAP.—The term ''map'' means the map entitled ''Fouts Springs-Deafy Glade: Federal and Non-Federal Lands'' and dated July 17, 2008.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 4 parcels of land comprising approximately 160 acres that are generally depicted as the ''Deafy Glade Parcel'' on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) LAND EXCHANGE REQUIRED.—Subject to subsections (c) through (f), if the County conveys to the United States such right, title, and interest in and to the non-Federal land that is acceptable to the Secretary, the Secretary shall convey to the County such right, title, and interest to the Federal land that the Secretary considers to be appropriate.

(c) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange under this section.

(d) SURVEY; ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—The exact acreage and legal description of the land to be exchanged under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(2) COSTS.—The costs of the survey, appraisal, and any other administrative costs relating to the land exchange shall be paid by the County.

(e) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Mendocino National Forest; and

(2) managed in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) the laws (including regulations) applicable to the National Forest System.

(f) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to any additional terms and conditions that the Secretary may require, including such terms and conditions as are necessary to ensure that the use of the Federal land does not adversely impact the use of the adjacent National Forest System land.

Subtitle F—Wallowa Forest Service Compound Conveyance

SEC. 3251. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this subtitle:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

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

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this subtitle, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity; and

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service Compound.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

Subtitle G—Sandia Pueblo Settlement Technical Amendment

SEC. 3261. SANDIA PUEBLO SETTLEMENT TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11(b)) is amended—

(1) in the first sentence of paragraph (4), by striking ''conveyance'' and inserting ''the title to be conveyed''; and

(2) by adding at the end the following:

''(6) FAILURE TO EXCHANGE.—

''(A) IN GENERAL.—If the land exchange authorized under paragraph (1) is not completed by the date that is 180 days after the date of enactment of this paragraph, the Secretary, on receipt of consideration under subparagraph (B) and at the request of the Pueblo and the Secretary of the Interior, shall transfer the National Forest land generally depicted as 'USFS Land Proposed for Exchange' on the map entitled 'Sandia Pueblo/Cibola National Forest: Proposed Lands for Exchange' and dated July 14, 2009, to the Secretary of the Interior to be held in trust by the United States for the Pueblo, subject to the condition that the land remain in its natural state.

''(B) CONSIDERATION.—In consideration for the National Forest land to be held in trust under subparagraph (A), the Pueblo shall pay to the Secretary the amount that is equal to the difference between—

''(i) the amount that is equal to the fair market value of the National Forest land, as subject to the condition that the National Forest land remain in its natural state; and

''(ii) the amount of compensation owed to the Pueblo by the Secretary for the right-of-way and conservation easement on the Piedra Lisa tract under subsection (c)(2).

''(C) USE OF FUNDS.—Any amounts received by the Secretary under this paragraph shall be deposited and available for use without further appropriation in accordance with paragraph (3).''.

TITLE XXXIII—GENERAL AUTHORIZATIONS

Subtitle A—Ski Areas Summer Uses

SEC. 3301. PURPOSE.

The purpose of this subtitle is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land, subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3302. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking ''nordic and alpine ski areas and facilities'' and inserting ''ski areas and associated facilities'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''nordic and alpine skiing operations and purposes'' and inserting ''skiing and other snow sports and recreational uses authorized by this Act'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

''(c) OTHER RECREATIONAL USES.—

''(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

''(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

''(A) encourage outdoor recreation and enjoyment of nature;

''(B) to the extent practicable—

''(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

''(ii) be located within the developed portions of the ski area;

''(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

''(D) be authorized in accordance with—

''(i) the applicable land and resource management plan; and

''(ii) applicable laws (including regulations).

''(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

''(A) zip lines;

''(B) mountain bike terrain parks and trails;

''(C) frisbee golf courses; and

''(D) ropes courses.

''(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

''(A) tennis courts;

''(B) water slides and water parks;

''(C) swimming pools;

''(D) golf courses; and

''(E) amusement parks.

''(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

''(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

''(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit.'';

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

''(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section.''; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking ''the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act'' and inserting ''the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)''.

SEC. 3303. EFFECT.

Nothing in the amendments made by this subtitle establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3302).

Subtitle B—National Forest Insect and Disease Authorities

SEC. 3311. PURPOSES.

The purposes of this subtitle are—

(1) to ensure that adequate emphasis is placed on the mitigation of hazards posed by landscape-scale epidemics of bark beetles and other insects and diseases through the identification of areas affected by the epidemics, including areas in which resulting hazard trees pose a high risk to public health and safety; and

(2) to help focus resources within areas characterized by landscape-scale insect or disease epidemics to mitigate hazards associated with—

(A) falling trees; and

(B) wildfire.

SEC. 3312. DEFINITIONS.

In this subtitle:

(1) AFFECTED STATE.—The term ''affected State'' includes each of the States of—

(A) Alaska;
(B) Arizona;
(C) California;
(D) Colorado;
(E) Idaho;
(F) Montana;
(G) Nevada;
(H) New Mexico;
(I) Oregon;
(J) South Dakota;
(K) Utah;
(L) Washington; and
(M) Wyoming.

(2) HIGH-RISK AREA.—The term ''high-risk area'' means a road, trail, or other area that poses a high risk to public health or safety due to hazard trees resulting from landscape-scale tree mortality caused by an insect or disease epidemic.

(3) INSECT OR DISEASE EPIDEMIC AREA.—The term ''insect or disease epidemic area'' means an area of National Forest System land in which landscape-scale tree mortality caused by an insect or disease epidemic exists.

(4) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3313. DESIGNATION OF AREAS.

(a) IDENTIFICATION OF HIGH-RISK AREAS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall identify by map or other appropriate means high-risk areas within the National Forest System in the affected States.

(2) PUBLIC EDUCATION.—In conjunction with the information developed pursuant this subsection, the Secretary shall develop educational materials that describe the risk posed by hazard trees in high-risk areas and measures that can be taken by the public to avoid or reduce that risk.

(3) CONSULTATION.—In developing the information and educational materials required by this subsection, the Secretary shall consult with interested State, local, and tribal governments, first responders, and other stakeholders.

(4) UPDATES.—The Secretary shall periodically review and revise the information and educational materials required by this subsection to reflect the best available information.

(5) PUBLIC AVAILABILITY.—The information and associated educational materials required by this subsection shall be on file and available for public inspection, including in the appropriate offices of the Forest Service.

(b) IDENTIFICATION OF INSECT AND DISEASE EPIDEMIC AREAS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall identify by map or other appropriate means insect or disease epidemic areas within the National Forest System in the affected States.

(2) REQUIRED INFORMATION.—The information required by paragraph (1) shall include—

(A) a geographic estimate of the annual mortality caused by the insect or disease epidemic; and

(B) a projection, based on the best available science, of future tree mortality resulting from the insect or disease epidemic.

(3) UPDATES.—The Secretary shall periodically review and revise the information required by paragraph (1) to reflect the best available information.

(4) AVAILABILITY.—The information required by this subsection shall be made available to—

(A) communities in or adjacent to an insect or disease epidemic area that have developed a community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(B) fire departments and other wildfire-fighting organizations responding to, or likely to respond to, a wildfire in an insect or disease epidemic area; and

(C) the public through the appropriate offices of the Forest Service.

(c) CONTRACTS AND FINANCIAL ASSISTANCE.—To help collect, develop, monitor, and distribute the information and materials required by this section, the Secretary may enter into contracts or provide financial assistance through cooperative agreements in accordance with section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) with—

(1) the State Forester or equivalent State official of an affected State;

(2) educational institutions; or

(3) other organizations.

SEC. 3314. SUPPORT FOR RESTORATION AND RESPONSE.

(a) SUPPORT FOR BIOMASS UTILIZATION.—To help reduce the risk to public health and safety from hazard trees and wildfires and to restore ecosystems affected by insect and disease epidemics, the Secretary may assist State and local governments, Indian tribes, private landowners, and other persons in affected States with the collection, harvest, storage, and transportation of eligible material from areas identified pursuant to section 3313(b) in accordance with section 9011(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(d)).

(b) RESTORATION ASSISTANCE FOR PRIVATE LANDOWNERS.—The Secretary may make payments to an owner of nonindustrial private forest land in an affected State to carry out emergency measures to restore the land after an insect or disease infestation in accordance with the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206).

(c) NATIONAL FOREST HAZARDOUS FUEL REDUCTION.—The Secretary shall carry out authorized hazardous fuel reduction projects in affected States on National Forest System land on which an epidemic of disease or insects poses a significant threat to an ecosystem component, or forest or rangeland resource, in accordance with the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

SEC. 3315. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Good Neighbor Authority

SEC. 3321. GOOD NEIGHBOR AGREEMENTS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term ''authorized restoration services'' means similar and complementary forest, rangeland, and watershed restoration services carried out on adjacent Federal land and non-Federal land by either the Secretary or a Governor pursuant to—

(A) a good neighbor agreement; and

(B) a cooperative agreement or contract entered into under subsection (c).

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means the following land in a State located in whole or in part west of the 100th meridian:

(i) National Forest System land.

(ii) Public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUSIONS.—The term ''Federal land'' does not include—

(i) a component of the National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, or National Landscape Conservation System;

(ii) a National Monument, National Preserve, National Scenic Area, or National Recreation Area; or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—The term ''forest, rangeland, and watershed restoration services'' means—

(A) activities to treat insect- and disease-infected trees;

(B) activities to reduce hazardous fuels;

(C) activities to maintain roads and trails that cross a boundary between Federal land and non-Federal land; and

(D) any other activities to restore or improve forest, rangeland, or watershed health, including fish and wildlife habitat.

(4) GOOD NEIGHBOR AGREEMENT.—The term ''good neighbor agreement'' means—

(A) a nonfunding master cooperative agreement entered into between the Secretary and a Governor under chapter 63 of title 31, United States Code; or

(B) a memorandum of agreement or understanding entered into between the Secretary and a Governor.

(5) GOVERNOR.—The term ''Governor'' means the Governor or any other appropriate executive official of an affected State.

(6) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) GOOD NEIGHBOR AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into a good neighbor agreement with a Governor to coordinate the procurement and implementation of authorized restoration services in accordance with this section.

(2) PUBLIC NOTICE AND COMMENT.—The Secretary shall make each good neighbor agreement available to the public.

(c) TASK ORDERS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may issue a task order for, or enter into a contract (including a sole source contract) or cooperative agreement with, a Governor to carry out authorized restoration services.

(2) REQUIREMENTS.—Each task order, contract, or cooperative agreement entered into under paragraph (1) shall be executed in accordance with—

(A) chapter 63 of title 31, United States Code; and

(B) the applicable good neighbor agreement.

(d) CONTRACT AND SUBCONTRACT REQUIREMENTS.—

(1) REQUIREMENTS FOR SERVICES ON FEDERAL LAND.—

(A) IN GENERAL.—For authorized restoration services carried out on Federal land under subsection (c), each contract and subcontract issued under the authority of a Governor shall include the provisions described in subparagraph (B) that would have been included in the contract had the Secretary been a party to the contract.

(B) APPLICABLE PROVISIONS.—The provisions referred to in subparagraph (A) are provisions for—

(i) wages and benefits for workers employed by contractors and subcontractors required by—

(I) subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code; and

(II) chapter 6 of title 41, United States Code;

(ii) nondiscrimination; and

(iii) worker safety and protection.

(2) REQUIREMENTS FOR SMALL BUSINESSES.—Each contract and subcontract for authorized restoration services under subsection (c) shall comply with provisions for small business assistance and protection that would have been applicable to the contract had the Secretary been a party to the contract.

(3) LIABILITY.—The Secretary shall include provisions in each good neighbor agreement, contract, or cooperative agreement, as appropriate, governing the potential liability of the State and the Secretary for actions carried out under this section.

(e) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this section terminates on September 30, 2019.

(2) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this section shall not extend beyond September 30, 2020.

(3) CONSOLIDATED AUTHORITY.—

(A) FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO.—Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996) is repealed.

(B) FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION IN UTAH.—Section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3102) is repealed.

(4) EXISTING CONTRACTS.—Nothing in the amendments made by this section affects contracts in effect on the day before the date of enactment of this Act.

Subtitle D—Federal Land Avalanche Protection Program

SEC. 3331. DEFINITIONS.

In this subtitle:

(1) COMMITTEE.—The term ''Committee'' means the Avalanche Artillery Users of North America Committee.

(2) PROGRAM.—The term ''program'' means the avalanche protection program established under section 3332(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 3332. AVALANCHE PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an avalanche protection program to provide information and assistance to users of avalanche-prone National Forest System land.

(b) OBJECTIVES.—The objectives of the program include—

(1) to inform and educate the public about the risks posed by avalanches to reduce the potential for injury, death, or property damage;

(2) to provide avalanche forecasts for avalanche-prone areas of the National Forest System that are frequented by recreational or other users;

(3) to provide oversight of activities relating to the prevention and control of avalanches by ski area and other special use permit holders on National Forest System land, including the procurement, control, and use of artillery; and

(4) to facilitate research on the objectives of the program, including research on the development of alternatives to military artillery.

(c) COORDINATION.—In carrying out this section, the Secretary shall—

(1) use the resources of—

(A) the National Avalanche Center of the Forest Service; and

(B) other partners; and

(2) work with the Committee and other partners to improve—

(A) coordination among users of artillery used to prevent and control avalanches; and

(B) access to, and the control and use of, artillery and other methods to prevent and control avalanches.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to any person to further the objectives of the program.

(2) PRIORITY.—The Secretary shall give priority to grants under paragraph (1) that enhance public safety.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,000,000 for each of fiscal years 2010 through 2014.

DIVISION D—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

TITLE XL—FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION

SEC. 4001. REAUTHORIZATION.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''this Act'' and inserting ''America's Great Outdoors Act of 2010''; and

(B) in subsection (d), by striking ''11'' and inserting ''21'';

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

TITLE XLI—NATIONAL VOLCANO EARLY WARNING PROGRAM

SEC. 4101. DEFINITIONS.

In this title:

(1) PROGRAM.—The term ''program'' means the National Volcano Early Warning and Monitoring Program established under section 4102(a).

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

SEC. 4102. NATIONAL VOLCANO EARLY WARNING AND MONITORING PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish within the United States Geological Survey a program to be known as the ''National Volcano Early Warning and Monitoring Program''.

(b) COMPONENTS.—The program shall consist of a national volcano watch office and data center, which shall oversee and coordinate the activities of United States Geological Survey regional volcano watch and data centers.

(c) PURPOSES.—The purposes of the program are—

(1) to monitor and study volcanoes and volcanic activity throughout the United States at a level commensurate with the threat posed by each volcano; and

(2) to warn and protect people and property from undue and avoidable harm from volcanic activity.

SEC. 4103. MANAGEMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a management plan for establishing and operating the program.

(2) INCLUSIONS.—The management plan shall include—

(A) annual cost estimates of—

(i) operating the program; and

(ii) updating the data collection, monitoring, and analysis systems;

(B) annual standards and performance goals; and

(C) recommendations for establishing new, or enhancing existing, partnerships with State agencies or universities.

(b) PARTNERSHIPS.—The Secretary may enter into cooperative agreements or partnerships with State agencies and universities, under which the Secretary may designate the agency or university as volcano observatory partners for the program.

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall coordinate activities authorized under this title with the heads of relevant Federal agencies including—

(1) the Secretary of Transportation;

(2) the Secretary of Commerce;

(3) the Administrator of the Federal Aviation Administration; and

(4) the Director of the Federal Emergency Management Administration.

(d) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may establish a competitive grant program to support research and monitoring of volcanic activities in furtherance of this title.

(2) COST-SHARING REQUIREMENT.—The non-Federal share of the total cost of an activity provided assistance under this subsection shall be 25 percent.

(e) ANNUAL REPORT.—The Secretary shall annually submit to Congress a report that describes the activities undertaken during the previous year to carry out this title.

SEC. 4104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2010 through 2020.

TITLE XLII—UPPER CONNECTICUT RIVER WATERSHED

SEC. 4201. DEFINITIONS.

In this title:

(1) COMMISSIONS.—The term ''Commissions'' means the Connecticut River Joint Commissions of New Hampshire and Vermont.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—The term ''management plan'' means the management plan developed by the Commissions entitled ''Connecticut River Corridor Management Plan'' and dated May 1997.

(B) INCLUSIONS.—The term ''management plan'' includes any updates to the management plan described in subparagraph (A).

(3) PROGRAM.—The term ''program'' means the Connecticut River Grants and Technical Assistance Program established by section 4202(a).

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

(5) STATE.—The term ''State'' means each of the States of New Hampshire and Vermont.

(6) WATERSHED.—The term ''watershed'' means the upper Connecticut River watershed.

SEC. 4202. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—There is established in the Department of the Interior the Connecticut River Grants and Technical Assistance Program.

(b) PURPOSE.—The purpose of the program is to provide financial and technical assistance to the States, through the Commissions, to improve management of the watershed in accordance with the management plan.

(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may provide financial and technical assistance to the Commissions in furtherance of the purposes of this title.

(2) LIMITATION.—No financial assistance shall be provided under this title until the date on which the Secretary has approved criteria for financial assistance in accordance with subsection (d).

(d) CRITERIA.—

(1) DEVELOPMENT.—The Commissions shall develop criteria for—

(A) prioritizing and determining the eligibility of applicants for financial and technical assistance under the program; and

(B) reviewing and prioritizing applications for financial and technical assistance under the program.

(2) REVIEW; APPROVAL.—

(A) SUBMISSION.—The Commissions shall submit the criteria developed under paragraph (1) to the Secretary for review.

(B) APPROVAL OR DISAPPROVAL.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Commissions submit the criteria under subparagraph (A), the Secretary shall approve or disapprove the criteria.

(ii) DISAPPROVAL.—If the Secretary disapproves the criteria under clause (i), the Secretary shall—

(I) advise the Commissions of the reasons for disapproval;

(II) make recommendations for revisions to the criteria; and

(III) not later than 180 days after the date on which the Commissions submit revised criteria to the Secretary, approve or disapprove the revised criteria.

(C) CONSIDERATIONS.—In reviewing the criteria submitted under this paragraph, the Secretary shall consider the extent to which the criteria—

(i) are consistent with the purposes and goals of the management plan; and

(ii) provide for protection of the watershed, including the natural, cultural, historic, and recreational resources within the watershed.

(e) AUTHORITIES OF THE COMMISSIONS.—The Commissions may use funds made available under this title to provide financial and technical assistance to State and local governments, nonprofit organizations, and other public and private entities to protect the watershed in accordance with the approved criteria and consistent with the management plan.

SEC. 4203. FUNDING LIMITATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, subject to the limitations of section 5201 applicable to national heritage areas.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity under this title shall be not more than 50 percent of the total cost.

(2) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 4204. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide financial assistance under this title terminates on the date that is 10 years after the date of enactment of this Act.

TITLE XLIII—ABANDONED MINE RECLAMATION PAYMENTS

SEC. 4301. ABANDONED MINE RECLAMATION.

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting ''and section 411(h)(1)'' after ''paragraphs (1) and (5)''.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''and section 411(h)(1)'' after ''section 402(g)''.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking ''section 403'' and inserting ''section 402(g)(6), 403, or 409''.

TITLE XLIV—PUBLIC LANDS SERVICE CORPS AMENDMENTS

SEC. 4401. AMENDMENT TO SHORT TITLE.

Section 201 of the Public Lands Corps Act of 1993 (16 U.S.C. 1701 note; 107 Stat. 848) is amended to read as follows:

''SEC. 201. SHORT TITLE; REFERENCES.

''(a) SHORT TITLE.—This title may be cited as the 'Public Lands Service Corps Act of 1993'.

''(b) REFERENCES.—Any reference contained in any law, regulation, document, paper, or other record of the United States to the 'Public Lands Corps Act of 1993' shall be considered to be a reference to the 'Public Lands Service Corps Act of 1993'.''.

SEC. 4402. REFERENCES.

A reference in this title to ''the Act'' is a reference to the Public Lands Service Corps Act of 1993 (16 U.S.C. 1721 et seq.; title II of Public Law 91–378).

SEC. 4403. AMENDMENTS TO THE PUBLIC LANDS SERVICE CORPS ACT OF 1993.

(a) NAME AND PROJECT DESCRIPTION CHANGES.—The Act is amended—

(1) in the title heading, by striking ''**PUBLIC LANDS CORPS**'' and inserting ''**PUBLIC LANDS SERVICE CORPS**'';

(2) in section 204 (16 U.S.C. 1723), in the heading, by striking ''public lands corps'' and inserting ''public lands service corps'';

(3) in section 210(a)(2) (16 U.S.C. 1729(a)(2)), in the heading, by striking ''PUBLIC LANDS'';

(4) by striking ''Public Lands Corps'' each place it appears and inserting ''Corps'';

(5) by striking ''conservation center'' each place it appears and inserting ''residential conservation center'';

(6) by striking ''conservation centers'' each place it appears and inserting ''residential conservation centers'';

(7) by striking ''appropriate conservation project'' each place it appears and inserting ''appropriate natural and cultural resources conservation project''; and

(8) by striking ''appropriate conservation projects'' each place it appears and inserting ''appropriate natural and cultural resources conservation projects''.

(b) FINDINGS.—Section 202(a) (16 U.S.C. 1721(a)) of the Act, as amended by subsection (a), is amended—

(1) in paragraph (1)—

(A) by striking ''Corps can benefit'' and inserting ''conservation corps can benefit''; and

(B) by striking ''the natural and cultural'' and inserting ''natural and cultural'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following:

''(2) Participants in conservation corps receive meaningful education and training, and their experience with conservation corps provides preparation for careers in public service.

''(3) Young men and women who participate in the rehabilitation and restoration of the natural, cultural, historic, archaeological, recreational, and scenic treasures of the United States will gain an increased appreciation and understanding of the public lands and heritage of the United States, and of the value of public service, and are likely to become life-long advocates for those values.'';

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting '', cultural, historic, archaeological, recreational, and scenic'' after ''Many facilities and natural''; and

(5) by adding at the end the following:

''(6) The work of conservation corps can benefit communities adjacent to public lands and facilities through renewed civic engagement and participation by corps participants and those they serve, improved student achievement, and restoration and rehabilitation of public assets.''.

(c) PURPOSE.—Section 202(b) (16 U.S.C. 1721(b)) of the Act is amended to read as follows:

''(b) PURPOSES.—The purposes of this Act are—

''(1) to introduce young men and women to public service while furthering their understanding and appreciation of the natural, cultural, historic, archaeological, recreational, and scenic resources of the United States;

''(2) to facilitate training and recruitment opportunities in which service is credited as qualifying experience for careers in the management of such resources;

''(3) to instill in a new generation of young men and women from across the United States, including young men and women from diverse backgrounds, the desire to seek careers in resource stewardship and public service by allowing them to work directly with professionals in agencies responsible for the management of the natural, cultural, historic, archaeological, recreational, and scenic resources of the United States;

''(4) to perform, in a cost-effective manner, appropriate natural and cultural resources conservation projects where such projects are not being performed by existing employees;

''(5) to assist State and local governments and Indian tribes in performing research and public education tasks associated with the conservation of natural, cultural, historic, archaeological, recreational, and scenic resources;

''(6) to expand educational opportunities on public lands and by rewarding individuals who participate in conservation corps with an increased ability to pursue higher education and job training;

''(7) to promote public understanding and appreciation of the missions and the natural and cultural resources conservation work of the participating Federal agencies through training opportunities, community service and outreach, and other appropriate means; and

''(8) to create a grant program for Indian tribes to establish the Indian Youth Service Corps so that Indian youth can benefit from carrying out projects on Indian lands that the Indian tribes and communities determine to be priorities.''.

(d) DEFINITIONS.—Section 203 (16 U.S.C. 1722) of the Act is amended—

(1) by redesignating paragraphs (3) through (7), (8) through (10), and (11) through (13) as paragraphs (5) through (9), (11) through (13), and (15) through (17), respectively;

(2) by striking paragraphs (1) and (2) and inserting the following:

''(1) APPROPRIATE NATURAL AND CULTURAL RESOURCES CONSERVATION PROJECT.—The term 'appropriate natural and cultural resources conservation project' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

''(2) CONSULTING INTERN.—The term 'consulting intern' means a consulting intern selected under section 206(a)(2).

''(3) CORPS AND PUBLIC LANDS SERVICE CORPS.—The terms 'Corps' and 'Public Lands Service Corps' mean the Public Lands Service Corps established under section 204(a).

''(4) CORPS PARTICIPANT.—The term 'Corps participant' means an individual enrolled—

''(A) in the Corps or the Indian Youth Service Corps; or

''(B) as a resource assistant or consulting intern.'';

(3) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

''(10) INDIAN YOUTH SERVICE CORPS.—The term 'Indian Youth Service Corps' means a qualified youth or conservation corps established under section 207 that—

''(A) enrolls individuals between the ages of 15 and 25, inclusive, a majority of whom are Indians; and

''(B) is established pursuant to a tribal resolution that describes the agreement between the Indian tribe and the qualified youth or conservation corps to operate an Indian Youth Service Corps program for the benefit of the members of the Indian tribe.'';

(4) by amending paragraph (12) (as redesignated by paragraph (1)) to read as follows:

''(12) PUBLIC LANDS.—The term 'public lands' means any land or water (or interest therein) owned or administered by the United States, including those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, except that such term does not include Indian lands.'';

(5) by amending paragraph (13) (as redesignated by paragraph (1)) as follows:

(A) in subparagraph (A)—

(i) by striking ''full-time,'';

(ii) by inserting ''on eligible service lands'' after ''resource setting''; and

(iii) by striking ''16'' and inserting ''15'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) makes available for audit for each fiscal year for which the qualified youth or conservation corps receives Federal funds under this Act, all information pertaining to the expenditure of the funds, any matching funds, and participant demographics.'';

(6) by inserting after paragraph 13 (as redesignated by paragraph (1)) the following:

''(14) RESIDENTIAL CONSERVATION CENTERS.—The term 'residential conservation centers' means the facilities authorized under section 205.'';

(7) in paragraph (15) (as redesignated by paragraph (1)), by striking ''206'' and inserting ''206(a)(1)''; and

(8) in paragraph (16) (as redesignated by paragraph (1))—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) with respect to the National Marine Sanctuary System, coral reefs, and other coastal, estuarine, and marine habitats, and other lands and facilities administered by the National Oceanic and Atmospheric Administration, the Secretary of Commerce.''.

(e) PUBLIC LANDS SERVICE CORPS PROGRAM.—Section 204 of the Act (16 U.S.C. 1723), as amended by subsection (a), is amended—

(1) by redesignating subsections (b) and (c) and subsections (d) through (f) as subsections (c) and (d) and subsections (f) through (h), respectively;

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

''(a) ESTABLISHMENT OF PUBLIC LANDS SERVICE CORPS.—There is established in the Department of the Interior, the Department of Agriculture, and the Department of Commerce a Public Lands Service Corps.

''(b) ESTABLISHMENT OF CORPS OFFICE; COORDINATORS; LIAISON.—

''(1) ESTABLISHMENT OF OFFICES.—

''(A) DEPARTMENT OF THE INTERIOR.—The Secretary of the Interior shall establish a department-level office to coordinate the Corps activities within the Department of the Interior.

''(B) DEPARTMENT OF AGRICULTURE.—The Secretary of Agriculture shall establish within the Forest Service an office to coordinate the Corps activities within that agency.

''(C) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall establish within the National Oceanic and Atmospheric Administration an office to coordinate the Corps activities within that agency.

''(2) ESTABLISHMENT OF COORDINATORS.—The Secretary shall designate a Public Lands Service Corps coordinator for each agency under the jurisdiction of the Secretary that administers Corps activities.

''(3) ESTABLISHMENT OF LIAISON.—The Secretary of the Interior shall establish an Indian Youth Service Corps liaison that will—

''(A) provide outreach to Indian tribes about opportunities for establishing Corps and Indian Youth Service Corps programs; and

''(B) coordinate with the Tribal Liaison of the Corporation for National Service to identify and establish Corps and Indian Youth Service Corps opportunities for Indian youth.'';

(3) by amending subsection (c) (as redesignated by paragraph (1)) to read as follows:

''(c) PARTICIPANTS.—

''(1) IN GENERAL.—The Secretary may enroll in the Corps individuals who are—

''(A) hired by an agency under the jurisdiction of the Secretary to perform work authorized under this Act; or

''(B) members of a qualified youth or conservation corps with which the Secretary has entered into a cooperative agreement to perform work authorized under this Act.

''(2) RESOURCE ASSISTANTS AND CONSULTING INTERNS.—The Secretary may also enroll in the Corps resource assistants and consulting interns in accordance with section 206(a).

''(3) ELIGIBILITY REQUIREMENTS.—To be eligible for enrollment as a Corps participant, an individual shall—

''(A) be between the ages of 15 and 25, inclusive; and

''(B) satisfy the requirements of section 137(a)(5) of the National and Community Service Act of 1990 (42 U.S.C. 12591(a)(5)).

''(4) TERMS.—Each Corps participant may be enrolled in the Corps for a term of up to 2 years of service, which may be served over a period that exceeds 2 calendar years.

''(5) CIVIL SERVICE.—An individual may be enrolled as a Corps participant without regard to the civil service and classification laws, rules, or regulations of the United States.

''(6) PREFERENCE.—The Secretary may establish a preference for the enrollment as Corps participants individuals who are economically, physically, or educationally disadvantaged.'';

(4) in subsection (d) (as redesignated by paragraph (1))—

(A) in paragraph (1)—

(i) by striking ''contracts and''; and

(ii) by striking ''subsection (d)'' and inserting ''subsection (f)'';

(B) by striking paragraph (2); and

(C) by inserting after paragraph (1) the following:

''(2) RECRUITMENT.—The Secretary shall carry out, or enter into cooperative agreements to provide, a program to attract eligible youth to the Corps by publicizing Corps opportunities through high schools, colleges, employment centers, electronic media, and other appropriate institutions and means.

''(3) PREFERENCE.—In entering into cooperative agreements under paragraph (1) or awarding competitive grants to Indian tribes or tribally authorized organizations under section 207, the Secretary may give preference to qualified youth or conservation corps that are located in specific areas where a substantial portion of members are economically, physically, or educationally disadvantaged.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (1)) the following:

''(e) TRAINING.—

''(1) IN GENERAL.—The Secretary shall establish a training program based at appropriate residential conservation centers or at other suitable regional Federal or other appropriate facilities or sites to provide training for Corps participants.

''(2) REQUIREMENTS.—In establishing a training program under paragraph (1), the Secretary shall—

''(A) ensure that the duration and comprehensiveness of the training program shall be commensurate with the projects Corps participants are expected to undertake;

''(B) develop department-wide standards for the program that include training in—

''(i) resource stewardship;

''(ii) health and safety;

''(iii) ethics for individuals in public service;

''(iv) teamwork and leadership; and

''(v) interpersonal communications;

''(C) direct the participating agencies within the Department of the Interior, the Forest Service in the case of the Department of Agriculture, and the National Oceanic and Atmospheric Administration in the case of the Department of Commerce, to develop agency-specific training guidelines to ensure that Corps participants are appropriately informed about matters specific to that agency, including—

''(i) the history and organization of the agency;

''(ii) the mission of the agency; and

''(iii) any agency-specific standards for the management of natural, cultural, historic, archaeological, recreational, and scenic resources; and

''(D) take into account training already received by Corps participants enrolled from qualified youth or conservation corps.'';

(6) in subsection (f) (as redesignated by paragraph (1))—

(A) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL.—'' and inserting ''USE OF CORPS; PROJECTS.—'';

(ii) by striking ''The Secretary may utilize the Corps or any qualified youth or conservation corps to carry out'' and inserting the following:

''(A) IN GENERAL.—The Secretary may use the Corps to carry out, with appropriate supervision and training,'';

(iii) by striking ''on public lands'' and inserting on ''on eligible service lands''; and

(iv) by adding at the end the following:

''(B) PROJECTS.—Appropriate natural and cultural resources conservation projects carried out under this section may include—

''(i) protecting, restoring, or enhancing ecosystem components to promote species recovery, improve biological diversity, enhance productivity and carbon sequestration, and enhance adaptability and resilience of eligible service lands and resources to climate change and other natural and human disturbances;

''(ii) promoting the health of eligible service lands, including—

''(I) protecting and restoring watersheds and forest, grassland, riparian, estuarine, marine, or other habitat;

''(II) reducing the risk of uncharacteristically severe wildfire and mitigating damage from insects, disease, and disasters;

''(III) controlling erosion;

''(IV) controlling and removing invasive, noxious, or nonnative species; and

''(V) restoring native species;

''(iii) collecting biological, archaeological, and other scientific data, including climatological information, species populations and movement, habitat status, and other information;

''(iv) assisting in historical and cultural research, museum curatorial work, oral history projects, documentary photography, and activities that support the creation of public works of art related to eligible service lands; and

''(v) constructing, repairing, rehabilitating, and maintaining roads, trails, campgrounds and other visitor facilities, employee housing, cultural and historic sites and structures, and other facilities that further the purposes of this Act.'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) VISITOR SERVICES.—The Secretary may—

''(A) enter into or amend an existing cooperative agreement with a cooperating association, educational institution, friends group, or similar nonprofit partner organization for the purpose of providing training and work experience to Corps participants in areas such as sales, office work, accounting, and management, provided that the work experience directly relates to the conservation and management of eligible service lands; and

''(B) allow Corps participants to help promote visitor safety and enjoyment of eligible service lands, and assist in the gathering of visitor use data.

''(3) INTERPRETATION.—The Secretary may permit Corps participants to provide interpretation or education services for the public under the direct and immediate supervision of an agency employee—

''(A) to provide orientation and information services to visitors;

''(B) to assist agency employees in the delivery of interpretive or educational programs where audience size, environmental conditions, safety, or other factors make such assistance desirable;

''(C) to present programs that relate the personal experience of the Corps participants for the purpose of promoting public awareness of the Corps, the role of the Corps in

public land management agencies, and the availability of the Corps to potential participants; and

''(D) to create nonpersonal interpretive products, such as website content, Junior Ranger program books, printed handouts, and audiovisual programs.'';

(7) in subsection (g) (as redesignated by paragraph (1))—

(A) in the matter preceding the first paragraph, by striking ''those projects which'' and inserting ''priority projects and other projects that''; and

(B) by striking paragraph (2) and inserting the following:

''(2) will instill in Corps participants a work ethic and a sense of public service;''; and

(8) by adding at the end the following:

''(i) OTHER PARTICIPANTS.—The Secretary may allow volunteers from other programs administered or designated by the Secretary to participate as volunteers in projects carried out under this section.

''(j) CRIMINAL HISTORY CHECKS.—

''(1) IN GENERAL.—The requirements of section 189D(b) of the National and Community Service Act of 1990 (42 U.S.C. 12645g(b)) shall apply to each individual age 18 or older seeking—

''(A) to become a Corps participant;

''(B) to receive funds authorized under this Act; or

''(C) to supervise or otherwise have regular contact with Corps participants in activities authorized under this Act.

''(2) ELIGIBILITY PROHIBITION.—If any of paragraphs (1) through (4) of section 189D(c) of the National and Community Service Act of 1990 (42 U.S.C. 12645g(c)(1)–(4)) apply to an individual described in paragraph (1), that individual shall not be eligible for the position or activity described in paragraph (1), unless the Secretary provides an exemption for good cause.''.

(f) RESIDENTIAL CONSERVATION CENTERS AND PROGRAM SUPPORT.—Section 205 (16 U.S.C. 1724) of the Act is amended—

(1) in the section heading, by striking ''conservation'' and inserting ''residential conservation'';

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary may establish residential conservation centers for—

''(A) such housing, food service, medical care, transportation, and other services as the Secretary deems necessary for Corps participants; and

''(B) the conduct of appropriate natural and cultural resources conservation projects under this Act.'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2) (as redesignated by subparagraph (C)), in the heading, by striking ''FOR CONSERVATION CENTERS''; and

(E) in paragraph (3) (as redesignated by subparagraph (C)), by striking ''a State or local government agency'' and inserting ''another Federal agency, State, local government,'';

(3) in subsection (b)—

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

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) TEMPORARY HOUSING.—The Secretary may make arrangements with another Federal agency, State, local government, or private organization to provide temporary housing for Corps participants as needed and available.

''(3) TRANSPORTATION.—In project areas where Corps participants can reasonably be expected to reside at their own homes, the Secretary may fund or provide transportation to and from project sites.'';

(4) by redesignating subsection (d) as subsection (f);

(5) by inserting after subsection (c) the following:

''(d) FACILITIES.—The Secretary may, as an appropriate natural and cultural resources conservation project, direct Corps participants to aid in the construction or rehabilitation of residential conservation center facilities, including housing.

''(e) MENTORS.—The Secretary may recruit from programs, such as Federal volunteer and encore service programs, and from veterans groups, military retirees, and active duty personnel, such adults as may be suitable and qualified to provide training, mentoring, and crew-leading services to Corps participants.''; and

(6) in subsection (f) (as redesignated by paragraph (4)), by striking ''that are appropriate'' and all that follows through the period and inserting ''that the Secretary determines to be necessary for a residential conservation center.''.

(g) RESOURCE ASSISTANTS AND CONSULTING INTERNS.—Section 206 of the Act (16 U.S.C. 1725) is amended—

(1) in the section heading, by inserting ''and consulting interns'' before the period;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) AUTHORIZATION.—

''(1) RESOURCE ASSISTANTS.—

''(A) IN GENERAL.—The Secretary may provide individual placements of resource assistants with any agency under the jurisdiction of the Secretary that carries out appropriate natural and cultural resources conservation projects to carry out research or resource protection activities on behalf of the agency.

''(B) ELIGIBILITY.—To be eligible for selection as a resource assistant, an individual shall be at least 17 years of age.

''(C) PREFERENCE.—In selecting resource assistants for placement under this paragraph, the Secretary shall give a preference to individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, with particular attention given to ensuring full representation of women and participants from Historically Black Colleges and Universities, Hispanic-serving institutions, and Tribal Colleges and Universities.

''(2) CONSULTING INTERNS.—

''(A) IN GENERAL.—The Secretary may provide individual placements of consulting interns with any agency under the jurisdiction of the Secretary that carries out appropriate natural and cultural resources conservation projects to carry out management analysis activities on behalf of the agency.

''(B) ELIGIBILITY.—To be eligible for selection as a consulting intern, an individual shall be enrolled in, and have completed at least 1 full year at, a graduate or professional school that has been accredited by an accrediting body recognized by the Secretary of Education.

''(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—

''(1) IN GENERAL.—Whenever 1 or more nonprofit organizations can provide appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such organizations.

''(2) EXPENSES.—Participating organizations shall contribute to the expenses of providing and supporting the resource assistants or consulting interns from sources of funding other than the Secretary, at a level of not less than 25 percent of the total costs (15 percent of which may be from in-kind sources) of each participant in the resource assistant or consulting intern program who has been recruited and placed through that organization.

''(3) REPORTING.—Each participating organization shall be required to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the resource assistants and consulting interns, to the mission of the agency.''.

(h) TECHNICAL AMENDMENT.—The Act is amended by redesignating sections 207 through 211 (16 U.S.C. 1726 through 1730) as sections 209 through 213, respectively.

(i) INDIAN YOUTH SERVICE CORPS.—The Act is amended by inserting after section 206 (16 U.S.C. 1725) the following:

''SEC. 207. INDIAN YOUTH SERVICE CORPS.

''(a) AUTHORIZATION OF COOPERATIVE AGREEMENTS AND COMPETITIVE GRANTS.—The Secretary is authorized to enter into cooperative agreements with, or make competitive grants to, Indian tribes and qualified youth or conservation corps for the establishment and administration of Indian Youth Service Corps programs to carry out appropriate natural and cultural resources conservation projects on Indian lands.

''(b) APPLICATION.—To be eligible to receive assistance under this section, an Indian tribe or a qualified youth or conservation corps shall submit to the Secretary an application in such manner and containing such information as the Secretary may require, including—

''(1) a description of the methods by which Indian youth will be recruited for and retained in the Indian Youth Service Corps;

''(2) a description of the projects to be carried out by the Indian Youth Service Corps;

''(3) a description of how the projects were identified; and

''(4) an explanation of the impact of, and the direct community benefits provided by, the proposed projects.''.

(j) GUIDANCE.—The Act is amended by inserting after section 207 (as amended by subsection (i)) the following:

''SEC. 208. GUIDANCE.

''Not later than 18 months after funds are made available to the Secretary to carry out this Act, the Secretary shall issue guidelines for the management of programs under the jurisdiction of the Secretary that are authorized under this Act.''.

(k) LIVING ALLOWANCES AND TERMS OF SERVICE.—Section 209 of the Act (16 U.S.C. 1726) (as redesignated by subsection (h)) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) LIVING ALLOWANCES.—

''(1) IN GENERAL.—The Secretary shall provide each Corps participant with a living allowance in an amount established by the Secretary.

''(2) COST-OF-LIVING DIFFERENTIAL; TRAVEL COSTS.—The Secretary may—

''(A) apply a cost-of-living differential to the living allowances established under paragraph (1); and

''(B) if the Secretary determines reimbursement to be appropriate, reimburse Corps participants for travel costs at the beginning and end of the term of service of the Corps participants.

''(b) TERMS OF SERVICE.—

''(1) IN GENERAL.—Each Corps participant shall agree to participate for such term of service as may be established by the Secretary.

''(2) CONSULTATIONS.—With respect to the Indian Youth Service Corps, the term of service shall be established in consultation with the affected Indian tribe or tribally authorized organization.

''(c) HIRING PREFERENCE AND FUTURE EMPLOYMENT.—The Secretary may—

''(1) grant to a Corps participant credit for time served as a Corps participant, which may be used toward future Federal hiring;

''(2) provide to a former participant of the Corps or the Indian Youth Service Corps noncompetitive hiring status for a period of not more than 2 years after the date on which the service of the candidate in the Corps or the Indian Youth Service Corps was complete, if the candidate—

''(A) has served a minimum of 960 hours on an appropriate natural or cultural resources conservation project that included at least 120 hours through the Corps or the Indian Youth Service Corps; and

''(B) meets Office of Personnel Management qualification standards for the position for which the candidate is applying;

''(3) provide to a former resource assistant or consulting intern noncompetitive hiring status for a period of not more than 2 years after the date on which the individual has completed an undergraduate or graduate degree, respectively, from an accredited institution, if the candidate—

''(A) successfully fulfilled the resource assistant or consulting intern program requirements; and

''(B) meets Office of Personnel Management qualification standards for the position for which the candidate is applying; and

''(4) provide, or enter into contracts or cooperative agreements with qualified employment agencies to provide, alumni services such as job and education counseling, referrals, verification of service, communications, and other appropriate services to Corps participants who have completed the term of service.''.

(l) NATIONAL SERVICE EDUCATIONAL AWARDS.—Section 210 (16 U.S.C. 1727) of the Act (as redesignated by subsection (h)) is amended—

(1) in subsection (a) (as amended by subsection (a)(4)), in the first sentence—

(A) by striking ''participant in the Corps or a resource assistant'' and inserting ''Corps participant''; and

(B) by striking ''participant or resource assistant'' and inserting ''Corps participant''; and

(2) in subsection (b)—

(A) by striking ''either participants in the Corps or resource assistants'' and inserting ''Corps participants''; and

(B) by striking ''or a resource assistant''.

(m) NONDISPLACEMENT.—Section 211 of the Act (16 U.S.C. 1728) (as redesignated by subsection (h)) is amended by striking ''activities carried out'' and all that follows through the period and inserting ''Corps participants.''.

(n) FUNDING.—Section 212 of the Act (16 U.S.C. 1729) (as redesignated by subsection (h)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking ''non-federal sources'' and inserting ''sources other than the Secretary''; and

(ii) by inserting after the second sentence the following: ''The Secretary may pay up to 90 percent of the costs of a project if the Secretary determines that the reduction is necessary to enable participation from a greater range of organizations or individuals.''; and

(B) in paragraph (2), by inserting ''or Indian Youth Service Corps'' after ''Corps'' each place it appears;

(2) by amending subsection (b) to read as follows:

''(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—To carry out this Act, the Secretary shall be eligible to apply for and receive assistance under section 121(b) of the National and Community Service Act (42 U.S.C. 12571(b)).''; and

(3) in subsection (c)—

(A) by striking ''section 211'' and inserting ''section 213''; and

(B) by inserting ''or Indian Youth Service Corps'' after ''Corps''.

(o) AUTHORIZATION OF APPROPRIATIONS.—Section 213 of the Act (16 U.S.C. 1730) (as redesignated by subsection (h)) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

TITLE XLV—PATENT MODIFICATIONS AND VALIDATIONS

SEC. 4501. WHITEFISH LIGHTHOUSE PATENT MODIFICATION, MICHIGAN.

(a) MODIFICATION OF LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall modify the matter under the heading ''SUBJECT ALSO TO THE FOLLOWING CONDITIONS'' of paragraph 6 of United States Patent Number 61–2000–0007 by striking ''Whitefish Point Comprehensive Plan of October 1992 or for a gift shop'' and inserting ''Human Use/Natural Resource Plan for Whitefish Point, dated December 2002''.

(b) REVIEW OF MODIFICATIONS AND UNDERTAKINGS.—

(1) MODIFICATIONS TO HUMAN USE/NATURAL RESOURCE PLAN FOR WHITEFISH POINT.—Each modification to the Human Use/Natural Resource Plan for Whitefish Point, dated December 2002, described in the matter under the heading ''SUBJECT ALSO TO THE FOLLOWING CONDITIONS'' of paragraph 6 of United States Patent Number 61–2000–0007 shall be subject to the review process established under—

(A) section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

(B) part 800 of title 36, Code of Federal Regulations.

(2) FEDERAL OR FEDERALLY ASSISTED UNDERTAKINGS.—Each Federal or federally assisted undertaking (as described in section 106 of the National Historic Preservation Act (16 U.S.C. 470f)) proposed to be carried out within the boundaries of the Whitefish Point Light Station shall be subject to the review process established under—

(A) section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

(B) part 800 of title 36, Code of Federal Regulations.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The modification of United States Patent Number 61–2000–0007 in accordance with subsection (b) shall become effective on the date of the recording of the modification in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

(2) ENDORSEMENT.—The Office of the Register of Deeds of Chippewa County of the State of Michigan is requested to endorse on the recorded copy of United States Patent Number 61–2000–0007 the fact that the Patent Number has been modified in accordance with this title.

SEC. 4502. SOUTHERN NEVADA PATENT VALIDATION.

Patent No. 27–2005–0081 and its associated land reconfiguration issued by the Bureau of Land Management on February 18, 2005, is hereby affirmed and validated as having been issued pursuant to and in compliance with the provisions of the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100–275), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for the benefit of the desert tortoise and other species and their habitat to increase the likelihood of their recovery. The process utilized by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the lands as shown on Exhibit 1–4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS–R8–ES–2008–N0136) and the reconfiguration provided for in Special Condition 10 of Army Corps of Engineers Permit No. 000005042 are hereby ratified.

TITLE XLVI—MISCELLANEOUS

SEC. 4601. LAND AND WATER CONSERVATION FUND.

Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) is amended—

(1) in the matter preceding subsection (a), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(2) in subsection (c)(1), by striking ''through September 20, 2015''.

SEC. 4602. UNITED STATES FISH AND WILDLIFE SERVICE TECHNICAL AMENDMENT.

Section 3 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742b) is amended in subsections (a) and (b) by striking ''Assistant Secretary for Fish and Wildlife'' each place it appears and inserting ''Assistant Secretary for Fish and Wildlife and Parks''.

SEC. 4603. PUBLIC LAND ORDER 2568 TECHNICAL MODIFICATION.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND ORDER 2568.—The term ''Public Land Order 2568'' means Public Land Order 2568, dated December 19, 1961.

(2) WITHDRAWN LAND.—The term ''withdrawn land'' means land comprising approximately 16,960 acres of land located within the public land reserved (as of the day before the date of enactment of this Act) for the use of the Department of Energy under Public Land Order 2568, as generally depicted on the map entitled ''Nevada Solar Demonstration Zone'', dated June 30, 2010.

(b) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, all public land and interests in the withdrawn land are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(2) TRANSFER OF JURISDICTION.—Effective beginning on the date of enactment of this Act and except as otherwise provided in this section, jurisdiction over the withdrawn land shall be transferred from the Secretary of the Interior to the Secretary of Energy.

(3) RESERVATION.—The withdrawn land shall be withdrawn for—

(A) the purpose of establishing a program to support the testing, evaluation, demonstration, and commercial operation of solar energy technologies by private and public entities, including other Federal agencies; and

(B) the use of the Secretary of Energy to carry out the missions of the Department of Energy and the National Nuclear Security Administration and other uses related to those missions.

(c) LEGAL DESCRIPTION AND MAP.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing a legal description of the withdrawn land; and

(2) file copies of the map described in paragraph (1) and the legal description of the withdrawn land with—

(A) Congress;

(B) the Secretary of Energy; and
(C) the Governor of the State of Nevada.
(d) TECHNICAL CORRECTIONS.—
(1) IN GENERAL.—The map and legal description described in subsection (c) shall have the same force and effect as if the map and legal description were included in this section.
(2) ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.
(e) WATER RIGHTS.—
(1) IN GENERAL.—Nothing in this section shall result in any forfeiture of any water rights acquired or exercised by the United States prior to the date of enactment of this Act.
(2) ADDITIONAL WATER RIGHTS.—The United States shall follow the procedural and substantive requirements of applicable State law in obtaining and holding under this section any water rights not in existence on the date of enactment of this Act.
(f) MANAGEMENT OF WITHDRAWN LAND.—The Secretary of Energy shall—
(1) be responsible for the management of the withdrawn land; and
(2) have the authority to issue land use authorizations for the withdrawn land.
(g) MANAGEMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall develop a management plan for the withdrawn land that—
(1) establishes criteria for approving testing, evaluation, demonstration, and commercial operation of solar energy projects and related infrastructure by private and public entities, including other Federal agencies infrastructure on the withdrawn land;
(2) establishes a fee or royalty, as appropriate, for commercial solar energy generating facilities on the withdrawn land; and
(3) uses any fee or royalty collected pursuant to paragraph (2), without further appropriation and without fiscal year limitation, for support of activities on the withdrawn land, for purposes such as—
(A) infrastructure improvements, including electricity transmission;
(B) solar demonstration projects, including system performance verification;
(C) acquiring and managing water;
(D) education, research, and training;
(E) mitigating impacts to natural resources;
(F) land use permits and environmental studies associated with the withdrawn land; and
(G) protecting wildlife.
(h) OTHER MANAGEMENT RESPONSIBILITIES.—
(1) INFRASTRUCTURE.—The Secretary of Energy shall work with other Federal agencies, the State of Nevada, and other interested persons to ensure, to the maximum extent practicable, that adequate infrastructure is available for activities conducted on the withdrawn land.
(2) NATIONAL DEFENSE TESTING AND TRAINING.—The Secretary of Energy shall consult with the Secretary of Defense to ensure that solar energy projects or related infrastructure on, or directly related to, the withdrawn land do not significantly impede national defense testing and training.
(i) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this section, the Secretary of Energy may use, without application to the Secretary of the Interior, the sand, gravel, or similar material resources on the withdrawn land of the type subject to disposition under the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.), if the use of the resources is required to accomplish the missions of the Department of Energy or the National Nuclear Security Administration or other uses related to those missions.

DIVISION E—NATIONAL HERITAGE AREAS

TITLE L—SUSQUEHANNA GATEWAY NATIONAL HERITAGE AREA

SEC. 5001. DEFINITIONS.

In this title:
(1) HERITAGE AREA.—The term ''Heritage Area'' means the Susquehanna Gateway National Heritage Area established by section 5002(a).
(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 5003(a).
(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 5004(a).
(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.
(5) STATE.—The term ''State'' means the State of Pennsylvania.

SEC. 5002. SUSQUEHANNA GATEWAY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Susquehanna Gateway National Heritage Area in the State.
(b) BOUNDARIES.—The Heritage Area shall include Lancaster and York Counties, Pennsylvania.

SEC. 5003. DESIGNATION OF LOCAL COORDINATING ENTITY.

(a) LOCAL COORDINATING ENTITY.—The Susquehanna Heritage Corporation, a nonprofit organization established under the laws of the State, shall be the local coordinating entity for the Heritage Area.
(b) AUTHORITIES OF LOCAL COORDINATING ENTITY.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use Federal funds made available under this title—
(1) to prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;
(2) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;
(3) to enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and other organizations;
(4) to hire and compensate staff;
(5) to obtain funds or services from any source, including funds and services provided under any other Federal program or law; and
(6) to contract for goods and services.
(c) DUTIES OF LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—
(1) prepare a management plan for the Heritage Area in accordance with section 5004;
(2) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—
(A) carrying out programs and projects that recognize and protect important resource values in the Heritage Area;
(B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;
(C) establishing and maintaining interpretive exhibits in the Heritage Area;
(D) developing heritage-based recreational and educational opportunities for residents and visitors in the Heritage Area;
(E) increasing public awareness of and appreciation for the natural, historic, and cultural resources of the Heritage Area;
(F) restoring historic buildings that are—
(i) located in the Heritage Area; and
(ii) related to the themes of the Heritage Area; and
(G) installing throughout the Heritage Area clear, consistent, and appropriate signs identifying public access points and sites of interest;
(3) consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the Heritage Area in developing and implementing the management plan;
(4) conduct public meetings at least semiannually regarding the development and implementation of the management plan; and
(5) for any fiscal year for which Federal funds are received under this title—
(A) submit to the Secretary an annual report that describes—
(i) the accomplishments of the local coordinating entity;
(ii) the expenses and income of the local coordinating entity; and
(iii) the entities to which the local coordinating entity made any grants;
(B) make available for audit all records relating to the expenditure of the Federal funds and any matching funds; and
(C) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records relating to the expenditure of the Federal funds.
(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—
(1) IN GENERAL.—The local coordinating entity shall not use Federal funds received under this title to acquire real property or any interest in real property.
(2) OTHER SOURCES.—Nothing in this title precludes the local coordinating entity from using Federal funds from other sources for authorized purposes, including the acquisition of real property or any interest in real property.

SEC. 5004. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to carry out this title, the local coordinating entity shall prepare and submit to the Secretary a management plan for the Heritage Area.
(b) CONTENTS.—The management plan for the Heritage Area shall—
(1) include comprehensive policies, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;
(2) take into consideration existing State, county, and local plans;
(3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
(4) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained; and
(5) include an analysis of, and recommendations for, ways in which Federal, State, and local programs, may best be coordinated to further the purposes of this title, including recommendations for the role of the National Park Service in the Heritage Area.
(c) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this title, the local coordinating entity may not receive additional funding under this title until the date on which the Secretary receives the proposed management plan.
(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—
(1) IN GENERAL.—Not later than 180 days after the date on which the local coordinating entity submits the management plan

to the Secretary, the Secretary shall approve or disapprove the proposed management plan.

(2) CONSIDERATIONS.—In determining whether to approve or disapprove the management plan, the Secretary shall consider whether—

(A) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the local coordinating entity has provided adequate opportunities (including public meetings) for public and governmental involvement in the preparation of the management plan;

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

(D) the management plan is supported by the appropriate State and local officials, the cooperation of which is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) DISAPPROVAL AND REVISIONS.—

(A) IN GENERAL.—If the Secretary disapproves a proposed management plan, the Secretary shall—

(i) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(ii) make recommendations for revision of the proposed management plan.

(B) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove a revised management plan not later than 180 days after the date on which the revised management plan is submitted.

(e) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve or disapprove substantial amendments to the management plan in accordance with subsection (d).

(2) FUNDING.—Funds appropriated under this title may not be expended to implement any changes made by an amendment to the management plan until the Secretary approves the amendment.

SEC. 5005. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this title affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this title—

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

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 5006. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this title—

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

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

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

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

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

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

SEC. 5007. EVALUATION; REPORT.

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

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

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

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

(A) accomplishing the purposes of this title for the Heritage Area; and

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

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

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

(c) REPORT.—

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

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

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

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

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

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

SEC. 5008. FUNDING LIMITATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, subject to the limitations of section 5201.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using funds made available under this title shall be not more than 50 percent.

SEC. 5009. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide financial assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE LI—ALABAMA BLACK BELT NATIONAL HERITAGE AREA

SEC. 5101. DEFINITIONS.

In this title:

(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Alabama Black Belt National Heritage Area established by this title.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Center for the Study of the Black Belt at the University of West Alabama.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area in accordance with this title.

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

SEC. 5102. DESIGNATION OF ALABAMA BLACK BELT NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Alabama Black Belt National Heritage Area in the State of Alabama.

(b) BOUNDARIES.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Alabama, consisting of Bibb, Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pickens, Sumter, Washington, and Wilcox counties.

SEC. 5103. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The Center for the Study of the Black Belt at the University of West Alabama shall be the local coordinating entity for the National Heritage Area.

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

(1) submit a management plan to the Secretary in accordance with this title;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this title, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

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

(C) the amounts and sources of matching funds;

(D) the amounts of non-Federal funds leveraged with Federal funds and sources of the leveraging; and

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

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

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

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan, the local coordinating entity may use Federal funds received under this title—

(1) to make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

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

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

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

(B) economic and community development; and

(C) heritage planning;

(4) to obtain funds or services from any source, including other Federal programs;

(5) to contract for goods or services; and

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

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this title to acquire any interest in real property.

SEC. 5104. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan shall—

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

(2) include a description of actions and commitments that Federal, State, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

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

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

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

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, or local government agency, organization, business, or individual;

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

(8) include a business plan that—

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

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available pursuant to this title to develop the management plan, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity may not receive any additional financial assistance under this title until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the management plan, the Secretary shall review and approve or disapprove the management plan on the basis of the criteria listed in paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of Alabama before approving a management plan.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan, the Secretary shall consider whether—

(A) the local coordinating entity—

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

(ii) has afforded adequate opportunity for public and Federal, State, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan; and

(iv) has demonstrated the financial capability, in partnership with others, to carry out the management plan;

(B) the management plan—

(i) describes resource protection, enhancement, interpretation, funding, management, and development strategies which, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(ii) would not adversely affect any activities authorized on Federal land under public applicable laws or land use plans;

(iii) demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan; and

(iv) complies with the requirements of this section; and

(C) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed that the State and local aspects of the management plan will be effectively implemented.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

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

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the approved management plan that substantially alters such plan shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds received under this title to implement a substantial amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this title for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this title.

SEC. 5105. EVALUATION; REPORT.

(a) EVALUATION.—The Secretary shall conduct an evaluation of the accomplishments of the National Heritage Area. An evaluation conducted under this subsection shall—

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

(A) accomplishing the purposes of this title for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan;

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

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

(b) REPORT.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this title, based on the evaluation conducted under subsection (a), the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 5106. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this title affects the authority of a Federal agency to provide technical or financial assistance under any other law.

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

(c) OTHER FEDERAL AGENCIES.—Nothing in this title—

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

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 5107. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this title—

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

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

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

or other regulatory authority to any local coordinating entity, including development and management of energy, water, or water-related infrastructure;

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

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

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

SEC. 5108. FUNDING LIMITATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, subject to the limitations of section 5201.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this title shall be not more than 50 percent. The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 5109. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 5110. TERMINATION OF FINANCIAL ASSISTANCE.

The authority of the Secretary to provide financial assistance under this title terminates on the date that is 15 years after the date of the enactment of this title.

TITLE LII—FUNDING LIMITATIONS FOR NATIONAL HERITAGE AREAS

SEC. 5201. FUNDING LIMITATIONS FOR NATIONAL HERITAGE AREAS.

(a) ANNUAL LIMIT.—Except as otherwise expressly authorized by law, the Secretary of the Interior may not provide more than $1,000,000 for any fiscal year for any individual national heritage area.

(b) CUMULATIVE LIMIT.—Except as otherwise expressly authorized by law, the Secretary of the Interior may not provide more than a total of $10,000,000 for any individual national heritage area.

DIVISION F—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

TITLE LX—NATIONAL CONSERVATION AREAS AND HISTORIC SITES

Subtitle A—Río Grande Del Norte National Conservation Area

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Río Grande del Norte National Conservation Area established by section 6002(a)(1).

(2) LAND GRANT COMMUNITY.—The term ''land grant community'' means a member of the Board of Trustees of confirmed and nonconfirmed community land grants within the Conservation Area.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area developed under section 6002(d).

(4) MAP.—The term ''map'' means the map entitled ''Río Grande del Norte National Conservation Area'' and dated November 4, 2009.

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

(6) STATE.—The term ''State'' means the State of New Mexico.

SEC. 6002. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Río Grande del Norte National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 235,980 acres of public land in Taos and Río Arriba counties in the State, as generally depicted on the map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, ecological, geological, historical, wildlife, educational, recreational, and scenic resources of the Conservation Area.

(c) MANAGEMENT.—

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

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(B) in accordance with—

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

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Area after the date of enactment of this Act unless the road is needed for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Area, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) COLLECTION OF PIÑON NUTS AND FIREWOOD.—Nothing in this section precludes the traditional collection of firewood and piñon nuts for noncommercial personal use within the Conservation Area—

(i) in accordance with any applicable laws; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(E) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this section precludes the Secretary from renewing or authorizing the upgrading (including widening) of an existing utility right-of-way through the Conservation Area in a manner that minimizes harm to the purposes of the Conservation Area described in subsection (b)—

(i) in accordance with—

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

(II) any other applicable law; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(F) TRIBAL CULTURAL USES.—

(i) ACCESS.—The Secretary shall, in consultation with Indian tribes or pueblos—

(I) ensure the protection of religious and cultural sites in the Conservation Area; and

(II) provide access to the sites by members of Indian tribes or pueblos for traditional cultural and customary uses, consistent with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996).

(ii) TEMPORARY CLOSURES.—In accordance with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996), the Secretary, on request of an Indian tribe or pueblo, may temporarily close to general public use 1 or more specific areas of the Conservation Area in order to protect traditional cultural and customary uses in those areas by members of the Indian tribe or the pueblo.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Conservation Area.

(2) OTHER PLANS.—To the extent consistent with this subtitle, the plan may incorporate in the management plan the Río Grande Corridor Management Plan in effect on the date of enactment of this Act.

(3) CONSULTATION.—The management plan shall be developed in consultation with—

(A) State and local governments;

(B) tribal governmental entities;

(C) land grant communities; and

(D) the public.

(4) CONSIDERATIONS.—In preparing and implementing the management plan, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for—

(A) ensuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the Conservation Area; and

(C) protecting traditional cultural and religious sites in the Conservation Area.

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land that is within the boundary of the Conservation Area that is acquired by the United States shall—

(1) become part of the Conservation Area; and

(2) be managed in accordance with—

(A) this subtitle; and

(B) any other applicable laws.

(f) SPECIAL MANAGEMENT AREAS.—

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

(A) designated as a component of the National Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

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

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

SEC. 6003. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Conservation Area are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the ''Cerro del Yuta Wilderness''.

(2) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,000 acres, as generally depicted on the map, which shall be known as the ''Río San Antonio Wilderness''.

(b) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that with respect to the wilderness areas designated by this subtitle—

(1) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this subtitle; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(f) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this section—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with this subtitle.

SEC. 6004. GENERAL PROVISIONS.

(a) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the Conservation Area and the wilderness areas designated by section 6003(a) with—

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

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

(2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the legal description and map.

(3) PUBLIC AVAILABILITY.—The map and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Area and the wilderness areas designated by section 6003(a) shall be administered as components of the National Landscape Conservation System.

(c) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establishing periods when, hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(d) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Conservation Area and the wilderness areas designated by section 6003(a), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

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

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

(e) TREATY RIGHTS.—Nothing in this subtitle enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 6005. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Gold Hill Ranch, California

SEC. 6011. DEFINITIONS.

In this subtitle:

(1) GOLD HILL RANCH.—The term ''Gold Hill Ranch'' means the approximately 272 acres of land located in Coloma, California, as generally depicted on the map entitled ''Gold Hill–Wakamatsu Site'' and dated May 7, 2009.

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

SEC. 6012. GOLD HILL RANCH.

(a) ACQUISITION.—The Secretary may acquire the Gold Hill Ranch, including any interest in the Gold Hill Ranch, by purchase from a willing seller with donated or appropriated funds, donation, or exchange.

(b) MANAGEMENT.—The Secretary shall manage any land or interest in land acquired under subsection (a) in accordance with—

(1) this subtitle;

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

(3) any other applicable laws.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement with public or nonprofit entities to interpret the history of the Wakamatsu Tea and Silk Farm Colony and related pioneer history associated with Japanese immigration to the area, including the history of traditional Japanese crops and farming practices and the contribution of those practices to the agricultural economy of the State of California.

(2) INCLUSIONS.—The cooperative agreement referred to in paragraph (1) may include provisions for the design and development of a visitor center to further public education and interpretation of the Gold Hill Ranch.

SEC. 6013. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Orange County, California

SEC. 6021. PRESERVATION OF ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA.

(a) CALIFORNIA COASTAL NATIONAL MONUMENT.—The Act of February 18, 1931, entitled ''An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California'' is amended by striking ''temporarily reserved'' and all that follows through ''United States'' and inserting ''part of the California Coastal National Monument and shall be administered as such''.

(b) REPEAL OF RESERVATION.—Section 31 of the Act of May 28, 1935, entitled ''An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes'' is hereby repealed.

TITLE LXI—LAND CONVEYANCES AND EXCHANGES

Subtitle A—Salmon Lake Land Selection Resolution

SEC. 6101. PURPOSE.

The purpose of this subtitle is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 6102. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the ''Salmon Lake Area Land Ownership Consolidation Agreement'';

(B) had an initial effective date of July 18, 2007, which was extended until January 1, 2011, by agreement of the parties to the Agreement effective January 1, 2009; and

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) BERING STRAITS NATIVE CORPORATION.—The term ''Bering Straits Native Corporation'' means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S. C. 1601 et. seq.) for the Bering Straits region of the State.

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

(4) STATE.—The term ''State'' means the State of Alaska.

SEC. 6103. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—Subject to the provisions of this subtitle, Congress ratifies the Agreement.

(b) EASEMENTS.—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) CORRECTIONS.—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) AUTHORIZATION.—The Secretary shall carry out all actions required by the Agreement.

Subtitle B—Southern Nevada Higher Education Land Conveyance

SEC. 6111. DEFINITIONS.

In this subtitle:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Nevada System of Higher Education.

(2) CAMPUSES.—The term ''Campuses'' means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) FEDERAL LAND.—The term ''Federal land'' means each of the 3 parcels of Bureau of Land Management land identified on the maps as ''Parcel to be Conveyed'', of which—

(A) approximately 40 acres is to be conveyed for the College of Southern Nevada;

(B) approximately 2,085 acres is to be conveyed for the University of Nevada, Las Vegas; and

(C) approximately 285 acres is to be conveyed for the Great Basin College.

(4) MAP.—The term ''Map'' means each of the 3 maps entitled ''Southern Nevada Higher Education Land Act'', dated July 11, 2008,

and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

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

(6) STATE.—The term ''State'' means the State of Nevada.

(7) SYSTEM.—The term ''System'' means the Nevada System of Higher Education.

SEC. 6112. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.

(a) CONVEYANCES.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869(c)), and subject to all valid existing rights, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the Great Basin College and the College of Southern Nevada; and

(B) on the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the University of Nevada, Las Vegas.

(2) PHASES.—The Secretary may phase the conveyance of the Federal land under paragraph (1)(B) as remediation is completed.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a)(1), the Board of Regents shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a)(1), to erect at each of the Campuses an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of the citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(i) public land (including the management of public land) in the Nation; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(2) NELLIS AIR FORCE BASE.—

(A) IN GENERAL.—The Federal land conveyed to the System under this subtitle shall be used in accordance with the agreement entitled the ''Cooperative Interlocal Agreement between the Board of Regents of the Nevada System of Higher Education, on Behalf of the University of Nevada, Las Vegas, and the 99th Air Base Wing, Nellis Air Force Base, Nevada'' and dated June 19, 2009.

(B) MODIFICATIONS.—Any modifications to the interlocal agreement described in subparagraph (A) and any related master plan shall require the mutual assent of the parties to the agreement.

(C) LIMITATION.—In no case shall the use of the Federal land conveyed under subsection (a)(1)(B) compromise the national security mission or avigation rights of Nellis Air Force Base.

(c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The System may use the Federal land conveyed under subsection (a)(1) for—

(A) any educational or public purpose relating to the establishment, operation, growth, and maintenance of the System, including—

(i) educational facilities;

(ii) housing for students, employees of the System, and educators;

(iii) student life and recreational facilities, public parks, and open space;

(iv) university and college medical and health facilities; and

(v) research facilities; and

(B) any other public purpose that would generally be associated with an institution of higher education, consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(2) OTHER ENTITIES.—The System may—

(A) consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the System or to any community located in southern Nevada;

(B) allow any other communities in southern Nevada to use facilities of the Campuses for educational and recreational programs of the community; and

(C) in conjunction with the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County on the Federal land conveyed for educational or recreational purposes consistent with this section.

(d) REVERSION.—If the Federal land or any portion of the Federal land conveyed under subsection (a)(1) ceases to be used for the System in accordance with this subtitle, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

SEC. 6113. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—La Pine, Oregon, Land Conveyance

SEC. 6121. DEFINITIONS.

In this subtitle:

(1) CITY.—The term ''City'' means the City of La Pine, Oregon.

(2) COUNTY.—The term ''County'' means the County of Deschutes, Oregon.

(3) MAP.—The term ''map'' means the map entitled ''La Pine, Oregon Land Transfer'' and dated December 11, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 6122. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this subtitle, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel A'', to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel B'', to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel C'', to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this subtitle.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

TITLE LXII—SLOAN HILLS MINERAL WITHDRAWAL

SEC. 6201. WITHDRAWAL OF SLOAN HILLS AREA OF CLARK COUNTY, NEVADA.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means the land identified as the ''Withdrawal Zone'' on the map entitled ''Sloan Hills Area'' and dated June 24, 2010.

(b) WITHDRAWAL.—Subject to valid rights in existence on the date of introduction of this Act, the Federal land is withdrawn from all forms of—

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

(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

DIVISION G—RIVERS AND TRAILS

TITLE LXX—NATIONAL WILD AND SCENIC RIVERS SYSTEM AMENDMENTS

SEC. 7001. MOLALLA RIVER, OREGON.

(a) DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 2203) is amended by adding at the end the following:

''(213) MOLALLA RIVER, OREGON.—

''(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

''(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

''(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

''(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

''(i) entry, appropriation, or disposal under the public land laws;

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

''(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.''.

(b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking ''SQUAW CREEK'' and inserting ''WHYCHUS CREEK'';

(2) in the matter preceding subparagraph (A), by striking ''McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork'' and inserting ''Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek''; and

(3) in subparagraph (B), by striking ''McAllister Ditch'' and inserting ''Plainview Ditch''.

SEC. 7002. ILLABOT CREEK, WASHINGTON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 7001(a)) is amended by adding at the end the following:

''(214) ILLABOT CREEK, WASHINGTON.—

''(A) The 14.3 mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR – Northern Terminus', dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:

''(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

''(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR – Northern Terminus', dated September 15, 2009, as a recreational river.

''(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.''.

SEC. 7003. WHITE CLAY CREEK.

(a) DESIGNATION.—Section 3(a)(163) of the Wild and Scenic Rivers Act (16 U.S. C. 1274(a)(163)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''190 miles'' and inserting ''199 miles''; and

(B) by striking ''the recommended designation and classification maps (dated June 2000)'' and inserting ''the map entitled 'White Clay Creek Wild and Scenic River Designated Area Map' and dated July 2008, the map entitled 'White Clay Creek Wild and Scenic River Classification Map' and dated July 2008, and the map entitled 'White Clay Creek National Wild and Scenic River Proposed Additional Designated Segments-July 2008' '';

(2) by striking subparagraph (B) and inserting the following:

''(B) 22.4 miles of the east branch beginning at the southern boundary line of the Borough of Avondale, including Walnut Run, Broad Run, and Egypt Run, outside the boundaries of the White Clay Creek Preserve, as a recreational river.''; and

(3) by striking subparagraph (H) and inserting the following:

''(H) 14.3 miles of the main stem, including Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware beginning at the confluence of the east and middle branches in London Britain Township, Pennsylvania, downstream to the northern boundary line of the City of Newark, Delaware, as a scenic river.''.

(b) ADMINISTRATION.—Sections 4 through 8 of Public Law 106–357 (16 U.S.C. 1274 note; 114 Stat. 1393), shall be applicable to the additional segments of the White Clay Creek designated by the amendments made by subsection (a).

SEC. 7004. ELK RIVER, WEST VIRGINIA.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) (as amended by section 7002) is amended by adding at the end the following:

''(215) ELK RIVER, WEST VIRGINIA.—The approximate 5-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.''.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) (as amended by section 205(b)(2)) is amended by adding at the end the following:

''(21) ELK RIVER, WEST VIRGINIA.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of Agriculture shall complete the study of the 5-mile segment of the Elk River, West Virginia, designated for study in subsection (a), and shall submit to Congress a report containing the results of the study. The report shall include an analysis of the potential impact of the designation on private lands within the 5-mile segment of the Elk River, West Virginia, or abutting that area.''.

(c) EFFECT.—

(1) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C. 1284), nothing in the designation made by the amendment in subsection (a) shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(2) EFFECT ON STATE AUTHORITY.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C. 1284), nothing in the designation made by the amendment in subsection (a) shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE LXXI—NATIONAL TRAIL SYSTEM AMENDMENTS

SEC. 7101. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty-two hundred'' and inserting ''4,600''; and

(2) by striking ''as 'Proposed North Country Trail-Vicinity Map' in'' and all that follows through the period at the end of the sentence and inserting ''as 'North Country National Scenic Trail, Authorized Route' dated February 16, 2005, and numbered 649/80,002.''.

DIVISION H—WATER AND HYDROPOWER AUTHORIZATIONS

TITLE LXXX—BUREAU OF RECLAMATION PROJECT AUTHORIZATIONS

SEC. 8001. MAGNA WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1657. MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE PROJECT, UTAH.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Magna Water District, Utah, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to provide recycled water in the Magna Water District.

''(b) COST SHARING.—

''(1) FEDERAL SHARE.—The Federal share of the capital cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(2) NON-FEDERAL SHARE.—Each cost incurred by the Magna Water District after January 1, 2003, relating to any capital, planning, design, permitting, construction, or land acquisition (including the value of reallocated water rights) for the project described in subsection (a) may be credited towards the non-Federal share of the costs of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

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

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1656 the following:

''Sec. 1657. Magna Water District water reuse and groundwater recharge project, Utah.''.

SEC. 8002. BAY AREA REGIONAL WATER RECYCLING PROGRAM.

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 8001(a)) is amended by adding at the end the following:

''SEC. 1658. CCCSD-CONCORD RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

"SEC. 1659. CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

"SEC. 1660. PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

"SEC. 1661. CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

"SEC. 1662. PALO ALTO RECYCLED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

"SEC. 1663. IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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

(2) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act, and the sections added to such Act by paragraph (1), the Secretary shall enter into individual agreements with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and may include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act, subject to appropriations made available for the Federal share of the project under sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by paragraph (1).

(3) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 8001(b)) is amended by adding at the end the following:

''Sec. 1658. CCCSD-Concord recycled water project.
''Sec. 1659. Central Dublin recycled water distribution and retrofit project.
''Sec. 1660. Petaluma recycled water project, phases 2a, 2b, and 3.
''Sec. 1661. Central Redwood City recycled water project.
''Sec. 1662. Palo Alto recycled water pipeline project.
''Sec. 1663. Ironhouse Sanitary District (ISD) Antioch recycled water project.''.

(b) MODIFICATION TO AUTHORIZED PROJECTS.—

(1) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended—

(A) by striking ''is'' and inserting ''are''; and

(B) by striking ''$2,250,000'' and inserting ''such sums as are necessary''.

(2) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended—

(A) by striking ''is'' and inserting ''are''; and

(B) by striking ''$8,250,000'' and inserting ''such sums as are necessary''.

SEC. 8003. CALLEGUAS WATER PROJECT.

Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) In the case of the Calleguas Municipal Water District Recycling Project authorized by section 1616, the Federal share of the cost of the Project may not exceed the sum determined by adding—

''(A) the amount that applies to the Project under paragraph (1); and

''(B) $20,000,000.''.

SEC. 8004. HERMISTON, OREGON, WATER RECYCLING AND REUSE PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 8003(a)(1)) is amended by adding at the end the following:

"SEC. 1664. CITY OF HERMISTON, OREGON, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Hermiston, Oregon, is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in the City of Hermiston, Oregon.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 8003(a)(3)) is amended by adding at the end the following:

''Sec. 1664. City of Hermiston, Oregon, water recycling and reuse project.''.

SEC. 8005. CENTRAL VALLEY PROJECT WATER TRANSFERS.

(a) AUTHORIZATION OF WATER TRANSFERS, CENTRAL VALLEY PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the following voluntary water transfers shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709):

(A) A transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions.

(B) A transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary water service contractor within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division.

(2) CONDITION.—A transfer under paragraph (1) shall comply with all applicable Federal and State law.

(b) FACILITATION OF WATER TRANSFERS, CENTRAL VALLEY PROJECT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation, using such sums as are necessary, shall initiate and complete, on the most expedited basis practicable, programmatic documentation to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) REPORT ON CENTRAL VALLEY PROJECT WATER TRANSFERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation (referred to in this subsection as the ''Commissioner'') shall submit to the appropriate committees of Congress a report that—

(A) describes the status of efforts to help facilitate and improve the water transfers under this section;

(B) evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and

(C) provides recommendations on ways to facilitate, and improve the process for—

(i) water transfers within the Central Valley Project; and

(ii) water transfers between the Central Valley Project and other water projects in the State of California.

(2) UPDATES.—Not later than the end of the water year in which the report is submitted under paragraph (1) and each of the 4 water years thereafter, the Commissioner shall update the report.

SEC. 8006. LAND WITHDRAWAL AND RESERVATION FOR CRAGIN PROJECT.

(a) DEFINITIONS.—In this section:

(1) COVERED LAND.—The term ''covered land'' means the parcel of land consisting of approximately 512 acres, as generally depicted on the Map, that consists of—

(A) approximately 300 feet of the crest of the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam that consists of approximately 250 acres defined by the high water mark; and

(C) the linear corridor.

(2) CRAGIN PROJECT.—The term ''Cragin Project'' means—

(A) the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam; and

(C) any pipelines, linear improvements, buildings, hydroelectric generating facilities, priming tanks, transmission, telephone, and fiber optic lines, pumps, machinery, tools, appliances, and other District or Bureau of Reclamation structures and facilities used for the Cragin Project.

(3) DISTRICT.—The term ''District'' means the Salt River Project Agricultural Improvement and Power District.

(4) LAND MANAGEMENT ACTIVITY.—The term ''land management activity'' includes, with respect to the covered land, the management of—

(A) recreation;

(B) grazing;

(C) wildland fire;

(D) public conduct;

(E) commercial activities that are not part of the Cragin Project;

(F) cultural resources;

(G) invasive species;

(H) timber and hazardous fuels;

(I) travel;

(J) law enforcement; and

(K) roads and trails.

(5) LINEAR CORRIDOR.—The term ''linear corridor'' means a corridor of land comprising approximately 262 acres—

(A) the width of which is approximately 200 feet;

(B) the length of which is approximately 11.5 miles;

(C) of which approximately 0.7 miles consists of an underground tunnel; and

(D) that is generally depicted on the Map.

(6) MAP.—The term ''Map'' means sheets 1 and 2 of the maps entitled ''C.C. Cragin Project Withdrawal'' and dated June 17, 2008.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) WITHDRAWAL OF COVERED LAND.—Subject to valid existing rights, the covered land is permanently withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(c) MAP.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary, shall prepare a map and legal description of the covered land.

(2) FORCE AND EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary of the Interior may correct clerical and typographical errors.

(3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Reclamation.

(d) JURISDICTION AND DUTIES.—

(1) JURISDICTION OF THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in subsection (e), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall have exclusive administrative jurisdiction to manage the Cragin Project in accordance with this section and section 213(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3533) on the covered land.

(B) INCLUSION.—Notwithstanding subsection (e), the jurisdiction under subparagraph (A) shall include access to the Cragin Project by the District.

(2) RESPONSIBILITY OF SECRETARY OF THE INTERIOR AND DISTRICT.—In accordance with paragraphs (4)(B) and (5) of section 213(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3533), the Secretary of the Interior and the District shall—

(A) ensure the compliance of each activity carried out at the Cragin Project with each applicable Federal environmental law (including regulations); and

(B) coordinate with appropriate Federal agencies in ensuring the compliance under subparagraph (A).

(e) LAND MANAGEMENT ACTIVITIES ON COVERED LAND.—

(1) IN GENERAL.—The Secretary shall have administrative jurisdiction over land management activities on the covered land and other appropriate management activities pursuant to an agreement under paragraph (2) that do not conflict with, or adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior.

(2) INTERAGENCY AGREEMENT.—The Secretary and the Secretary of the Interior, in coordination with the District, may enter into an agreement under which the Secretary may—

(A) undertake any other appropriate management activity in accordance with applicable law that will improve the management and safety of the covered land and other land managed by the Secretary if the activity does not conflict with, or adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior; and

(B) carry out any emergency activities, such as fire suppression, on the covered land.

SEC. 8007. LEADVILLE MINE DRAINAGE TUNNEL.

(a) TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.—Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended to read as follows:

''SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

''(a) LEADVILLE MINE DRAINAGE TUNNEL.—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

''(1) to maintain public safety; and

''(2) to prevent an uncontrolled release of water.

''(b) WATER TREATMENT PLANT.—

''(1) IN GENERAL.—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

''(2) AUTHORITY TO OFFER TO ENTER INTO CONTRACTS.—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1).''.

(b) REIMBURSEMENT.—Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended—

(1) by striking ''The treatment plant'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the treatment plant''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—The Secretary may—

''(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

''(2) upon entering into an agreement under paragraph (1)—

''(A) make any necessary capital improvement to or expansion of the treatment plant; and

''(B) treat flows that are conveyed to the treatment plant, including any—

''(i) surface water diverted into the Leadville Mine Drainage Tunnel; and

''(ii) water collected by the dewatering relief well installed in June 2008.''.

(c) USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.—Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary'';

(2) by striking ''Neither'' and inserting the following:

''(2) LIABILITY.—Neither'';

(3) by striking ''The Secretary shall have'' and inserting the following:

''(3) FACILITIES COVERED UNDER OTHER LAWS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have'';

(4) by inserting after ''Recovery Act.'' the following:

''(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each feature of the proposed new or amended Record of Decision that may require any alteration to, or otherwise affect the operation and maintenance of—

''(i) the Leadville Mine Drainage Tunnel; or

''(ii) the water treatment plant authorized under section 701.

''(4) AUTHORITY OF SECRETARY.—The Secretary may implement any improvement to, or new operation of, the Leadville Mine Drainage Tunnel or water treatment plant authorized under section 701 as a result of a new or amended Record of Decision only upon entering into an agreement with the Administrator of the Environmental Protection Agency or any other entity or government agency to provide funding for the improvement or new operation.''; and

(5) by striking ''For the purpose of'' and inserting the following:

''(5) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended by striking ''sections 707 and 708'' and inserting ''this section and sections 703, 705, and 707''.

(e) CONFORMING AMENDMENT.—The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

''Sec. 703. Tunnel maintenance; operation and maintenance.''.

SEC. 8008. REAUTHORIZATION OF BASE FUNDING FOR FISH RECOVERY PROGRAMS.

Section 3(d)(2) of Public Law 106-392 (114 Stat. 1604) is amended by adding at the end the following: ''For each of fiscal years 2012 through 2023, there are authorized to be appropriated such sums as may be necessary to provide for the annual base funding for the Recovery Implementation Programs above and beyond the continued use of power revenues to fund the operation and maintenance of capital projects and monitoring.''.

TITLE LXXXI—HYDROPOWER

SEC. 8101. AMERICAN FALLS RESERVOIR HYDRO LICENSE EXTENSION.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

SEC. 8102. LITTLE WOOD RIVER RANCH HYDRO LICENSE EXTENSION.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12063, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section—

(1) extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act; or

(2) if the license for Project No. 12063 has been terminated, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

SEC. 8103. BONNEVILLE UNIT HYDROPOWER.

(a) DIAMOND FORK SYSTEM DEFINED.—For the purposes of this section, the term ''Diamond Fork System'' means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

(b) COST ALLOCATIONS.—Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102–575), and shall be subject to the same terms and conditions.

(c) NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.—Nothing in this section shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

(d) PROHIBITION ON TAX-EXEMPT FINANCING.—No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(e) REPORTING REQUIREMENT.—If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

(f) LIMITATION ON THE USE OF FUNDS.—The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98–381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this section.

SEC. 8104. HOOVER POWER PLANT ALLOCATION.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

(1) by striking ''renewal'';

(2) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(3) by striking Schedule A and inserting the following:

''Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	3,571,796''.

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

''(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

''Schedule B

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400

''Schedule B—Continued

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853''.

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(2) by striking Schedule C and inserting the following:

''Schedule C

Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California''.

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

''(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the America's Great Outdoors Act of 2010, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as 'Schedule D contingent capacity and firm energy'):

''Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

''(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as 'new allottees') for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term 'the marketing area for the Boulder City Area Projects' shall have the same meaning as in appendix A of the General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the 'Criteria').

''(C)(i) Within 36 months of the date of enactment of the America's Great Outdoors Act of 2010, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as 'Western'), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

''(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

''(II) federally recognized Indian tribes.

''(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

''(D) Within 1 year of the date of enactment of the America's Great Outdoors Act of 2010, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

''(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

''(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

''(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

''(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State's respective contribution (determined in accordance with each State's applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract

No. 95–PAO–10616 (referred to in this section as the 'Implementation Agreement').

''(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy.''.

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) in the first sentence, by striking ''schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)'' and inserting ''paragraphs (1)(A), (1)(B), and (2)''; and

(2) in the second sentence—

(A) by striking ''any'' and inserting ''each'';

(B) by striking ''schedule C'' and inserting ''Schedule C''; and

(C) by striking ''schedules A and B'' and inserting ''Schedules A, B, and D''.

(f) POWER MARKETING CRITERIA.—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended to read as follows:

''(4) Subdivision E of the Criteria shall be deemed to have been modified to conform to this section, as modified by the America's Great Outdoors Act of 2010. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.''.

(g) CONTRACT TERMS.—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;'';

(2) in the proviso of subparagraph (B)—

(A) by striking ''shall use'' and inserting ''shall allocate''; and

(B) by striking ''and'' after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

''(E) permit transactions with an independent system operator; and

''(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the America's Great Outdoors Act of 2010.''.

(h) EXISTING RIGHTS.—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking ''2017'' and inserting ''2067''.

(i) OFFERS.—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

''(c) OFFER OF CONTRACT TO OTHER ENTITIES.—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.''.

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d) is amended to read as follows:

''(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.''.

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a)) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking ''the renewal of''; and

(2) in the second sentence, by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking ''this Act'' and inserting ''the America's Great Outdoors Act of 2010''.

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking ''subsections (c), (g), and (h) of this section'' and inserting ''this Act''; and

(2) by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

TITLE LXXXII—MISCELLANEOUS

SEC. 8201. UINTAH WATER CONSERVANCY DISTRICT PREPAYMENT.

The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6–05–01–00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102–575), as amended. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this section was not in effect;

(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;

(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;

(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(5) shall be made such that total repayment is made not later than September 30, 2019.

SEC. 8202. TULE RIVER TRIBE WATER DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(2) TRIBE.—The term ''Tribe'' means the Tule River Indian Tribe of the Tule River Reservation in the State of California.

(b) STUDY AND REPORT ON ALTERNATIVES.—

(1) STUDY.—Not later than 2 years after the date on which funds are made available under paragraph (3), the Secretary shall complete a feasibility study to evaluate alternatives (including alternatives for phase I reservoir storage of a quantity of water of not more than 5,000 acre-feet) for the provision of a domestic, commercial, municipal, industrial, and irrigation water supply for the Tribe.

(2) REPORT.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report describing the results of the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection such sums as are necessary.

(c) CONDITIONS FOR FUTURE PROJECTS.—

(1) IN GENERAL.—No project constructed relating to the feasibility study under subsection (b) shall provide any water supply for—

(A) the casino of the Tule River Tribe, as in existence on the date of enactment of this Act;

(B) any expansion of that casino;

(C) any other tribal casino; or

(D) any current or future lodging, dining, entertainment, meeting space, parking, or other similar facility in support of a gaming activity.

(2) AVAILABILITY OF WATER SUPPLIES.—A water supply provided by a project constructed relating to the feasibility study under subsection (b) shall be available to serve—

(A) the domestic, municipal, and governmental (including firefighting) needs of the Tribe and members of the Tribe; and

(B) other commercial, agricultural, and industrial needs not related to a gaming activity.

SEC. 8203. INLAND EMPIRE GROUND WATER ASSESSMENT.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this section, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the ''Basin''), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

DIVISION I—INSULAR AREAS

SEC. 9001. CONVEYANCE OF CERTAIN SUBMERGED LAND TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—The first section of Public Law 93–435 (48 U.S.C. 1705) is amended by inserting ''the Commonwealth of the Northern mariana Islands,'' after ''Guam,'' each place it appears.

(b) REFERENCES TO DATE OF ENACTMENT.—For the purposes of the amendment made by subsection (a), each reference in Public Law 93–435 (48 U.S.C. 1705) to the ''date of enactment'' shall be considered to be reference to the date of the enactment of this Act.

DIVISION J—WILDLIFE CONSERVATION AND WATER QUALITY PROTECTION AND RESTORATION

TITLE C—WILDLIFE AND WILDLIFE HABITAT CONSERVATION

Subtitle A—National Fish Habitat Conservation

SEC. 10001. SHORT TITLE.

This subtitle may be cited as the ''National Fish Habitat Conservation Act''.

SEC. 10002. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) healthy populations of fish and other aquatic organisms depend on the conservation, protection, restoration, and enhancement of aquatic habitats in the United States;

(2) aquatic habitats (including wetlands, streams, rivers, lakes, estuaries, coastal and marine ecosystems, and associated riparian upland habitats that buffer those areas from external factors) perform numerous valuable environmental functions that sustain environmental, social, and cultural values, including recycling nutrients, purifying water, attenuating floods, augmenting and maintaining stream flows, recharging ground water, acting as primary producers in the food chain, and providing essential and significant habitat for plants, fish, wildlife, and other dependent species;

(3) the extensive and diverse aquatic habitat resources of the United States are of enormous significance to the economy of the United States, providing—

(A) recreation for 44,000,000 anglers;

(B) more than 1,000,000 jobs and approximately $125,000,000,000 in economic impact each year relating to recreational fishing; and

(C) approximately 500,000 jobs and an additional $35,000,000,000 in economic impact each year relating to commercial fishing;

(4) at least 40 percent of all threatened species and endangered species in the United States are directly dependent on aquatic habitats;

(5) certain fish species are considered to be ecological indicators of aquatic habitat quality, such that the presence of those species in an aquatic ecosystem reflects high-quality habitat for other fish;

(6) loss and degradation of aquatic habitat, riparian habitat, water quality, and water volume caused by activities such as alteration of watercourses, stream blockages, water withdrawals and diversions, erosion, pollution, sedimentation, and destruction or modification of wetlands have—

(A) caused significant declines in fish populations throughout the United States, especially declines in native fish populations; and

(B) resulted in economic losses to the United States;

(7)(A) providing for the conservation and sustainability of fish and other aquatic organisms has not been fully realized, despite federally funded fish and wildlife restoration programs and other activities intended to conserve aquatic resources; and

(B) conservation and sustainability may be significantly advanced through a renewed commitment and sustained, cooperative efforts that are complementary to existing fish and wildlife restoration programs and clean water programs;

(8) the National Fish Habitat Action Plan provides a framework for maintaining and restoring aquatic habitats to ensure perpetuation of populations of fish and other aquatic organisms;

(9) the United States can achieve significant progress toward providing aquatic habitats for the conservation and restoration of fish and other aquatic organisms through a voluntary, nonregulatory incentive program that is based on technical and financial assistance provided by the Federal Government;

(10) the creation of partnerships between local citizens, Indian tribes, Alaska Native organizations, corporations, nongovernmental organizations, and Federal, State, and tribal agencies is critical to the success of activities to restore aquatic habitats and ecosystems;

(11) the Federal Government has numerous regulatory and land and water management agencies that are critical to the implementation of the National Fish Habitat Action Plan, including—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the Bureau of Reclamation;

(E) the Bureau of Indian Affairs;

(F) the National Marine Fisheries Service;

(G) the Forest Service;

(H) the Natural Resources Conservation Service; and

(I) the Environmental Protection Agency;

(12) the United States Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, and the National Marine Fisheries Service each play a vital role in—

(A) the protection, restoration, and enhancement of fish communities and aquatic habitats in the United States; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation;

(13) the United States Geological Survey, the United States Fish and Wildlife Service, and the National Marine Fisheries Service each play a vital role in scientific evaluation, data collection, and mapping for fishery resources in the United States; and

(14) many of the programs for conservation on private farmland, ranchland, and forestland that are carried out by the Secretary of Agriculture, including the Natural Resources Conservation Service and the State and private forestry programs of the Forest Service, are able to significantly contribute to the implementation of the National Fish Habitat Action Plan through the engagement of private landowners.

(b) PURPOSE.—The purpose of this subtitle is to encourage partnerships among public agencies and other interested parties consistent with the mission and goals of the National Fish Habitat Action Plan—

(1) to protect and maintain intact and healthy aquatic habitats;

(2) to prevent further degradation of aquatic habitats that have been adversely affected;

(3) to reverse declines in the quality and quantity of aquatic habitats to improve the overall health of fish and other aquatic organisms;

(4) to increase the quality and quantity of aquatic habitats that support a broad natural diversity of fish and other aquatic species;

(5) to improve fisheries habitat in a manner that leads to improvement of the annual economic output from recreational, subsistence, and commercial fishing;

(6) to ensure coordination and facilitation of activities carried out by Federal departments and agencies under the leadership of—

(A) the Director of the United States Fish and Wildlife Service;

(B) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration; and

(C) the Director of the United States Geological Survey; and

(7) to achieve other purposes in accordance with the mission and goals of the National Fish Habitat Action Plan.

SEC. 10003. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works, of the Senate; and

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

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing,

growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 10004(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, if appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 10006; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; and

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 10005(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

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

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, or any other territory or possession of the United States.

SEC. 10004. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this subtitle and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H), (I), and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 2 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H), (I), or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this subtitle;

(D) procedures for designating Partnerships under section 10005; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 10005. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 10006. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this subtitle.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this subtitle, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this subtitle or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by a State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this subtitle.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project carried out on Federal land or water, including the acquisition of inholdings within such land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this subtitle may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this subtitle to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 10007. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this subtitle;

(5) assist the Secretary in carrying out sections 1008 and 1010;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 10011;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this subtitle in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 10015.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 10006(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 10008. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 10009. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water under the jurisdiction of the department or agency.

SEC. 10010. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this subtitle by not later than 30 days before the date on which the activity is implemented.

SEC. 10011. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this subtitle; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this subtitle during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 10006(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 10006(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 10006(b) that was based on a factor other than the criteria described in section 10006(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2010, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2011, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 10012. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

SEC. 10013. EFFECT OF SUBTITLE.

(a) WATER RIGHTS.—Nothing in this subtitle—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act; or

(3) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this subtitle—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this subtitle abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this subtitle diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this subtitle alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 10014. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 10015. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary to provide funds for fish habitat conservation projects approved under section 10006(f) $75,000,000 for each of fiscal years 2012 through 2016, of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 10011, an amount equal to the greater of—

(i) $3,000,000; and

(ii) 25 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 10007(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 10008—

(A) $10,000,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $10,000,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $10,000,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to the greater of—

(A) $300,000; and

(B) 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this subtitle; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this subtitle.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this subtitle; and

(B) accept donations of funds, property, and services to carry out the purposes of this subtitle.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

Subtitle B—Marine Turtle Conservation Reauthorization

SEC. 10011. SHORT TITLE.

This subtitle may be cited as the ''Marine Turtle Conservation Reauthorization Act of 2010''.

SEC. 10012. AMENDMENTS TO PROVISIONS PREVENTING FUNDING OF PROJECTS IN THE UNITED STATES.

(a) PURPOSE.—Section 2(b) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601(b)) is amended by striking ''in foreign countries''.

(b) DEFINITIONS.—Section 3 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6602) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''in foreign countries''; and

(B) in subparagraph (D), by striking ''of foreign countries''; and

(2) by adding at the end the following:

''(7) STATE.—The term 'State' means—

''(A) each of the several States of the United States;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico;

''(D) Guam;

''(E) American Samoa;

''(F) the Commonwealth of the Northern Mariana Islands;

''(G) the United States Virgin Islands;

''(H) any other territory or possession of the United States; and

''(I) any Indian tribe.''.

(c) MARINE TURTLE CONSERVATION ASSISTANCE.—Section 4 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6603) is amended—

(1) in subsection (b)(1)(A), by inserting ''State or'' before ''foreign country''; and

(2) in subsection (d), by striking ''in foreign countries''.

SEC. 10013. LIMITATIONS ON EXPENDITURES.

Section 5(b) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)) is amended—

(1) in paragraph (2), by striking ''$80,000'' and inserting ''$150,000''; and

(2) by adding at the end the following:

''(3) LIMITATION ON PROJECTS IN THE UNITED STATES.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of marine turtles in the United States.''.

SEC. 10014. REAUTHORIZATION OF THE MARINE TURTLE CONSERVATION ACT OF 2004.

Section 7 of the Marine Turtle Conservation Act of 2004 (16 U. S. C. 6606) is amended by striking ''$5,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''.

Subtitle C—Neotropical Bird Conservation Reauthorization

SEC. 10021. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

''(1) $6,500,000 for fiscal year 2012;

''(2) $7,000,000 for fiscal year 2013;

''(3) $8,000,000 for fiscal year 2014;

''(4) $9,000,000 for fiscal year 2015; and

''(5) $10,000,000 for fiscal year 2016.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

Subtitle D—Joint Ventures for Bird Habitat

SEC. 10031. SHORT TITLE.

This subtitle may be cited as the ''Joint Ventures for Bird Habitat Conservation Act of 2010''.

SEC. 10032. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) migratory birds are of great ecological and economic value to the Nation, contributing to biological diversity, advancing the well-being of human communities through pollination, seed dispersal, and other ecosystem services, and bringing tremendous enjoyment to the tens of millions of Americans who study, watch, feed, or hunt these birds;

(2) sustainable populations of migratory birds depend on the conservation, protection, restoration, and enhancement of terrestrial, wetland, marine, and other aquatic habitats throughout their ranges in the United States, as well as the rest of North America, the Caribbean, and Central and South America;

(3) birds are good indicators of environmental health and provide early warning of the impacts of environmental change, helping to yield the most out of every dollar invested in conservation;

(4) human and environmental stressors are causing the decline of populations of many migratory bird species, many of them once common, and climate change will exacerbate the impacts of these stressors on migratory bird populations;

(5) the coordination of Federal, State, tribal, and local government natural resource conservation efforts and the formation of partnerships that include a diversity of nongovernmental conservation organizations, private landowners, and other relevant stakeholders is necessary to accomplish the conservation of migratory bird populations, their habitats, and the ecosystem functions they rely on;

(6) hunters, through their purchase of Federal migratory bird hunting stamps and State hunting licenses, have long supported the conservation of migratory birds and their habitats in the United States through the various State and Federal programs that are supported by the fees charged for such purchases;

(7) the Department of the Interior, through the United States Fish and Wildlife Service, is authorized under a number of broad statutes to undertake many activities with partners to conserve natural resources, including migratory birds and their habitat;

(8) through these authorities, the Service has created and supported a number of joint ventures with diverse partners to help protect, manage, enhance, and restore migratory bird habitat throughout much of the United States and to conserve migratory bird species;

(9) the North American Waterfowl Management Plan, adopted by the United States and Canada in 1986, with Mexico joining as a signatory in 1994, was the first truly landscape-level approach to conserving migratory game birds and the wetland habitats on which they depend, and became the foundation for the voluntary formation of Joint Ventures;

(10) since the adoption of the North American Waterfowl Management Plan, joint ventures have expanded their application to all native birds and other wildlife species that depend on wetlands and associated upland habitats, resulting in significant conservation benefits over the last 20 years;

(11) States possess broad trustee and management authority over fish and wildlife resources within their borders, and have used their authorities to undertake conservation programs to conserve resident and migratory birds and their habitats;

(12) consistent with applicable Federal and State laws, the Federal Government and the States each have management responsibilities affecting fish and wildlife resources, and should work cooperatively in fulfilling these responsibilities;

(13) other domestic and international conservation projects authorized under the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.) and the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), and additional bird conservation projects authorized under other Federal authorities, can expand and increase the effectiveness of the joint ventures in protecting and enhancing migratory bird habitats throughout the different ranges of species native to the United States; and

(14) the voluntary partnerships fostered by these joint ventures have served as innovative models for cooperative and effective landscape conservation, with far-reaching benefits to other fish and wildlife populations, and similar joint ventures should be authorized specifically to reinforce the importance and multiple benefits of these models to encourage adaptive resource management and the implementation of flexible conservation strategies in the 21st century.

(b) PURPOSE.—The purpose of this subtitle is to establish a program administered by the Director, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions to—

(1) promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) coordinate related conservation activities of the Service and other Federal agencies to maximize the efficient and effective use of funds appropriated or otherwise made available to support projects and activities to enhance bird populations and other populations of fish and wildlife and their habitats.

SEC. 10033. DEFINITIONS.

In this subtitle:

(1)

(1) Conservation action.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education;

(B) are conducted on lands or waters that—

(i) are administered for the long-term conservation of such lands or waters and the migratory birds thereon, including the marine environment; or

(ii) are not primarily held or managed for conservation but provide habitat value for migratory birds; and

(C) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 10035.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted in accordance with section 10035.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 10035.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this subtitle.

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

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 10034. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct, through the United States Fish and Wildlife Service, a Joint Ventures Program administered by the Director. The Director, through the Program, shall develop an administrative framework for the approval and establishment and implementation of Joint Ventures, that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations;

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.); and

(4) support the goals and objectives of—

(A) the North American Waterfowl Management Plan;

(B) the United States Shorebird Conservation Plan;

(C) the North American Waterbird Conservation Plan;

(D) the Partners in Flight North American Landbird Conservation Plan; and

(E) other treaties, conventions, agreements, or strategies entered into by the United States and implemented by the Secretary that promote the conservation of migratory bird populations and their habitats.

(b) GUIDELINES.—Within 180 days after the date of enactment of this Act the Secretary, through the Director, shall publish in the Federal Register guidelines for the implementation of this subtitle, including regarding requirements for approval of proposed Joint Ventures and administration, oversight, coordination among, and evaluation of approved Joint Ventures.

(c) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this subtitle.

SEC. 10035. JOINT VENTURE ESTABLISHMENT AND ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director, through the Program, may enter into an agreement with eligible partners described in paragraph (2) to establish a Joint Venture to fulfill one or more of the purposes set forth in paragraphs (1) through (3) of section 10032(b).

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies with jurisdiction over migratory bird resources, their habitats, or that implement program activities that affect migratory bird habitats or the ecosystems they rely on.

(B) Affected regional, local, and tribal governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—An agreement under this section for a Joint Venture shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—

(A) ORGANIZATION AND OPERATIONS PLAN.—A Management Board, in accordance with the guidelines published by the Director under section 10034 and in coordination with the Director, shall develop, publish, and comply with a plan that specifies the organizational structure of the Joint Venture and prescribes its operational practices and procedures.

(B) ADMINISTRATION.—Subject to applicable Federal and State law, the Management Board shall manage the personnel and operations of the Joint Venture, including—

(i) by appointing a coordinator for the Joint Venture in consultation with the Director, to manage the daily and long-term operations of the Joint Venture;

(ii) approval of other full- or part-time administrative and technical non-Federal employees as the Management Board determines necessary to perform the functions of the Joint Venture, meet objectives specified in the Implementation Plan, and fulfill the purpose of this subtitle; and

(iii) establishment of committees, steering groups, focus groups, geographic or taxonomic groups, or other organizational entities to assist in implementing the relevant Implementation Plan.

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this subtitle.

(c) IMPLEMENTATION PLAN.—

(1) SUBMISSION OF PLAN TO DIRECTOR.—Before the Director enters into an agreement to establish a Joint Venture under subsection (a), the Management Board for the Joint Venture shall submit to the Director a proposed Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation that includes biological planning; conservation design; habitat restoration, protection, and enhancement; applied research; and monitoring and evaluation activities.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans referred to in section 10034(a)(3) and (4) that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the initial membership of the Management Board and establishes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(G) A strategy to encourage the contribution of non-Federal financial resources, donations, gifts and in-kind contributions to support the objectives of the Joint Venture and fulfillment of the Implementation Plan.

(2) REVIEW.—The Director shall—

(A) coordinate the review of a proposed Implementation Plan submitted under this section; and

(B) ensure that such plan is circulated for review for a period not to exceed 90 days, to—

(i) bureaus within the Service and other appropriate bureaus or agencies within the Department of the Interior;

(ii) appropriate regional migratory bird Flyway Councils;

(iii) national and international boards that oversee bird conservation initiatives under the plans specified in section 10034(a)(4);

(iv) relevant State agencies, regional governmental entities, and Indian tribes;

(v) nongovernmental conservation organizations, academic institutions, or other stakeholders engaged in existing Joint Ventures that have knowledge or expertise of the geographic or ecological scope of the Joint Venture; and

(vi) other relevant stakeholders considered necessary by the Director to ensure a comprehensive review of the proposed Implementation Plan.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) the plan provides for implementation of conservation actions to conserve waterfowl and other native migratory birds and their habitats and ecosystems either—

(i) in a specific geographic area of the United States; or

(ii) across the range of a specific species or similar group of like species;

(B) the members of the Joint Venture—

(i) accept the responsibility for implementation of national or international bird conservation plans in the region of the United States to which the plan applies; and

(ii) have demonstrated to the satisfaction of the Director the capacity to implement conservation actions identified in the plan, including (I) the design, funding, monitoring, and tracking of conservation projects that advance the objectives of the Joint Venture; and (II) reporting and conduct of public outreach regarding such projects; and

(C) the plan maximizes, to the extent practicable, coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture to conserve, protect, recover, or restore migratory bird habitats and other fish and wildlife habitat within the operating region of the Joint Venture.

SEC. 10036. GRANTS AND OTHER ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award grants of financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 10035.

(c) CONSERVATION ACTION GRANT CRITERIA.—The Secretary, through the Director, within 180 days after date of enactment of this Act and after consultation with representatives from Management Boards and equivalent entities of joint ventures referred to in section 10038, shall publish guidelines for determining funding allocations among joint ventures and priorities for funding among conservation action proposals to meet the purpose of this subtitle and respective Implementation Plans.

(d) MATCHING REQUIREMENTS.—If a Management Board determines that two or more proposed conservation actions are of equal value toward fulfillment of the relevant Implementation Plan, priority shall be given to the action or actions for which there exist non-Federal matching contributions that are equal to or exceed the amount of Federal funds available for such action or actions.

(e) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(f) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 10037. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall—

(A) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(B) publish within 180 days after the date of enactment of this Act guidelines to implement this subsection.

(2) CONTENTS.—Each annual report shall include—

(A) a description and justification of all conservation actions approved and implemented by the Management Board during the period covered by the report;

(B) when appropriate based upon the goals and objectives of an Implementation Plan, an estimate of the total number of acres of migratory bird habitat either restored, protected, or enhanced as a result of such conservation actions;

(C) the amounts and sources of Federal and non-Federal funding for such conservation actions;

(D) the amounts and sources of funds expended for administrative and other expenses of the Joint Venture of the Management Board, including all donations, gifts, and in-kind contributions provided for the Joint Venture;

(E) the status of progress made in achieving the strategic framework of the Implementation Plan of such Joint Venture and fulfillment of the purpose of this subtitle; and

(F) other elements considered necessary by the Director to insure transparency and accountability by Management Boards in the implementation of its responsibilities under this subtitle.

(b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this subtitle specified in section 10032(b);

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this subtitle; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this subtitle address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

SEC. 10038. TREATMENT OF EXISTING JOINT VENTURES.

For purposes of this subtitle, the Director—

(1) shall treat as a Joint Venture any joint venture recognized by the Director before the date of the enactment of this Act in accordance with the United States Fish and Wildlife Services manual (721FW6); and

(2) shall treat as an Implementation Plan an implementation plan adopted by the management board for such joint venture.

SEC. 10039. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this subtitle affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 10040. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this subtitle.

Subtitle E—Crane Conservation

SEC. 10041. SHORT TITLE.

This subtitle may be cited as the ''Crane Conservation Act of 2010''.

SEC. 10042. PURPOSES.

The purposes of this subtitle are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 10043. DEFINITIONS.

In this subtitle:

(1) CONSERVATION.—

(A) IN GENERAL.—The term ''conservation'' means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term ''conservation'' includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term ''Convention'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term ''Fund'' means the Crane Conservation Fund established by section 10045(a).

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

SEC. 10044. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out one or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this subtitle.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this subtitle, shall be made available to the public.

SEC. 10045. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the ''Crane Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (c); and

(2) amounts appropriated to the Fund under section 10047.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 10044.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this subtitle.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 10044.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 10046. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this subtitle, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 10047. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $3,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

Subtitle F—Great Cats and Rare Canids Conservation

SEC. 10051. SHORT TITLE.

This subtitle may be cited as the ''Great Cats and Rare Canids Act of 2010''.

SEC. 10052. PURPOSES.

The purposes of this subtitle are to provide financial resources and to foster international cooperation—

(1) to restore and perpetuate healthy populations of rare felids and rare canids in the wild; and

(2) to assist in the conservation of rare felid and rare canid populations worldwide.

SEC. 10053. DEFINITIONS.

In this subtitle:

(1) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including appendices to that convention.

(2) CONSERVATION.—

(A) IN GENERAL.—The term ''conservation'' means the methods and procedures necessary to bring a species of rare felid or rare canid to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term ''conservation'' includes all activities associated with protection and management of a rare felid or rare canid population, including—

(i) maintenance, management, protection, and restoration of rare felid or rare canid habitat;

(ii) research and monitoring;

(iii) law enforcement;

(iv) community outreach and education;

(v) conflict resolution initiatives; and

(vi) strengthening the capacity of local communities, governmental agencies, nongovernmental organizations, and other institutions to implement conservation programs.

(3) FUND.—The term ''Fund'' means the Great Cats and Rare Canids Conservation Fund established by section 10054(a).

(4) IUCN RED LIST.—The term ''IUCN Red List'' means the Red List of Threatened Species Maintained by the World Conservation Union.

(5) RARE CANID.—

(A) IN GENERAL.—The term ''rare canid'' means any of the canid species dhole (Cuon alpinus), gray wolf (Canis lupus), Ethiopian wolf (Canis simensis), bush dog (Speothos venaticus), African wild dog (Lycaon pictus), maned wolf (Chrysocyon brachyurus), and Darwin's fox (Pseudalopex fulvipes) (including any subspecies or population of such a species).

(B) EXCLUSIONS.—The term ''rare canid'' does not include any subspecies or population that is native to the area comprised of the United States and Canada or the European Union.

(6) RARE FELID.—

(A) IN GENERAL.—The term ''rare felid'' means any of the felid species lion (Panthera leo), leopard (Panthera pardus), jaguar (Panthera onca), snow leopard (Uncia uncia), clouded leopard (Neofelis nebulosa), cheetah (Acinonyx jubatus), Iberian lynx (Lynx pardina), and Borneo bay cat (Catopuma badia) (including any subspecies or population of such a species).

(B) EXCLUSIONS.—The term ''rare felid'' does not include—

(i) any species, subspecies, or population that is native to the United States; or

(ii) any tiger (Panthera tigris).

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

SEC. 10054. GREAT CATS AND RARE CANIDS CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the multinational species conservation fund established under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246), a separate account to be known as the ''Great Cats and Rare Canids Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit in the account under subsection (c); and

(2) amounts appropriated to the account under section 10057.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines to be necessary to provide assistance under section 10055.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may use to pay the administrative expenses of carrying out this subtitle not more than the greater of—

(A) 3 percent; and

(B) $100,000.

(c) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) accept and use donations to provide assistance under section 10055; and

(B) publish on the Internet website and in publications of the Department of the Interior a notice that the Secretary is authorized to accept and use such donations.

(2) USE.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 10055. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of rare felid and rare canids for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of rare felid and canids may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a rare felid or rare canid species, respectively; and

(B) any person or group with the demonstrated expertise required for conservation in the wild of rare felids or rare canids, respectively.

(2) PROJECT PROPOSALS.—To be eligible for financial assistance for a project under this subtitle, an applicant shall submit to the Secretary a project proposal that includes—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staffing for the project;

(iii) the logistics of the project; and

(iv) community involvement in the project;

(E) an estimate of funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this subtitle.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to the appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) ensure the proposal contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(B) approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the individual or entity that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country within the borders of which the project will take place.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will contribute to conservation of rare felids or rare canids in the wild by assisting efforts—

(1) to implement conservation programs;

(2) to address the conflicts between humans and rare felids or rare canids, respectively, that arise from competition for the same habitat or resources;

(3) to enhance compliance with CITES, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable laws that—

(A) prohibit or regulate the taking or trade of rare felids and rare canids; or

(B) regulate the use and management of rare felid and rare canid habitat;

(4) to develop sound scientific information on, or methods for monitoring—

(A) the condition and health of rare felid or rare canid habitat;

(B) rare felid or rare canid population numbers and trends; and

(C) the ecological characteristics and requirements of populations of rare felids or rare canids for which there are little or no data;

(5) to promote cooperative projects among government entities, affected local communities, nongovernmental organizations, and other persons in the private sector; or

(6) to ensure that funds will not be appropriated for the purchase or lease of land to be used as suitable habitat for felids or canids.

(e) PROJECT SUSTAINABILITY.—In approving project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of rare felids and rare canids and their habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects any portion of the costs of which will be provided with matching funds.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each individual or entity that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this subtitle, shall be made available to the public.

(h) LIMITATIONS.—

(1) USE FOR CAPTIVE BREEDING OR DISPLAY.—Amounts provided as a grant under this subtitle—

(A) may not be used for captive breeding or display of rare felids and rare canids, other than captive breeding for release into the wild; and

(B) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(2) INELIGIBLE COUNTRIES.—Amounts provided as a grant under this subtitle may not be expended on any project in a country the government of which has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor to that Act);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(i) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this subtitle, the Secretary may establish an advisory group, consisting of individuals representing public and private organizations actively involved in the conservation of felids and canids.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested individuals to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group, including the meeting agenda.

(C) MINUTES.—The minutes of each meeting of the advisory group shall be—

(i) kept by the Secretary; and

(ii) made available to the public.

(3) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 10056. STUDY OF CONSERVATION STATUS OF FELID AND CANID SPECIES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a study of felid and canid species listed under the IUCN Red List that are not rare canids or rare felids, respectively, to determine—

(1) the conservation status of each such species in the wild, including identification of any such species that are critically endangered or endangered; and

(2) whether any such species that should be made eligible for assistance under this subtitle.

(b) REPORT.—Not later than 2 years after date of enactment of this Act, the Secretary shall submit to Congress a report describing the determinations made in the study, including recommendations of additional felid species and canid species that should be made eligible for assistance under this subtitle.

SEC. 10057. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Fund, $3,000,000 for each of fiscal years 2012 through 2016 to carry out this subtitle, other than section 10056; and

(2) such sums as are necessary to carry out section 10056.

Subtitle G—Junior Duck Stamp Conservation and Design Program

SEC. 10061. SHORT TITLE.

This subtitle may be cited as the ''Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2010''.

SEC. 10062. FINDINGS.

Congress finds the following:

(1) In 2007–2008, sales of the $5 Junior Duck Stamp generated more than $100,000 in revenue, all of which was used to provide educational materials for the program, fund scholarships for students, and support and promote the program's goal of connecting children with nature.

(2) Now in its 20th year, the Junior Duck Stamp Conservation and Design Program is one of this country's oldest and most successful government-sponsored, youth-focused conservation biology programs. The program continues to build strong partnerships with public and parochial schools, homeschoolers

and after-school programs, and other youth-focused education programs throughout the country.

(3) The Junior Duck Stamp Conservation and Design Program continues to foster strong partnerships among Federal and State government agencies, nongovernmental organizations, the business community, and others in the private sector to promote youth conservation initiatives.

(4) With its conservation-focused science and arts curriculum, the Junior Duck Stamp Conservation and Design Program has helped prepare hundreds of thousands of students to become stewards of America's irreplaceable wild places and treasured outdoor heritage.

SEC. 10063. REPORTING REQUIREMENT.

Section 2(c)(2) of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719(c)(2)) is amended to read as follows:

''(2) REPORTING REQUIREMENT.—Beginning in 2011 and every 5 years thereafter, the Secretary shall submit to Congress a report on the status of the Program in each State.''.

SEC. 10064. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended to read as follows:

''SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary for administrative expenses of the Program $500,000 for each of fiscal years 2012 through 2016.''.

Subtitle H—Additional Conservation Funding

SEC. 10071. GREAT APE CONSERVATION ACT OF 2000.

(a) MULTIYEAR GRANTS.—Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (i)—

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

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the America's Great Outdoors Act of 2010, and every 5 years thereafter, the Secretary shall convene a panel of experts to identify the greatest needs and priorities for the conservation of great apes.

''(B) INCLUSIONS.—The panel shall include, to the maximum extent practicable, representatives from foreign range states with expertise in great ape conservation.''.

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting after paragraph (1) the following:

''(2) FACTORS FOR CONSIDERATION.—In identifying conservation needs and priorities under paragraph (1), the panel shall consider relevant great ape conservation plans or strategies, including scientific research and findings relating to—

''(A) the conservation needs and priorities of great apes;

''(B) regional or species-specific action plans or strategies;

''(C) applicable strategies developed or initiated by the Secretary; and

''(D) any other applicable conservation plan or strategy.

''(3) EXPENSES.—The Secretary, subject to the availability of appropriations, may pay expenses of convening and facilitating meetings of the panel.''; and

(2) by adding at the end the following:

''(j) MULTIYEAR GRANTS.—

''(1) IN GENERAL.—The Secretary may award a multiyear grant under this section to an individual or entity that is otherwise eligible for a grant under this section, to carry out a project that the individual or entity demonstrates is an effective, long-term conservation strategy for great apes and the habitats of great apes.

''(2) ANNUAL GRANTS NOT AFFECTED.—Nothing in this subsection precludes the Secretary from awarding grants on an annual basis.

''(k) EXCELLENCE IN GREAT APE CONSERVATION AWARDS.—

''(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, may implement a program to acknowledge outstanding achievement in great ape conservation—

''(A) to enhance great ape conservation; and

''(B) to demonstrate the indebtedness of the entire world to the commitment made by individuals and local communities to protect and conserve populations of great apes.

''(2) AWARDS.—In carrying out the program under this subsection, the Secretary may use amounts appropriated under this subsection to make appropriate awards, including—

''(A) cash awards, each of which shall not exceed $7,500;

''(B) noncash awards;

''(C) posthumous awards; and

''(D) public ceremonies to acknowledge such awards.

''(3) SELECTION OF AWARD RECIPIENTS.—The Secretary may select each year for receipt of an award under the program—

''(A) not more than 3 individuals whose contributions to the field of great ape conservation have had a significant and material impact on the conservation of great apes; and

''(B) individuals selected from within great ape range states, whose contributions represent selfless sacrifice and uncommon valor and dedication to the conservation of great apes and the habitats of great apes.

''(4) NOMINATION GUIDELINES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and after consultation with the heads of other relevant Federal agencies and other governmental and nongovernmental organizations with expertise in great ape conservation, the Secretary shall publish in the Federal Register guidelines specifying the details and process for nominating award candidates.

''(B) REQUIREMENT.—The guidelines under subparagraph (A) shall allow for nominations of citizens and noncitizens of the United States.''.

(b) ADMINISTRATIVE EXPENSES LIMITATION.—Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304 (b)(2)) is amended by striking ''$100,000'' and inserting ''$150,000''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''$5,000,000 for each of fiscal years 2006 through 2010'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''.

SEC. 10072. AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''$5,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''.

SEC. 10073. ASIAN ELEPHANT CONSERVATION ACT OF 1997.

Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''$5,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''.

SEC. 10074. RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''$10,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$8,000,000 for each of fiscal years 2012 through 2016''.

TITLE CI—INVASIVE SPECIES CONTROL

SEC. 10101. SHORT TITLE.

This title may be cited as the ''Nutria Eradication and Control Act Amendments of 2010''.

SEC. 10102. FINDINGS; PURPOSE.

Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and in Louisiana'' and inserting '', the State of Louisiana, and the coastal States'';

(B) in paragraph (2), by striking ''in Maryland and Louisiana on Federal, State, and private land'' and inserting ''on Federal, State, and private land in the States of Maryland and Louisiana and the coastal States''; and

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) This Act authorized the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetland in the State of Maryland and successfully facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

''(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorized the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

''(5) Proven techniques developed under this Act that are eradicating nutria from the State of Maryland and are reducing the acres of nutria-impacted wetland in Louisiana, should be applied to nutria eradication or control programs in the coastal States.''; and

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

''(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

''(1) to eradicate or control nutria; and

''(2) to restore nutria-damaged wetland.''.

SEC. 10103. DEFINITIONS.

The Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) COASTAL STATE.—The term 'coastal State' means each of the States of Delaware, North Carolina, Oregon, Virginia, and Washington.

''(2) PROGRAM.—The term 'program' means the nutria eradication program established under section 4(a).

''(3) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or individuals in the private sector.

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

SEC. 10104. NUTRIA ERADICATION PROGRAM.

Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621, 622) (as redesignated by section 10103) is amended—

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

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

''(1) to eradicate or control nutria; and

''(2) to restore wetland damaged by nutria.'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''other States'' and inserting ''the coastal States''; and

(B) in paragraph (3), by striking ''marshland'' and inserting ''wetland'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''(c) ACTIVITIES.—'' and inserting ''ACTIVITIES IN THE STATE OF MARYLAND.—''; and

(B) by striking ''March 2002'' and inserting ''March 2002, and updated March 2009'';

(4) in subsection (e), by striking ''this section'' and inserting ''the program''; and

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

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016—

''(1) $4,000,000 for use in providing financial assistance under the program to each of the States of Maryland and Louisiana; and

''(2) $5,000,000 for use in providing financial assistance under the program to the other coastal States.''.

SEC. 10105. REPORT.

Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 622) (as redesignated by section 10103) is amended—

(1) in paragraph (1)—

(A) by striking ''2002 document'' and inserting ''March 2009 update of the document'';

(B) by inserting ''and dated March 2002'' before the semicolon at the end; and

(C) by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''develop'' and inserting ''continue''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (2) the following:

''(3) develop, in cooperation with the appropriate State fish and wildlife agency, long-term nutria control or eradication programs, as appropriate, with the objectives of—

''(A) significantly reducing and restoring the damage nutria cause to coastal wetland in the coastal States; and

''(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restore nutria-damaged wetland in the coastal States.''.

TITLE CII—WATER RESOURCE RESTORATION AND PROTECTION

Subtitle A—Gulf of Mexico Restoration and Protection

SEC. 10201. SHORT TITLE.

This subtitle may be cited as the ''Gulf of Mexico Restoration and Protection Act''.

SEC. 10202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and the watershed of the Gulf have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

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

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and the watershed of the Gulf;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

SEC. 10203. GULF OF MEXICO RESTORATION AND PROTECTION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

''(a) DEFINITIONS.—In this section;

''(1) GULF OF MEXICO ECOSYSTEM.—The term 'Gulf of Mexico ecosystem' means the ecosystem of the Gulf of Mexico and the watershed of the Gulf.

''(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term 'Gulf of Mexico Executive Council' means the formal collaborative Executive Council composed of Federal, State, local, and private participants in the Program.

''(3) NEEDS-BASED APPLICANT.—The term 'needs-based applicant' means a public entity that meets the economic and affordability criteria established by the Administrator, in consultation with the Program and Gulf of Mexico Executive Council.

''(4) PROGRAM.—The term 'Program' means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

''(5) PROGRAM OFFICE.—The term 'Program Office' means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

''(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

''(1) GULF OF MEXICO PROGRAM OFFICE.—

''(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

''(B) REQUIREMENTS.—The Program Office shall be—

''(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

''(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

''(C) FUNCTIONS.—The Program Office shall—

''(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

''(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

''(II) to obtain the support of appropriate officials;

''(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

''(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

''(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico ecosystem;

''(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

''(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

''(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

''(d) GRANTS.—

''(1) IN GENERAL.—In carrying out the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, institutions of higher education, interstate agencies, and individuals to carry out this section for use in—

''(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

''(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

''(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

''(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

''(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

''(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project or activity carried out under this section may include the value of any in-kind services contributed by a non-Federal sponsor.

''(C) EXCEPTION.—For each fiscal year, the Administrator may use up to 10 percent of the funds made available to carry out this subsection for the fiscal year to increase the

Federal share of the cost of a project or activity carried out by a needs-based applicant under this section up to 100 percent.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 30, 2011, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

''(A) each project and activity funded under this section during the previous fiscal year;

''(B) the goals and objectives of those projects and activities; and

''(C) the net benefits of projects and activities funded under this section during previous fiscal years.

''(2) ASSESSMENT.—

''(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

''(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

''(i) assess the overall state of the Gulf of Mexico ecosystem;

''(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

''(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

''(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

''(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

''(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

''(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (d), to remain available until expended—

''(A) $6,000,000 for fiscal year 2012;

''(B) $8,000,000 for each of fiscal years 2013 and 2014; and

''(C) $10,000,000 for each of fiscal years 2015 and 2016.

''(2) PROGRAM OFFICE.—There is authorized to be appropriated to the Program Office for use in paying operating costs (including costs relating to personnel, operations, and administration) not more than $3,000,000 for each of fiscal years 2012 through 2016.''.

Subtitle B—Lake Tahoe Restoration

SEC. 10211. SHORT TITLE.

This subtitle may be cited as the ''Lake Tahoe Restoration Act of 2010''.

SEC. 10212. FINDINGS AND PURPOSES.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is 1 of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

''(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;

''(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;

''(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;

''(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;

''(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;

''(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;

''(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

''(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including—

''(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

''(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

''(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

''(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration;

''(B) urban stormwater conveyance and treatment; and

''(C) programmatic technical assistance;

''(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;

''(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,430,000,000 to the Lake Tahoe Basin, including—

''(A) $424,000,000 from the Federal Government;

''(B) $612,000,000 from the State of California;

''(C) $87,000,000 from the State of Nevada;

''(D) $59,000,000 from units of local government; and

''(E) $249,000,000 from private interests;

''(22) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the environmental health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of changing climatic conditions; and

''(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and

''(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 and up to

$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—

''(A) the environmental threshold carrying capacities for the region; and

''(B) other applicable environmental standards and objectives;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.''.

SEC. 10213. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTOR.—The term 'Director' means the Director of the United States Fish and Wildlife Service.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in article II of the compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) road decommissioning or reconstruction;

''(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(E) nonnative invasive species management; and

''(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association code numbered 1141, 1142, or 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(11) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(12) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 8.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(14) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) WATERCRAFT.—The term 'watercraft' means all motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.''.

SEC. 10214. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) TRANSIT.—

''(1) IN GENERAL.—The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—

''(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;

''(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and

''(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.

''(2) NATIONAL FOREST TRANSIT PROGRAM.—Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.

''(d) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining or restoring biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing climatic conditions; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-project conditions.

''(e) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the public land laws;

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

''(C) disposition under all laws relating to mineral and geothermal leasing.

''(2) DETERMINATION.—

''(A) IN GENERAL.—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

''(B) REQUIREMENTS.—The determination of the Secretary under subparagraph (A)—

''(i) shall be effective beginning on the date on which the determination is issued;

''(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

''(iii) shall not be subject to administrative renewal.

''(f) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(g) COOPERATIVE AUTHORITIES.—

''(1) IN GENERAL.—During the 4 fiscal years following the date of enactment of the Lake

Tahoe Restoration Act of 2010, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

''(2) REPORT ON LAND STATUS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

''(i) a description of future plans and recent actions for land consolidation and adjustment; and

''(ii) the identification of any obstacles to desired conveyances or interchanges.

''(B) INCLUSIONS.—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

''(C) EFFECT.—Nothing in this paragraph delays the conveyance of parcels under—

''(i) the authority of this Act; or

''(ii) any other authority available to the Secretary.

''(3) SUPPLEMENTAL AUTHORITY.—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.''.

SEC. 10215. CONSULTATION.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

''SEC. 5. CONSULTATION.

''In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.''.

SEC. 10216. AUTHORIZED PROJECTS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

''SEC. 6. AUTHORIZED PROJECTS.

''(a) IN GENERAL.—The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any project or program described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable. The Administrator shall use no more than three percent of the funds provided for administering the projects or programs described in subsection (c)(1) and (2).

''(b) MONITORING AND ASSESSMENT.—All projects authorized under subsection (c) and section 8 shall—

''(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

''(2) use the integrated multiagency performance measures established under that section.

''(c) DESCRIPTION OF ACTIVITIES.—

''(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), $40,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

''(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

''(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

''(C) Kings Beach Watershed Improvement Project in Placer County, California.

''(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

''(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

''(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

''(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

''(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

''(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

''(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

''(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.—Of the amounts made available under section 18(a), $32,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

''(A) Upper Truckee River and Marsh Restoration Project.

''(B) Upper Truckee River Mosher, Reaches 1 & 2.

''(C) Upper Truckee River Sunset Stables.

''(D) Lower Blackwood Creek Restoration Project.

''(E) Ward Creek.

''(F) Third Creek/Incline Creek Watershed Restoration.

''(G) Rosewood Creek Restoration Project.

''(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 18(a), $136,000,000 shall be made available for assistance by the Secretary for the following projects:

''(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass projects, including feasibility assessments and transportation of materials.

''(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

''(v) Washoe Tribe projects on tribal lands within the Lake Tahoe Basin.

''(B) MULTIPLE BENEFIT FUELS PROJECTS.—Consistent with the requirements of section 4(d)(2), not more than $10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

''(C) MINIMUM ALLOCATION.—Of the amounts made available to carry out subparagraph (A), at least $80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

''(D) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(E) COST-SHARING REQUIREMENTS.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

''(4) INVASIVE SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,500,000 shall be made available to the Director for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

''(5) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,000,000 shall be made available to the Director for the Lahontan Cutthroat Trout Recovery Program.

''(6) LAKE TAHOE BASIN PROGRAM.—Of the amounts to be made available under section 18(a), $30,000,000 shall be used to develop and implement the Lake Tahoe Basin Program developed under section 11.

''(d) USE OF REMAINING FUNDS.—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.''.

SEC. 10217. ENVIRONMENTAL RESTORATION PRIORITY LIST.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

''SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.

''(a) FUNDING.—Subject to section 6(d), of the amounts to be made available under section 18(a), at least $136,000,000 shall be made available for projects identified on the Priority List.

''(b) DEADLINE.—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

''(c) CRITERIA.—

''(1) IN GENERAL.—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

''(A) The 5-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the project.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

''(i) air quality;

''(ii) fisheries;

''(iii) noise;

''(iv) recreation;

''(v) scenic resources;

''(vi) soil conservation;

''(vii) forest health;

''(viii) water quality; and

''(ix) wildlife.

''(D) The ability of a project to provide multiple benefits.

''(E) The ability of a project to leverage non-Federal contributions.

''(F) Stakeholder support for the project.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(2) SECONDARY FACTORS.—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

''(3) EROSION CONTROL PROJECTS.—For purposes of the Priority List and section 6(c)(1), erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program. The Administrator shall coordinate with the Secretary on such projects.

''(d) REVISIONS.—

''(1) IN GENERAL.—The Priority List submitted under subsection (b) shall be revised—

''(A) every 4 years; or

''(B) on a finding of compelling need under paragraph (2).

''(2) FINDING OF COMPELLING NEED.—

''(A) IN GENERAL.—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Natural Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

''(B) INCLUSIONS.—A finding of compelling need includes—

''(i) major scientific findings;

''(ii) results from the threshold evaluation of the Planning Agency;

''(iii) emerging environmental threats; and

''(iv) rare opportunities for land acquisition.

''SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

''(b) CRITERIA.—The strategies referred to in subsection (a) shall provide that—

''(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

''(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

''(A) has been in waters infested by quagga or zebra mussels;

''(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; or

''(C) cannot be reliably decontaminated in accordance with paragraph (3);

''(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

''(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

''(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

''(c) CERTIFICATION.—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

''(d) APPLICABILITY.—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

''(e) FEES.—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(2) OTHER AUTHORITIES.—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

''(g) LIMITATION.—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

''(h) FUNDING.—Of the amounts made available under section 6(c)(4), not more than $500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

''(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

''(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

''(i) SUPPLEMENTAL AUTHORITY.—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

''(j) SAVINGS CLAUSE.—Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

''SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.

''(a) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(b) LOCAL COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(2) COMPONENTS.—The agreement entered into under paragraph (1) shall—

''(A) describe the nature of the technical assistance;

''(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(C) include cost-sharing provisions in accordance with paragraph (3).

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

''(B) FORM.—The Federal share may be in the form of reimbursements of project costs.

''(C) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

''SEC. 11. LAKE TAHOE BASIN PROGRAM.

''The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement the Lake Tahoe Basin Program that—

''(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

''(A) to evaluate the effectiveness of the Environmental Improvement Program;

''(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

''(C) to assess the impacts and risks of changing climatic conditions and invasive species;

''(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

''(3) coordinates the development of the annual report described in section 13;

''(4) produces and synthesizes scientific information necessary for—

''(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

''(B) the evaluation of standards and benchmarks;

''(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

''(6) develops new tools and information to support objective assessments of land use and resource conditions;

''(7) provides scientific and technical support to the Federal Government and State and local governments in—

''(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

''(B) the development and implementation of an integrated stormwater monitoring and assessment program;

''(8) establishes and maintains independent peer review processes—

''(A) to evaluate the Environmental Improvement Program; and

''(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

''(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

''SEC. 12. PUBLIC OUTREACH AND EDUCATION.

''(a) IN GENERAL.—The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

''(1) owners of land and residences in the Lake Tahoe Basin—

''(A) to implement defensible space; and

''(B) to conduct best management practices for water quality; and

''(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

''(b) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this section shall—

''(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

''(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

''SEC. 13. REPORTING REQUIREMENTS.

''Not later than February 15 of each year, the Administrator, in cooperation with the Chair, the Secretary, the Director, the Planning Agency, and the States of California and Nevada, consistent with section 6(c)(6) and section 11, shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the project scope;

''(B) the budget for the project; and

''(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

''SEC. 14. ANNUAL BUDGET PLAN.

''As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

''SEC. 15. GRANT FOR WATERSHED STRATEGY.

''(a) IN GENERAL.—Of the amounts to be made available under section 18(a), the Administrator shall use not more than $500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

''(b) COMMENT.—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

''(c) COMPONENTS.—The watershed strategy developed under subsection (a) shall include—

''(1) a classification system, inventory, and assessment of stream environment zones;

''(2) comprehensive watershed characterization and restoration priorities consistent with—

''(A) the Lake Tahoe total maximum daily load; and

''(B) the environmental threshold carrying capacities of Lake Tahoe;

''(3) a monitoring and assessment program consistent with section 11; and

''(4) an adaptive management system—

''(A) to measure and evaluate progress; and

''(B) to adjust the program.

''(d) DEADLINE.—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.''.

SEC. 10218. RELATIONSHIP TO OTHER LAWS.

Section 17 of The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2358) (as redesignated by section 10217(2)) is amended by inserting '', Director, or Administrator'' after ''Secretary''.

SEC. 10219. AUTHORIZATION OF APPROPRIATIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 10217(2)) and inserting the following:

''SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 8 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2010.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts ⅔ the costs of relocating facilities in connection with—

''(1) environmental restoration projects under sections 6 and 8; and

''(2) erosion control projects under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the project; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

SEC. 10220. CONFORMING AMENDMENTS.

(a) ADMINISTRATION OF ACQUIRED LAND.—Section 3(b) of Public Law 96–586 (94 Stat. 3384) is amended—

(1) by striking ''(b) Lands'' and inserting the following:

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(2) by adding at the end the following:

''(2) INTERCHANGE.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the 'Secretary') may interchange (as defined in the first section of Public Law 97–465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.

''(B) ELIGIBLE LAND.—The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.

''(C) REQUIREMENTS.—In any interchange under this paragraph, the Secretary shall—

''(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

''(I) protection of the public interest, including protection of the scenic, wildlife, and recreational values of the National Forest System; and

''(II) the provision for appropriate access to, and use of, land within the National Forest System;

''(ii) receive land within the Lake Tahoe Basin of approximately equal value (as defined in accordance with section 6(2) of Public Law 97–465 (96 Stat. 2535)); and

''(iii) for the purposes of any environmental assessment—

''(I) assume the maintenance of the environmental status quo; and

''(II) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

''(D) USE OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.—Any unit of State government that receives National Forest System land through an exchange or transfer under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.''.

(b) INTERAGENCY AGREEMENT FUNDING.—Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2942) is amended by striking ''$25,000,000'' and inserting ''$75,000,000''.

Subtitle C—Clean Estuaries

SEC. 10221. SHORT TITLE.

This subtitle may be cited as the ''Clean Estuaries Act of 2010''.

SEC. 10222. NATIONAL ESTUARY PROGRAM AMENDMENTS.

(a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

''(A) identifies the estuary and the associated upstream waters of the estuary to be addressed by the plan, with consideration given to hydrological boundaries;

''(B) recommends priority protection, conservation, and corrective actions and compliance schedules that address point and nonpoint sources of pollution—

''(i) to restore and maintain the chemical, physical, and biological integrity of the estuary, including—

''(I) restoration and maintenance of water quality, including wetlands and natural hydrologic flows;

''(II) a resilient and diverse indigenous population of shellfish, fish, and wildlife; and

''(III) recreational activities in the estuary; and

''(ii) to ensure that the designated uses of the estuary are protected;

''(C)(i) identifies healthy and impaired watershed components, including significant impairments that are outside the area addressed by the plan that could affect the water quality and ecological integrity of the estuary, and the sources of those impairments, by carrying out integrated assessments that include assessments of—

''(I) aquatic habitat and biological integrity;

''(II) water quality; and

''(III) natural hydrologic flows; and

''(ii) provides the applicable Federal or State authority with information on any identified impairments and the sources of those impairments;

''(D) considers current and future sustainable commercial activities in the estuary;

''(E) addresses the impacts of climate change on the estuary, including—

''(i) the identification and assessment of vulnerabilities in the estuary;

''(ii) the development and implementation of adaptation strategies; and

''(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

''(F) increases public education and awareness with respect to—

''(i) the ecological health of the estuary;

''(ii) the water quality conditions of the estuary; and

''(iii) ocean, estuarine, land, and atmospheric connections and interactions;

''(G) includes performance measures and goals to track implementation of the plan; and

''(H) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities.''.

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (6) and inserting the following:

''(6) monitor (and make results available to the public regarding)—

''(A) water quality conditions in the estuary and the associated upstream waters of the estuary identified under paragraph (4)(A);

''(B) watershed and habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

''(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection;''.

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

''(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and''.

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of the Federal Water Pollution Control Act (as so redesignated) (33 U.S.C. 1330(b)(8)) is amended by striking ''paragraph (7)'' and inserting ''paragraph (8)''.

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting ''not-for-profit organizations,'' after ''institutions,''.

(2) COLLABORATIVE PROCESSES.—Section 320(d) of the Federal Water Pollution Control Act (33 U.S.C. 1330(d)) is amended—

(A) by striking ''(d)'' and all that follows through ''In developing'' and inserting the following:

''(d) USE OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

''(1) USE OF EXISTING DATA.—In developing''; and

(B) by adding at the end the following:

''(2) USE OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes—

''(A) to ensure equitable inclusion of affected interests;

''(B) to engage with members of the management conference, including through—

''(i) the use of consensus-based decision rules; and

''(ii) assistance from impartial facilitators, as appropriate;

''(C) to ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

''(D) to promote accountability and transparency by ensuring members are informed in a timely manner of—

''(i) the purposes and objectives of the management conference; and

''(ii) the results of an evaluation conducted under subsection (f)(6);

''(E) to identify the roles and responsibilities of members—

''(i) in the management conference proceedings; and

''(ii) in the implementation of the plan; and

''(F) to seek resolution of conflicts or disputes as necessary.''.

(c) ADMINISTRATION OF PLANS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (f) and inserting the following:

''(f) ADMINISTRATION OF PLANS.—

''(1) APPROVAL.—Not later than 120 days after the date on which a management conference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan, if—

''(A) the Administrator determines that the plan meets the requirements of this section; and

''(B) each affected Governor concurs.

''(2) COMPLETENESS.—

''(A) IN GENERAL.—If the Administrator finds that a plan is incomplete under paragraph (1) or (7), the Administrator shall—

''(i) provide the management conference with written notification of the basis of that finding; and

''(ii) allow the management conference to resubmit a revised plan that addresses, to the maximum extent practicable, the comments contained in the written notification of the Administrator described in clause (i).

''(B) RESUBMISSION.—If the Administrator finds that a revised plan submitted under subparagraph (A)(ii) remains incomplete under paragraph (1) or (7), the Administrator shall allow the management conference to resubmit a revised plan under the same procedures described in subparagraph (A).

''(C) SCOPE OF REVIEW.—In determining whether to approve a comprehensive conservation and management plan under paragraph (1) or (7), the Administrator—

''(i) shall limit the scope of review to a determination of whether the plan meets the minimum requirements of this section; and

''(ii) may not impose, as a condition of approval, any additional requirements.

''(3) FAILURE OF THE ADMINISTRATOR TO RESPOND.—If, by the date that is 120 days after the date on which a plan is submitted or resubmitted under paragraphs (1), (2), or (7) the Administrator fails to respond to the submission or resubmission in writing, the plan shall be considered approved.

''(4) FAILURE TO SUBMIT A PLAN.—If, by the date that is 3 years after the date on which a management conference is convened, that management conference fails to submit a comprehensive conservation and management plan or to secure approval for the comprehensive conservation and management plan under this subsection, the Administrator shall terminate the management conference convened under this section.

''(5) IMPLEMENTATION.—

''(A) IN GENERAL.—On the approval of a comprehensive conservation and management plan under this section, the plan shall be implemented.

''(B) USE OF AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with the implementation of a plan approved under paragraph (1).

''(6) EVALUATION.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall carry out an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met.

''(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

''(C) REPORT.—

''(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

''(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

''(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the implementation of the plan required by subparagraph (A) not later than 5 years after the date of such submission and every 5 years thereafter.

''(7) UPDATES.—

''(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of the implementation of a comprehensive conservation and management plan available to the public under paragraph (6)(C), a management conference convened under this section shall submit to the Administrator an update of the plan that reflects, to the maximum extent practicable, the results of the program evaluation.

''(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall

approve the updated plan, if the Administrator determines that the updated plan meets the requirements of this section.

''(8) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in probationary status, if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (7)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (6)(C).''.

(d) FEDERAL AGENCIES.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

''(g) FEDERAL AGENCIES.—

''(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum extent practicable, in a manner consistent with the plan.

''(2) COORDINATION AND COOPERATION.—

''(A) IN GENERAL.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Secretary of the Department of Agriculture, the Director of the United States Geological Survey, the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities, including monitoring activities, related to the implementation of a comprehensive conservation and management plan approved by the Administrator.

''(B) LEAD COORDINATING AGENCY.—The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

''(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

''(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section.''.

(e) GRANTS.—

(1) IN GENERAL.—Subsection (h) (as redesignated by subsection (d)) of section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(A) in paragraph (1), by striking ''other public'' and all that follows before the period at the end and inserting ''and other public or nonprofit private agencies, institutions, and organizations''; and

(B) by adding at the end the following:

''(4) EFFECTS OF PROBATIONARY STATUS.—

''(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section, if the Administrator determines that the management conference is in probationary status under subsection (f)(8).

''(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years.''.

(2) CONFORMING AMENDMENT.—Section 320(i) the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) (as redesignated by subsection (d)) is amended by striking subsection (j) and inserting the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator $75,000,000 for each of fiscal years 2012 through 2017 for—

''(A) expenses relating to the administration of management conferences by the Administrator under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

''(B) making grants under subsection (h); and

''(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

''(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

''(A) at least $1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

''(B) up to $5,000,000 per fiscal year to carry out subsection (k).''.

(g) RESEARCH.—Section 320(k)(1)(A) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended—

(1) by striking ''paramenters'' and inserting ''parameters''; and

(2) by inserting ''(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)'' before '', to provide the Administrator''.

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d)) the following:

''(l) NATIONAL ESTUARY PROGRAM EVALUATION.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

''(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

''(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

''(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies;

''(C) assess the reasons why the best practices described in subparagraph (B) resulted in the achievement of program goals;

''(D) identify any redundant requirements for reporting by recipients of a grant under this section; and

''(E) develop and recommend a plan for limiting reporting any redundancies.

''(3) REPORT.—In completing an evaluation under this subsection, the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

''(4) AVAILABILITY.—The Administrator shall make a report issued under this subsection available to management conferences convened under this section and the public, including through publication in the Federal Register and on the Internet.''.

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking ''(2) CONVENING OF CONFERENCE.—'' and all that follows through ''In any case'' and inserting the following:

''(2) CONVENING OF CONFERENCE.—In any case''; and

(2) by striking subparagraph (B).

(j) GREAT LAKES ESTUARIES.—Section 320(m) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking the subsection designation and all that follows through ''and those portions of tributaries'' and inserting the following:

''(m) DEFINITIONS.—In this section, the terms 'estuary' and 'estuarine zone' have the meanings given the terms in section 104(n)(4), except that—

''(1) the term 'estuary' also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of 'estuary' in section 104(n)(4); and

''(2) the term 'estuarine zone' also includes—

''(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of 'estuarine zone' in section 104(n)(4);

''(B) associated aquatic ecosystems; and

''(C) those portions of tributaries''.

Subtitle D—Puget Sound Restoration

SEC. 10231. PUGET SOUND RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (as amended by section 10203) is amended by adding at the end the following:

''SEC. 124. PUGET SOUND.

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL PRIORITY LIST.—The term 'annual priority list' means the annual priority list compiled under subsection (d).

''(2) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means—

''(A) the Puget Sound Action Agenda, a comprehensive conservation and management plan approved under section 320; and

''(B) any amendments to that plan.

''(3) DISTRESSED COMMUNITY.—The term 'distressed community' means a community that meets the affordability criteria for distressed communities established by the State of Washington, if the criteria are established after public review and comment.

''(4) EXECUTIVE DIRECTOR.—The term 'Executive Director' means the Executive Director of the Puget Sound Partnership.

''(5) PUGET SOUND FEDERAL CAUCUS.—The term 'Puget Sound Federal Caucus' means the caucus composed of—

''(A) the 13 Federal agencies that signed a memorandum of understanding on November

17, 2008, to establish a collaborative effort among Federal agencies to better integrate, organize, and align Federal efforts in the Puget Sound ecosystem with the comprehensive plan; and

''(B) such other Federal agencies as the Administrator determines to be appropriate.

''(6) PUGET SOUND PARTNERSHIP.—The term 'Puget Sound Partnership' means the agency of the State of Washington, together with associated councils, boards, panels, and caucuses, that is—

''(A) formed under authority of State law for the purpose of protecting and restoring Puget Sound; and

''(B) designated as the management conference under section 320.

''(7) PUGET SOUND TRIBE.—The term 'Puget Sound tribe' means any of the federally recognized Indian tribes within the Puget Sound Basin.

''(8) REGIONAL ADMINISTRATOR.—The term 'Regional Administrator' means the Regional Administrator for Region 10 of the Environmental Protection Agency.

''(b) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Regional Administrator such authority, and provide such additional staff, as are necessary to carry out this section.

''(c) DUTIES.—

''(1) IN GENERAL.—In carrying out this section, the Administrator, acting through the Regional Administrator, shall—

''(A) carry out the duties assigned to the Administrator under section 320 as a member of the management conference under that section;

''(B) assist in the development and evaluation of the annual priority list;

''(C) provide funding for activities, projects, programs, and studies identified in the approved annual priority list as necessary to advance the goals and objectives of the comprehensive plan;

''(D) promote innovative methodologies and technologies that are cost-effective and able to advance the identified goals and objectives of the comprehensive plan and Environmental Protection Agency permitting processes;

''(E) coordinate the major functions of the Federal Government relating to the implementation of the comprehensive plan, including activities, projects, programs, and studies for—

''(i) water quality improvements;

''(ii) wetland, riverine, and estuary restoration and protection;

''(iii) nearshore restoration and protection;

''(iv) adaptation to climate change;

''(v) critical land protection or acquisitions; and

''(vi) endangered species recovery;

''(F) coordinate the scientific research projects authorized under this section with the activities of Federal agencies, State agencies, Indian tribes, institutions of higher education, and the Science Panel of the Puget Sound Partnership, including conducting or commissioning studies proposed by the Science Panel and included in the annual priority list;

''(G) assist the Puget Sound Partnership in tracking progress toward meeting the identified goals and objectives of the comprehensive plan by—

''(i) providing information to the performance management system used by the Puget Sound Partnership for the purpose of tracking progress; and

''(ii) coordinating, managing, and reporting environmental data relating to Puget Sound in a manner consistent with methodologies used by the Puget Sound Partnership, including, to the maximum extent practicable, making such data and reports on such data available to the public, including on the Internet, in a timely manner; and

''(H) coordinate activities, projects, programs, and studies for the protection of Puget Sound, the Strait of Georgia, and the Strait of Juan de Fuca with Canadian authorities.

''(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Regional Administrator, may enter into financial assistance agreements, make or facilitate intergovernmental personnel appointments, and use other available methods in carrying out the duties of the Administrator under this subsection.

''(d) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing public notice, the Puget Sound Partnership, in consultation with the Puget Sound Federal Caucus, shall annually compile a priority list identifying and prioritizing the activities, projects, programs, and studies intended to be funded during the succeeding fiscal year with the amounts made available for use in entering into financial assistance agreements under subsection (e).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

''(A) a prioritized list of specific activities, projects, programs, and studies that will advance the goals and objectives of the approved comprehensive plan;

''(B) information on the activities, projects, programs, and studies specified under subparagraph (A), including a description of—

''(i) the terms of financial assistance agreements;

''(ii) the identities of the financial assistance recipients; and

''(iii) the communities to be served; and

''(C) the criteria and methods established by the Puget Sound Partnership for selection of activities, projects, programs, and studies.

''(3) APPROVAL OF LIST.—

''(A) SUBMISSION.—On August 1 of each calendar year, the Puget Sound Partnership shall submit the annual priority list compiled under paragraph (1) to the Administrator for approval.

''(B) APPROVAL.—The Administrator shall approve or disapprove a list submitted under subparagraph (A) or resubmitted under subparagraph (C) based on a determination of whether the activities, projects, programs, and studies listed advance the goals and objectives of the approved comprehensive plan.

''(C) EFFECT OF DISAPPROVAL.—If the Administrator disapproves a list submitted under subparagraph (A) or (C), the Administrator shall—

''(i) provide the Puget Sound Partnership, in writing, a notification of the basis for the disapproval; and

''(ii) allow the Puget Sound Partnership the opportunity for resubmission of a revised annual priority list that addresses, to the maximum extent practicable, the comments contained in the written disapproval of the Administrator described in clause (i).

''(D) FAILURE OF ADMINISTRATOR TO RESPOND.—If, by the date that is 60 days after the date of submission or resubmission to the Administrator of an annual priority list by the Puget Sound Partnership, the Administrator fails to respond to the submission or resubmission in writing, the annual priority list shall be considered to be approved.

''(4) FAILURE TO COMPILE LIST.—

''(A) IN GENERAL.—If, by the date that is 180 days after the annual date of submission specified in paragraph (3)(A), the Puget Sound Partnership fails to compile an annual priority list in accordance with paragraph (1) or secures only a written disapproval from the Administrator for a list submitted under subparagraph (A) or (C) of paragraph (3), the Administrator shall compile a priority list for the fiscal year that includes—

''(i) activities, projects, programs, or studies that advance the goals and objectives of the approved comprehensive plan;

''(ii) any identified activities, projects, programs, or studies from previously approved priority lists that have not yet been funded;

''(iii) a description of the activities, projects, programs, and studies described in clauses (i) and (ii), including—

''(I) the terms of financial assistance agreements;

''(II) the identities of the financial assistance recipients; and

''(III) the communities to be served; and

''(iv) the criteria and methods established by the Administrator for selection of activities, projects, programs, and studies.

''(B) APPROVAL.—A list compiled by the Administrator in accordance with subparagraph (A) shall be considered to be an approved annual priority list for the purposes of this section.

''(e) IMPLEMENTATION OF COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Administrator, acting through the Regional Administrator, may enter into financial assistance agreements to support activities, projects, programs, and studies to implement the comprehensive plan.

''(2) FUNDING.—In providing funding under this subsection, the Administrator shall use—

''(A) such sums as necessary but not greater than 7.5 percent of the funds made available under this section to provide a comprehensive grant to the Puget Sound Partnership for use in—

''(i) tracking the implementation of the comprehensive plan;

''(ii) monitoring environmental outcomes;

''(iii) updating the comprehensive plan;

''(iv) developing the annual priority list; and

''(v) performing other administrative activities relating to the management and implementation of the comprehensive plan;

''(B) not more than 5 percent of the funds made available under this section to carry out the responsibilities of the Administrator under this section;

''(C) not less than the greater of $2,500,000 or 6 percent of the funds made available under this section to enter into financial assistance agreements with, Puget Sound tribes to carry out specific activities, projects, programs, or studies identified in the approved annual priority list; and

''(D) the remainder of the funds made available under this section to enter into financial assistance agreements for use in implementing specific activities, projects, programs, or studies identified in the approved annual priority list to—

''(i) State, regional, or local governmental agencies or entities;

''(ii) tribal governments, agencies, or entities;

''(iii) Federal agencies; or

''(iv) other public or nonprofit agencies, institutions, or organizations.

''(3) CONDITIONS FOR FUNDING.—

''(A) IN GENERAL.—An entity shall be eligible for funding under subparagraph (C) or (D) of paragraph (2) only if funds will be used for activities, projects, programs, or studies that are identified in an approved annual priority list.

''(B) MEASURABLE OUTCOMES, BENCHMARKS, TARGETS.—The Administrator shall enter into financial assistance agreements under paragraph (2) only if, in the judgment of the Administrator, the Puget Sound Partnership has defined and adopted the measurable outcomes, near-term benchmarks, and long-

term targets that are necessary to meet the goals and objectives of the comprehensive plan.

''(4) DISTRIBUTION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall obligate all funds made available under paragraph (2) by not later than 180 days after the date on which the annual priority list is approved in accordance with subsection (d).

''(B) MEANS OF DISTRIBUTION.—The Administrator shall enter into financial assistance agreements to carry out the activities, projects, programs, or studies in the order of priority identified on an approved annual priority list unless—

''(i) the identified financial assistance recipient fails to meet the requirements of the applicable financial assistance agreement; or

''(ii) the Administrator and Puget Sound Partnership agree, in writing, to deviate from the order specified in an approved priority list.

''(5) FAILURE TO DISTRIBUTE.—If all funds made available for use in entering into financial assistance agreements under paragraph (2) are not obligated by the date specified in paragraph (4), the Administrator shall promptly submit to the appropriate committees of the Senate and the House of Representatives a report that—

''(A) describes the reasons for the failure to obligate the funds; and

''(B) provides a date certain by which all funds will be distributed.

''(6) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of an activity, project, program, or study carried out under this subsection shall be—

''(i) not more than 75 percent of the annual aggregate costs of the activities described in paragraph (2)(A); or

''(ii) not more than 50 percent of the cost of an activity project, program, or study funded under clause (i) or (iv) of paragraph (2)(D).

''(B) EXCEPTIONS.—

''(i) SOLE TRIBAL APPLICANT.—The Administrator shall increase the Federal share to 100 percent for any activity, project, program, or study carried out under this subsection for which a Puget Sound tribe is the sole applicant.

''(ii) DISTRESSED COMMUNITIES.—For each fiscal year, the Administrator may use up to 15 percent of the funds made available to carry out this section for that fiscal year to increase the Federal share up to 100 percent for an activity, project, program, or study funded under paragraph (2)(D) that is located in or directly affects a distressed community.

''(f) ANNUAL BUDGET PLAN.—The President, as part of the annual budget of the Federal Government, shall submit information regarding each Federal agency involved in Puget Sound protection and restoration, including—

''(1) an interagency crosscut budget that describes for each Federal agency—

''(A) amounts obligated for the preceding fiscal year for protection and restoration activities, projects, programs, and studies relating to Puget Sound;

''(B) the estimated budget for the current fiscal year for protection and restoration activities, projects, programs, and studies relating to Puget Sound; and

''(C) the proposed budget for protection and restoration activities, projects, programs, and studies relating to Puget Sound; and

''(2) a description and assessment of the Federal role in the implementation of the comprehensive plan and the specific role of each Federal agency involved in Puget Sound protection and restoration, including specific activities, projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the comprehensive plan.

''(g) REPORT.—Not later than 1 year after the date of enactment of this section and biennially thereafter, the Administrator and the Executive Director of the Puget Sound Partnership shall jointly submit to Congress a report that—

''(1) summarizes the progress made in implementing the comprehensive plan and progress toward achieving—

''(A) the identified goals and objectives described in the comprehensive plan; and

''(B) the measurable outcomes, near-term benchmarks, and long-term targets required under subsection (e)(3)(B);

''(2) summarizes any modifications to the comprehensive plan during the period covered by the report;

''(3) incorporates specific recommendations concerning the implementation of the comprehensive plan;

''(4) summarizes the roles and progress of each Federal agency that has jurisdiction in the Puget Sound watershed toward meeting the identified goals and objectives of the comprehensive plan; and

''(5) includes any other information determined to be relevant by the Administrator or the Executive Director.

''(h) NO EFFECT ON TREATY RIGHTS OR EXISTING AUTHORITY.—Nothing in this section—

''(1) limits, conditions, abrogates, authorizes regulation of, or in any way adversely affects a right reserved by a treaty between the United States and 1 or more Indian tribes; or

''(2) affects any other Federal or State authority that is being used or that may be used to facilitate the cleanup and protection of Puget Sound.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section $90,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.

''(2) ELIGIBILITY.—The Puget Sound Partnership shall not receive any funding pursuant to section 320 for any fiscal year in which the Puget Sound Partnership receives funding under subsection (e)(2)(A).''.

Subtitle E—Columbia River Basin Restoration

SEC. 10241. SHORT TITLE.

This subtitle may be cited as the ''Columbia River Basin Restoration Act of 2010''.

SEC. 10242. FINDINGS.

Congress finds that—

(1) the Columbia River is the largest river in the Pacific Northwest by volume;

(2) the river is 1,253 miles long, with a drainage basin that includes 259,000 square miles, extending to 7 States and British Columbia, Canada, and including all or part of—

(A) multiple national parks;

(B) components of the National Wilderness Preservation System;

(C) National Monuments;

(D) National Scenic Areas;

(E) National Recreation Areas; and

(F) other areas managed for conservation.

(3) the Columbia River Basin and associated tributaries (referred to in this subtitle as the ''Basin'') provide significant ecological and economic benefits to the Pacific Northwest and the entire United States;

(4) traditionally, the Basin includes more than 6,000,000 acres of irrigated agricultural land and produces more hydroelectric power than any other North American river;

(5) the Basin—

(A) historically constituted the largest salmon-producing river system in the world, with annual returns peaking at as many as 30,000,000 fish; and

(B) as of the date of enactment of this Act—

(i) supports economically important commercial and recreational fisheries; and

(ii) is home to 13 species of salmonids and steelhead that area listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(6) the Lower Columbia River Estuary stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean, and much of that area is contaminated with toxic chemicals;

(7) the Middle and Upper Columbia River Basin includes 1,050 miles of the mainstem Columbia River upstream of the Bonneville Dam, including the 1,040 miles of the largest tributary, the Snake River, and all of the tributaries to both rivers;

(8) the nuclear and toxic contamination at the Hanford Nuclear Reservation and the toxic contamination at Superfund sites throughout the Basin present an ongoing risk of contamination throughout the Basin;

(9) polychlorinated biphenyls (commonly known as ''PCBs'') and polycyclic aromatic hydrocarbons that have been found in the tissues of salmonids and their prey at concentrations exceeding levels of concern;

(10) legacy contaminants, including PCBs and dichlorodiphenyltrichloroethane, the pesticide commonly known as ''DDT'', were banned in 1972, but are still detected in river water, sediments, and juvenile Chinook salmon;

(11) pesticides and emerging contaminants, such as pharmaceutical and personal care products, have been detected in river water and may have effects including hormone disruption and impacts on behavior and reproduction;

(12) the Environmental Protection Agency's Columbia River Basin Fish Contaminant Survey detected the presence of 92 priority pollutants, including PCBs and DDE (a breakdown of DDT), in fish that are consumed by members of Indian tribes in the Columbia River Basin, as well as by other individuals consuming fish throughout the Columbia River Basin, and a fish consumption survey by the Columbia River Intertribal Fish Commission showed that tribal members were eating 6 to 11 times more fish than the estimated national average of the Environmental Protection Agency; and

(13) with regard to the Flathead River Basin, in the easternmost portion of the Columbia River Basin—

(A) the Flathead River Basin—

(i) has high water quality and aquatic biodiversity;

(ii) supports endangered species and species of special concern listed under United States and Canadian law;

(iii) contains Flathead Lake, the largest freshwater lake in the western United States;

(iv) is an important wildlife corridor that is home to the highest density of large and mid-sized carnivores and the highest diversity of vascular plant species in the United States; and

(v) supports traditional uses such as hunting, fishing, recreation, guiding and outfitting, and logging;

(B) the Flathead River originates in British Columbia and drains into the State of Montana;

(C) such transboundary waters are protected from pollution under the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS

548) (commonly known as the ''Boundary Waters Treaty of 1909'');

(D) in 1988, the International Joint Commission determined that the impacts of mining proposals on the environmental values of the Flathead River Basin, including on water quality, sport fish populations, and habitat, could not be fully mitigated;

(E) the Flathead River forms the western and southern boundaries of the world's first International Peace Park, Waterton–Glacier, which was inscribed as a World Heritage Site in 1995 under the auspices of the World Heritage Convention, adopted by the United Nations Educational, Scientific, and Cultural Organization General Conference on November 16, 1972;

(F) at the 33rd session of the World Heritage Committee in 2009, Decision 33 COM 7B.22 (Annex 3) 2009, the World Heritage Committee urged Canada in 2009 not to permit any mining or energy development in the Upper Flathead River Basin until the relevant environmental assessment processes have been completed and to provide timely opportunities for the United States to participate in environmental assessment processes; and

(G) on February 18, 2010, British Columbia and the State of Montana entered into a memorandum of understanding—

(i) to remove mining and oil and gas development as permissible land uses in the Flathead River Basin;

(ii) to cooperate on fish and wildlife management;

(iii) to collaborate on environmental assessment of projects of cross border significance with the potential to degrade land or water resources; and

(iv) to share information proactively.

SEC. 10243. COLUMBIA RIVER BASIN RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (as amended by section 10231) is amended by adding at the end the following:

''SEC. 125. COLUMBIA RIVER BASIN RESTORATION.

''(a) DEFINITIONS.—

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) COLUMBIA RIVER BASIN.—The term 'Columbia River Basin' means the entire United States portion of the Columbia River watershed.

''(3) COLUMBIA RIVER BASIN PROVINCES.—The term 'Columbia River Basin Provinces' means the United States portion of each of the Columbia River Basin Provinces identified in the Fish and Wildlife Plan of the Northwest Power and Conservation Council.

''(4) COLUMBIA RIVER BASIN TOXICS REDUCTION ACTION PLAN.—

''(A) IN GENERAL.—The term 'Columbia River Basin Toxics Reduction Action Plan' means the plan developed by the Environmental Protection Agency and the Columbia River Toxics Reduction Working Group in 2010.

''(B) INCLUSIONS.—The term 'Columbia River Basin Toxics Reduction Action Plan' includes any amendments to the plan.

''(5) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia River Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(6) ESTUARY PLAN.—

''(A) IN GENERAL.—The term 'Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

''(B) INCLUSIONS.—The term 'Estuary Plan' includes any amendments to the plan.

''(7) LOWER COLUMBIA RIVER ESTUARY.—The term 'Lower Columbia River Basin and Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

''(8) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—

''(A) IN GENERAL.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

''(B) INCLUSIONS.—The term 'Middle and Upper Columbia River Basin' includes—

''(i) the Snake River and associated tributaries; and

''(ii) the Clark Fork and Pend Oreille Rivers and associated tributaries.

''(9) NORTH FORK OF THE FLATHEAD RIVER.—The term 'North Fork of the Flathead River' means the region consisting of the North Fork of the Flathead River watershed, beginning in British Columbia, Canada, ending at the confluence of the North Fork and the Middle Fork of the Flathead River in the State of Montana.

''(10) PROGRAM.—The term 'Program' means the Columbia River Basin Restoration Program established under subsection (b)(1).

''(11) TRANSBOUNDARY FLATHEAD RIVER BASIN.—The term 'transboundary Flathead River Basin' means the region consisting of the Flathead River watershed, beginning in British Columbia, Canada, and ending at Flathead Lake, Montana.

''(12) WORKING GROUP.—The term 'Working Group' means—

''(A) the Columbia River Basin Toxics Reduction Working Group established under subsection (c); and

''(B) with respect to the Lower Columbia River Estuary, the Estuary Partnership.

''(b) COLUMBIA RIVER BASIN RESTORATION PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish within the Environmental Protection Agency a Columbia Basin Restoration Program.

''(2) SCOPE OF PROGRAM.—

''(A) IN GENERAL.—The Program shall consist of a collaborative stakeholder-based approach to planning and implementing voluntary activities to reduce toxic contamination throughout the Columbia River Basin.

''(B) RELATIONSHIP TO EXISTING ACTIVITIES.—The Program shall—

''(i) build on the work and collaborative structure of the existing Columbia River Toxics Reduction Working Group representing the Federal Government, State, tribal, and local governments, industry, and nongovernmental organizations, which was convened in 2005 to develop a collaborative toxic contamination reduction approach for the Columbia River Basin;

''(ii) in the Lower Columbia River Basin and Estuary, build on the work and collaborative structure of the Estuary Partnership; and

''(iii) coordinate with other efforts, including activities of other Federal agencies in the Columbia River Basin, to avoid duplicating activities or functions.

''(C) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section, including the establishment of the Program modifies or affects any legal or regulatory authority or program in effect as of the date of enactment of this section, including—

''(i) the roles of Federal agencies in the Columbia River Basin;

''(ii) the roles of States in the Columbia River Basin, including State authority over water allocation under section 101(g);

''(iii) the Snake River Water Rights Act of 2004 (Public Law 108-447; 118 Stat. 3431); or

''(iv) any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Columbia River Basin.

''(3) DUTIES.—The Administrator shall—

''(A) provide the Working Group with data, analysis, reports, or other information;

''(B) provide technical assistance to the Working Group, and to States, local government entities, and Indian tribes participating in the Working Group, to assist those agencies and entities in—

''(i) planning or evaluating potential projects;

''(ii) developing the annual priority list;

''(iii) implementing plans;

''(iv) implementing projects; and

''(v) monitoring and evaluating the effectiveness of projects and the implementation of plans and projects;

''(C) provide information to the Working Group on plans already developed by the Administrator or by other Federal agencies to enable the Working Group to avoid unnecessary or duplicative projects or activities;

''(D) provide coordination with other Federal agencies to avoid duplication of activities or functions;

''(E) assist the Working Group with—

''(i) completing and periodically updating the Columbia River Basin Toxics Reduction Action Plan and the Estuary Plan; and

''(ii) ensuring that those plans, when considered together and in light of relevant plans developed by other Federal or State agencies, form a coherent toxic contamination reduction strategy for the entire Columbia River Basin; and

''(F) implement, including by providing funding pursuant to subsection (e), projects and activities, including monitoring and assessment, that—

''(i) are identified by the Working Group in the annual priority list; and

''(ii)(I) are included in the Columbia River Basin Toxics Reduction Action Plan and the Estuary Plan; or

''(II) are identified under subsection (d) and located in the Transboundary Flathead River Basin.

''(4) IMPLEMENTATION METHODS.—The Administrator may enter into interagency agreements, make or facilitate intergovernmental personnel appointments, provide funding, and use other available methods in carrying out the duties of the Administrator under this subsection.

''(c) STAKEHOLDER WORKING GROUP.—

''(1) ESTABLISHMENT.—The Administrator shall establish a Columbia River Basin Toxics Reduction Working Group.

''(2) MEMBERSHIP.—The members of the Working Group shall include, at a minimum, representatives of—

''(A) each State located in whole or in part within the Columbia River Basin;

''(B) each Indian tribe with legally defined rights and authorities in the Columbia River Basin that elects to participate on the Working Group;

''(C) local governments located in the Columbia River Basin;

''(D) industries operating in the Columbia River Basin that affect or could affect water quality;

''(E) electric, water, and wastewater utilities operating in the Columba River Basin;

''(F) private landowners in the Columbia River Basin;

''(G) soil and water conservation districts in the Columbia River Basin;

''(H) irrigation districts in the Columbia River Basin;

''(I) environmental organizations that have a presence in the Columbia River Basin; and

''(J) the general public in the Columbia River Basin.

''(3) GEOGRAPHIC REPRESENTATION.—The Working Group shall include representation from each of the Columbia River Basin Provinces located in the Columbia River Basin.

''(4) APPOINTMENT.—

''(A) NONTRIBAL MEMBERS.—The Administrator, with the consent of the Governor of each State located in whole or in part within the Columbia River Basin, shall appoint nontribal members of the Working Group not later than 180 days after the date of enactment of this section.

''(B) TRIBAL MEMBERS.—The governing body of each Indian tribe described in paragraph (2)(B) shall appoint tribal members of the Working Group not later than 180 days after the date of enactment of this section.

''(5) DUTIES.—The Working Group shall—

''(A) assess trends in water quality and toxic contamination or toxics reduction, including trends that affect uses of the water of the Columbia River Basin;

''(B) collect, characterize, and assess data on toxic contamination in the Columbia River Basin;

''(C) develop periodic updates to the Columbia River Basin Toxics Reduction Action Plan and, in the Estuary, the Estuary Plan;

''(D) submit to the Administrator annually a prioritized list of projects, including monitoring, assessment, and toxic contamination reduction projects, that would implement the Columbia River Basin Toxics Reduction Action Plan or, in the Lower Columbia River Estuary, the Estuary Plan, for funding pursuant to subsection (e); and

''(E) monitor the effectiveness of actions taken pursuant to this section.

''(6) LOWER COLUMBIA RIVER ESTUARY.—In the Lower Columbia River Estuary, the Estuary Partnership shall function as the Working Group and execute the duties of the Working Group described in this subsection for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program.

''(7) PARTICIPATION BY STATES.—At the discretion of the Governor of a State, the State—

''(A) may elect not to participate in the Working Group established under this paragraph; and

''(B) may provide comments to the Administrator on the prioritized list of projects submitted pursuant to paragraph (5)(D).

''(d) TRANSBOUNDARY FLATHEAD RIVER BASIN.—

''(1) SHORT TITLE.—This subsection may be cited as the 'Transboundary Flathead River Basin Protection Act of 2010'.

''(2) ACTION BY PRESIDENT.—The President shall take steps to preserve and protect the unique, pristine area of the transboundary Flathead River Basin, with a particular focus on the North Fork of the Flathead River.

''(3) TRANSBOUNDARY COOPERATION.—In taking such steps, the President shall engage in negotiations with the Government of Canada to establish an executive agreement, or other appropriate tool, to ensure permanent protection for the North Fork of the Flathead River watershed and the adjacent area of Glacier-Waterton National Park.

''(4) PARTICIPATION IN COOPERATIVE EFFORTS.—

''(A) IN GENERAL.—The President may participate in cross-border collaborations with Canada on environmental assessments of any project of cross-border significance that has the potential to degrade land or water resources by providing for on-going involvement of appropriate Federal agencies of the United States in such assessments.

''(B) COLLABORATION.—In carrying out subparagraph (A), the President shall include in collaborations under that subparagraph appropriate Federal agencies, such as—

''(i) the Environmental Protection Agency;

''(ii) the Department of the Interior;

''(iii) the United States Fish and Wildlife Service;

''(iv) the National Park Service;

''(v) the Forest Service; and

''(vi) such other agencies as the President determines to be appropriate.

''(5) ASSESSMENTS AND PROJECTS.—The President, acting through the Administrator, may provide grants under subsection (e) for the following purposes:

''(A) Developing baseline environmental conditions in the transboundary Flathead River Basin.

''(B) Assessing the impact of any proposed projects on the natural resources, water quality, wildlife, or environmental conditions in the transboundary Flathead River Basin.

''(C) Implementation of transboundary cooperative efforts identified by the governments of the United States and Canada under this subsection.

''(D) Projects to protect and preserve the natural resources, water quality, wildlife, and environmental conditions in the transboundary Flathead River Basin.

''(e) FUNDING.—

''(1) IN GENERAL.—The Administrator may provide funding through cooperative agreements, grants, or other means to State and regional water pollution control agencies and entities, other State and local government entities, Indian tribes, nonprofit private agencies, institutions, organizations, and individuals for use in paying costs incurred in carrying out activities—

''(A) that would advance the goals and objectives of the Columbia River Basin Toxics Reduction Action Plan or the Estuary Plan; or

''(B) relating to the cooperative efforts described in subsection (d)(4).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds provided to any person (including a State, interstate, or regional agency, an Indian tribe, or a local government entity) under this subsection for a fiscal year—

''(i) shall not exceed 75 percent of the total cost of the project or activity; and

''(ii) shall be made on condition that the non-Federal share of that total cost shall be provided from non-Federal sources.

''(B) EXCEPTIONS.—With respect to cost-sharing for funding provided under this subsection—

''(i) an Indian tribe may use Federal funds for the non-Federal share; and

''(ii) the Administrator may use up to 10 percent of the funds made available to carry out this section to increase the Federal share under such circumstances as the Administrator determines to be appropriate.

''(C) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of an activity, project, program, or study carried out under this section may include the value of any in-kind services contributed by a non-Federal sponsor.

''(3) ALLOCATION.—In making grants using funds appropriated to carry out this section for fiscal years 2012 and 2013, the Administrator shall use—

''(A) not less than ⅓ of the funds for projects, programs, and studies in the Lower Columbia River Estuary; and

''(B) not less than ⅓ of the funds for projects, programs, and studies in the Middle and Upper Columbia River Basin.

''(4) SUPPORT OF GOVERNORS.—In reviewing requests for funding pursuant to this section, the Administrator may not consider any proposal for funding unless the Governor of the State in which the activity would take place has expressed support for the activity as proposed.

''(5) REPORTING.—Not later than 18 months after the date of receipt of funding under this subsection, and biennially thereafter for the duration of the funding, a person (including a State, interstate, or regional agency, an Indian tribe, or a local government entity) that receives funding under this subsection shall submit to the Administrator a report that describes the progress being made in achieving the purposes of this section using those funds.

''(f) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

''(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $33,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.''.

Subtitle F—Great Lakes Ecosystem Protection

SEC. 10251. SHORT TITLE.

This Act may be cited as the ''Great Lakes Ecosystem Protection Act of 2010''.

SEC. 10252. GREAT LAKES PROVISION MODIFICATIONS.

(a) FINDINGS; PURPOSE.—Section 118(a) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by striking subparagraph (B) and inserting the following:

''(B) the United States should seek to attain the goals embodied and identified in the Great Lakes Regional Collaboration Strategy, the Great Lakes Restoration Initiative Action Plan, and the Great Lakes Water Quality Agreement;

''(C) in order to restore and maintain water quality in the Great Lakes basin, focus areas for restoration and protection identified in the Great Lakes Regional Collaboration Strategy and the Great Lakes Restoration Initiative Action Plan must be addressed, such as—

''(i) the remediation of toxic substances;

''(ii) the prevention of invasive species and the mitigation of the impacts of the invasive species and the restoration areas impacted by invasive species;

''(iii) the protection and restoration of nearshore health and water quality;

''(iv) the prevention of nonpoint source water pollution;

''(v) habitat and wildlife protection and restoration; and

''(vi) accountability, education, monitoring, evaluation, communication, and partnership activities; and''; and

(C) in subparagraph (D) (as redesignated by subparagraph (A)) by inserting '', tribal,'' after ''State'';

(2) by striking paragraph (2) and inserting the following:

''(2) PURPOSE.—The purpose of this section is to achieve the goals embodied and identified in the Great Lakes Regional Collaboration Strategy, the Great Lakes Restoration Initiative Action Plan, and the Great Lakes Water Quality Agreement—

''(A) by restoring and maintaining the chemical, physical, and biological integrity of the Great Lakes basin ecosystem; and

''(B) through—

''(i) the creation of a Great Lakes Collaboration Partnership;

''(ii) the improved organization and definition of mission on the part of the Environmental Protection Agency;

''(iii) the funding of grants, contracts, and interagency agreements for protection, restoration, and pollution prevention and control in the Great Lakes area; and

''(C) by implementing improved and transparent accountability mechanisms.''; and

(3) in paragraph (3)—

(A) by striking subparagraph (H) and inserting the following:

''(H) 'Great Lakes Water Quality Agreement' means the bilateral 'Agreement on Great Lakes water quality, 1978' between the United States and Canada, signed at Ottawa on November 22, 1978 (30 UST 1383; TIAS 9257), and amended October 16, 1983 (TIAS 10798) and November 18, 1987 (TIAS 11551) (including any subsequent revisions);'';

(B) in subparagraph (K), by striking ''and'' after the semicolon;

(C) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(M) 'Action Plan' means the Great Lakes Restoration Initiative Action Plan, signed on February 21, 2010;

''(N) 'Blueprint' means—

''(i) the Great Lakes Restoration Blueprint, a strategy for restoring and protecting water quality in, and the ecosystem of, the Great Lakes basin adopted by the Great Lakes Collaboration Partnership in accordance with this section; and

''(ii) any future amendments or revisions to that strategy;

''(O) 'Great Lakes Regional Collaboration Strategy' means the Great Lakes Regional Collaboration Strategy to Protect and Restore the Lakes, signed on December 12, 2005; and

''(P) 'Needs-based applicant' means a public or nonprofit entity that meets the economic and affordability criteria established by the Administrator in consultation with the Program Office and Great Lakes Leadership Council.''.

(b) GREAT LAKES MANAGEMENT.—Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended—

(1) by redesignating paragraphs (1) through (13) as (2) through (14), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) IN GENERAL.—The Administrator, or a designee of the Administrator, shall—

''(A) coordinate and manage all Federal agency actions to implement the Action Plan, the Blueprint, and the Great Lakes Water Quality Agreement; and

''(B) review and approve—

''(i) the annual priority list to determine whether the proposed activities will advance the goals of the Action Plan and the Blueprint; and

''(ii) on an annual basis, the Federal agency actions taken to implement the approved annual priority list.'';

(3) in paragraph (2) (as redesignated by paragraph (1))—

(A) in subparagraph (A), by striking '',;'' and inserting a semicolon;

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (F), (G), and (H), respectively; and

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

''(C) provide the support described in paragraph (7);

''(D) provide support to the Great Lakes Interagency Task Force, as required under paragraph (9);

''(E) in consultation with the members of the Great Lakes Regional Collaboration Partnership, be responsible for the creation, updating, and, as necessary, revision of accountability measures, including focus area goals and performance targets and measures;'';

(4) in subparagraphs (B) and (C) of paragraph (4) (as redesignated by paragraph (1)), by striking ''subparagraph (c)(1)(C) of this section'' and inserting ''paragraph (2)(F)'';

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

''(7) GREAT LAKES GOVERNANCE AND MANAGEMENT.—

''(A) GREAT LAKES LEADERSHIP COUNCIL.—

''(i) ESTABLISHMENT.—There is established a council, to be known as the Great Lakes Leadership Council (referred to in this paragraph as the 'Council').

''(ii) DUTIES.—The Council shall—

''(I) in consultation with the Administrator, compile an annual priority list that identifies and prioritizes activities intended to be funded with amounts made available under this subsection during the succeeding fiscal year;

''(II) not later than 1 year after the date of establishment of the Council and on an annual basis thereafter—

''(aa) review and report on progress in meeting the goals and objectives of the Action Plan or the Blueprint;

''(bb) assess the implementation of the Administrator of the most recently approved annual priority list; and

''(cc) make recommendations regarding other relevant Great Lakes issues; and

''(III) make recommendations to the Administrator and the Secretary of State regarding—

''(aa) a process for participating in relevant international fora, such as the Great Lakes Water Quality Agreement; and

''(bb) whether any existing advisory or coordinating bodies are duplicative and should be replaced or eliminated.

''(iii) MEMBERSHIP.—

''(I) VOTING MEMBERS.—The membership of the Council shall include as voting members—

''(aa) the governors of the Great Lake States;

''(bb) up to 8 representatives of tribal governments, to be appointed after direct government-to-government consultation between the Program Office and all Great Lakes tribes—

''(AA) by the Indian tribes located in the Great Lakes basin in the United States; and

''(BB) to the maximum extent practicable, in a manner that ensures that the tribal governments are geographically representative of the Great Lakes basin; and

''(cc) up to 8 mayors, to be appointed by the mayors of areas located in the Great Lakes basin in the United States—

''(AA) in accordance with such procedures and criteria as the Administrator may establish; and

''(BB) to the maximum extent practicable, in a manner that ensures that the mayors are geographically representative of the Great Lakes basin.

''(II) NONVOTING MEMBERS.—The membership of the Council shall include as nonvoting members—

''(aa) 1 member who shall be appointed by the Great Lakes Commission;

''(bb) 1 member who shall be appointed by the International Joint Commission;

''(cc) 1 member who shall be appointed by the Great Lakes Fishery Commission;

''(dd) 1 member who shall be a representative of the environmental community in the Great Lakes, to be appointed by the Administrator, after soliciting advice from that community;

''(ee) 1 member who shall be a representative of the agricultural community, to be appointed by the Administrator, after soliciting advice from that community;

''(ff) 1 member who shall be a representative of the Great Lakes business community, to be appointed by the Administrator, after soliciting advice from that community;

''(gg) 1 member who shall be a representative of the scientific community, to be appointed by the Administrator, after soliciting advice from that community; and

''(hh) 1 member who shall be a representative of Canada, as an observer member.

''(III) CHAIRPERSON.—The chairperson of the Council shall rotate on a biennial basis among the Governors of the Great Lakes States.

''(IV) SECRETARY.—The chairperson shall designate a secretary to provide administrative support to the Council.

''(iv) COMMITTEES.—The Council may establish such committees as the Council determines to be appropriate to address concerns of the Council, including—

''(I) executive issues;

''(II) scientific issues;

''(III) implementation issues; and

''(IV) funding issues.

''(v) COUNCIL MEETINGS.—

''(I) IN GENERAL.—The Council shall meet not less frequently than once each year.

''(II) OPEN TO PUBLIC.—The meetings of the Council shall be open to the public.

''(vi) COMMITTEE MEETINGS.—A committee established by the Council under clause (iv) may meet as frequently as necessary to provide support to the Council.'';

(6) by striking paragraph (8) (as redesignated by paragraph (1)) and inserting the following:

''(8) GREAT LAKES COLLABORATION PARTNERSHIP.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established a partnership, to be known as the Great Lakes Collaboration Partnership (referred to in this paragraph as the 'Partnership') that shall consist of the Great Lakes Leadership Council and the Great Lakes Interagency Task Force.

''(ii) PURPOSE.—The purpose of the Partnership is to facilitate the creation of a Blueprint under subparagraph (B) that is consistent with the requirements of this paragraph.

''(B) GREAT LAKES RESTORATION BLUEPRINT.—

''(i) IN GENERAL.—

''(I) CONTENTS.—The Blueprint developed by the Partnership shall describe—

''(aa) a strategy for restoring and protecting water quality in, and the ecosystem of, the Great Lakes Basin; and

''(bb) focus and policy areas for achieving the strategy, as well as measurable outcomes and performance targets for achieving the strategy.

''(II) CONSULTATION.—The strategy outlined in the Blueprint shall be achieved through—

''(aa) cooperation among relevant Federal agencies; and

''(bb) consultation and coordination with applicable States, Indian tribes, local governments, institutions of higher education, nongovernmental organizations, and other

stakeholders in the Great Lakes basin, as well as representatives of Canada.

''(III) USE OF EXISTING PLANS AND AGREEMENTS.—In developing the Blueprint, the Partnership shall, to the maximum extent practicable, build on existing plans or agreements, such as the Great Lakes Regional Collaboration Strategy, Great Lakes Restoration Initiative Action Plan, and the Great Lakes Water Quality Agreement.

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclauses (II) and (III) and subsection (c)(13)(E)(i), the Federal share of the cost of an activity, project, program, or study carried out with funds made available under this section shall be not more than 75 percent of the cost of an activity, project, program, or study.

''(II) EXISTING FEDERAL SHARE.—If the Federal share of the cost of an activity, project, program, or study described in subclause (I) is specified in another provision of Federal law in effect as of the date of enactment of the America's Great Outdoors Act of 2010, the Federal share specified in the other provision shall apply to the activity, project, program, or study.

''(III) NEEDS-BASED APPLICANTS.—For each fiscal year, the Administrator may use up to 10 percent of the funds made available to carry out this section for the fiscal year to increase the Federal share up to 100 percent for a needs-based applicant.

''(iii) REVISION OF THE BLUEPRINT.—Not later than 5 years after the date of enactment of the America's Great Outdoors Act of 2010, and every 5 years thereafter, the Partnership shall review and update the Blueprint.

''(iv) TRANSITION.—In the first fiscal year after the date of adoption of the Blueprint by the Partnership—

''(I) the Blueprint shall replace the Action Plan as the guiding document for Federal investment in Great Lakes protection and restoration; and

''(II) the Great Lakes Leadership Council shall use the Blueprint to develop the annual priority list under subparagraph (C).

''(v) OPERATION.—In creating, modifying, or revising of the Blueprint, the Partnership shall consult with and achieve a consensus on the Blueprint with the Great Lakes Interagency Task Force and the voting members of the Great Lakes Leadership Council.

''(C) ANNUAL PRIORITY LIST.—

''(i) IN GENERAL.—After providing public notice, the Great Lakes Leadership Council shall annually compile a priority list that identifies and prioritizes the activities intended to be funded with amounts made available under this subsection during the succeeding fiscal year.

''(ii) LIST COMPONENTS.—The list compiled under clause (i) shall include—

''(I) a prioritized list of specific activities that will advance the goals and objectives of the Action Plan or Blueprint; and

''(II) the criteria and methods established by the Great Lakes Leadership Council for selecting activities, projects, programs, and studies for grants, contracts, and interagency agreements under this subsection.

''(iii) APPROVAL OF LIST.—

''(I) SUBMISSION.—On July 1 of each calendar year, the Great Lakes Leadership Council shall submit the annual priority list compiled under clause (ii) to the Administrator for approval.

''(II) APPROVAL.—The Administrator shall approve or disapprove a list submitted under subclause (I) or resubmitted under subclause (III) based on a determination of whether the activities specified in the list will advance the goals and objectives of the Action Plan or Blueprint.

''(III) EFFECTS OF DISAPPROVAL.—If the Administrator disapproves a list submitted under subclause (I) or (III), the Administrator shall—

''(aa) provide the Great Lakes Leadership Council, in writing, a notification of, and basis for, the disapproval; and

''(bb) allow the Great Lakes Leadership Council the opportunity for resubmission of a revised annual priority list that addresses, to the maximum extent practicable, the comments contained in the written disapproval of the Administrator.

''(IV) FAILURE OF ADMINISTRATOR TO RESPOND.—If, by the date that is 60 days after the date of submission or resubmission to the Administrator of an annual priority list by the Great Lakes Leadership Council, the Administrator fails to respond to the submission or resubmission in writing, the annual priority list shall be considered to be approved.

''(iv) FAILURE TO COMPILE LIST.—

''(I) IN GENERAL.—If, by the date that is 120 days after the annual date of submission specified in clause (iii)(I), the Great Lakes Leadership Council fails to compile an annual priority list in accordance with clause (i) or secures only a written disapproval from the Administrator for a list submitted under subclauses (I) or (III) of clause (iii), the Administrator shall compile a priority list for the fiscal year that includes—

''(aa) a specification, in order of priority, of activities that will assist in meeting the goals and objectives of the Action Plan or Blueprint;

''(bb) the criteria and methods for selecting activities for grants, contracts, and interagency agreements under this subsection; and

''(cc) any activities from previous lists compiled under clause (i) and approved under clause (iii) that have not yet been funded.

''(II) APPROVAL.—A list compiled by the Administrator in accordance with subclause (I) shall be considered to be an approved annual priority list for the purposes of this section.

''(D) TRANSFER OF FUNDS.—Of amounts made available to carry out this section, the Administrator may—

''(i) transfer not more than $475,000,000 to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Action Plan, the Blueprint, or the Great Lakes Water Quality Agreement;

''(ii) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in the annual priority list; and

''(iii) make grants to and enter into cooperative agreements with governmental entities, nonprofit organizations, institutions, and educational institutions to carry out planning, research, monitoring, outreach, training, studies, surveys, investigations, experiments, demonstration projects, and implementation relating to the activities described in the annual priority list.

''(E) SCOPE.—

''(i) IN GENERAL.—The scope of activities carried out pursuant to this section shall be, to the maximum extent practicable, geographically diverse, and include—

''(I) local activities;

''(II) Great Lakes-wide activities; and

''(III) Great Lakes basin activities.

''(ii) LIMITATION.—No amounts made available to carry out this section may be used for any water infrastructure activity (other than a green infrastructure project) for which amounts are made available from—

''(I) a State water pollution control revolving fund established under title VI; or

''(II) a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

''(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department and agency shall, to the maximum extent practicable—

''(i) maintain the base level of funding for the Great Lakes activities of the agency; and

''(ii) on an annual basis, identify for the Great Lakes Leadership Council new activities for upcoming fiscal years to support the environmental goals of the Action Plan or the Blueprint for inclusion on the annual priority list.

''(G) FUNDING.—

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(I) IN GENERAL.—Subject to subclause (II), there is authorized to be appropriated to carry out this section $475,000,000 for each of fiscal years 2012 through 2017.

''(II) COUNCIL FUNDS.—For each of fiscal years 2012 through 2017, out of any amounts made available to the Administrator under subclause (I), not more than $1,000,000 shall be provided to the Great Lakes Leadership Council established under paragraph (7) for the operating costs of the Council.

''(ii) PARTNERSHIPS.—Of the amounts made available to carry out this section, the Administrator shall transfer expeditiously to the Federal partners such sums as are necessary for subsequent use and distribution by the Federal partners in accordance with this section.'';

(7) by striking paragraph (9) (as redesignated by paragraph (1)) and inserting the following:

''(9) GREAT LAKES INTERAGENCY TASK FORCE.—

''(A) ESTABLISHMENT.—There is established a task force, to be known as the 'Great Lakes Interagency Task Force' as described in Executive Order 13340 (33 U.S.C. 1268 note) and relating to the implementation of Federal responsibilities under the Action Plan and the Blueprint.

''(B) MANAGEMENT.—The Administrator shall serve as the chairperson for the Great Lakes Interagency Task Force.

''(C) COORDINATION.—The Program Office shall provide guidance and support to the Great Lakes Interagency Task Force and coordinate, to the maximum extent practicable, with the Great Lakes Leadership Council.

''(D) DUTIES.—The Great Lakes Interagency Task Force shall—

''(i) collaborate with Canada, provinces of Canada, and binational bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes System;

''(ii)(I) coordinate the development of Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes System consistent with the Federal implementation of the approved annual priority list and the Great Lakes Water Quality Agreement, as well as the creation and update of the Blueprint; and

''(II) assist in the appropriate management of the Great Lakes System;

''(iii) use outcome-based goals to guide the implementation of the annual priority list, as well as the creation and update of the Blueprint, relying on existing data and science-based indicators of water quality, related environmental factors, and other information—

''(I) to focus on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes basin; and

''(II) to ensure that Federal policies, strategies, projects, and priorities support measurable results;

''(iv) exchange information regarding policies, strategies, projects, and activities of the agencies represented on the Great Lakes Interagency Task Force relating to—

''(I) the Great Lakes basin;

''(II) the Great Lakes Regional Collaboration Strategy; and

''(III) the Blueprint or the Action Plan;

''(v) coordinate government action associated with the Great Lakes basin;

''(vi) ensure coordinated Federal scientific and other research associated with the Great Lakes basin; and

''(vii) provide technical assistance to the Great Lakes Leadership Council, including in the compilation of the annual priority list.'';

(8) by striking paragraph (11) (as redesignated by paragraph (1)) and inserting the following:

''(11) REPORTS.—

''(A) ANNUAL COMPREHENSIVE RESTORATION REPORT.—Not later than 90 days after the end of each fiscal year, in lieu of the report required under this paragraph as in effect on the day before the date of enactment of the Great Lakes Ecosystem Protection Act of 2010, the Administrator shall submit to Congress and make publicly available a comprehensive report on the overall health of the Great Lakes that includes—

''(i) a description of the achievements during the fiscal year in implementing the annual priority list, the Great Lakes Water Quality Agreement, and any other applicable agreements or amendments that—

''(I) demonstrate, by category (including categories for judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives for the fiscal year;

''(II) describe the progress made during the fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, including the monitoring of groundwater and sediment, with a particular focus on toxic pollutants;

''(III) describe the prospects of meeting the goals and objectives of the Action Plan, the Blueprint, and the Great Lakes Water Quality Agreement; and

''(IV) provide a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Action Plan, the Blueprint, the Great Lakes Water Quality Agreement, and any other applicable agreements or amendments that—

''(aa) indicate, by category (including categories for judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives for the applicable fiscal year; and

''(bb) include a report on programs administered by other Federal agencies that make resources available for Great Lakes water quality management efforts;

''(ii) a detailed list of accomplishments of the Action Plan or the Blueprint with respect to each organizational element of the Blueprint and the means by which progress will be evaluated;

''(iii) recommendations for streamlining the work of existing Great Lakes advisory and coordinating bodies, including a recommendation for eliminating any such entity if the work of the entity—

''(I) is duplicative; or

''(II) complicates the protection and restoration of the Great Lakes; and

''(iv) with respect to each priority submitted under paragraph (8)(C) and recommendations submitted by the Great Lakes Leadership Council under subclauses (II) and (III) of paragraph (7)(A)(ii) during the fiscal year, the reasons why the Administrator implemented, or did not implement, the priorities and recommendations.

''(B) CROSSCUT BUDGET.—Not later than 45 days after the date of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to Congress and make publicly available a financial report, certified by the head of each agency that has budget authority for Great Lakes restoration activities, containing—

''(i) an interagency budget crosscut report that—

''(I) describes the budget proposed, including funding allocations by each agency for the Action Plan or the Blueprint;

''(II) identifies any adjustments made since the date of submission of the budget request;

''(III) identifies the amounts requested by each participating Federal agency to carry out restoration and protection activities in the subsequent fiscal year, listed by the Federal law under which the activity will be carried out;

''(IV) compares specific funding levels allocated for participating Federal agencies by fiscal year; and

''(V) identifies all expenditures since fiscal year 2004 by the Federal Government and State and tribal governments for Great Lakes restoration activities;

''(ii) a detailed accounting by agency and focus area under the Action Plan or the Blueprint of all amounts received, obligated, and expended by all Federal agencies and, to the maximum extent practicable, State and tribal agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

''(iii) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the subsequent fiscal year, including the Federal share of costs for the projects; and

''(iv) a list of all projects to be undertaken in the subsequent fiscal year, including the Federal share of costs for the projects.''; and

(9) in paragraph (13) (as redesignated by paragraph (1))—

(A) in subparagraph (E)—

(i) by striking clause (i) and inserting the following:

''(i) NON-FEDERAL SHARE REDUCTION FOR CERTAIN STATE, LOCAL, AND TRIBAL GOVERNMENT SPONSORS.—At the discretion of the Administrator, the Administrator may reduce, but not eliminate, the non-Federal share requirement for State, local, or tribal government sponsors, if the Administrator determines that contribution of the full non-Federal share would result in economic hardship for the applicable State, local, or tribal government sponsor.''; and

(B) in subparagraph (H), by striking clause (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this section, there are authorized to be appropriated to carry out this paragraph—

''(I) $50,000,000 for each of fiscal years 2004 through 2011; and

''(II) $150,000,000 for each of fiscal years 2012 through 2017.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 118(h) of the Federal Water Pollution Control Act (33 U.S.C. 1268(h)) is amended—

(1) by striking paragraphs (1) through (3);

(2) by inserting the following:

''(1) PROGRAM OFFICE.—Out of any amounts made available to carry out this section, there is authorized to be appropriated to the Program Office to cover the operating costs of the Program Office (including costs relating to personnel, operations, and administration) $25,000,000 for each of fiscal years 2012 through 2017.

''(2) TASK FORCE.—Out of any amounts made available to carry out this section, there is authorized to be appropriated to the Great Lakes Interagency Task Force to cover the cost of providing technical assistance to the Great Lakes Leadership Council (including the compilation of the annual priority list) $5,000,000 for each of fiscal years 2012 through 2017.''.

(d) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section affects—

(1) the jurisdiction, powers, or prerogatives of—

(A) any department, agency, or officer of—

(i) the Federal Government; or

(ii) any State or tribal government; or

(B) any international body established by treaty with authority relating to the Great Lakes (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))); or

(2) any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes (as so defined).

SEC. 10253. CONTAMINATED SEDIMENT REMEDIATION APPROACHES, TECHNOLOGIES, AND TECHNIQUES.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to amounts authorized under other laws, there are authorized to be appropriated to carry out this section—

''(A) $3,000,000 for each of fiscal years 2004 through 2010; and

''(B) $5,000,000 for each of fiscal years 2012 through 2016.''.

SEC. 10254. AQUATIC NUISANCE SPECIES.

During the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army shall implement measures recommended in the efficacy study, or provided in interim reports, authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121), with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from bypassing the Chicago Sanitary and Ship Canal Dispersal Barrier Project referred to in that section and to prevent aquatic nuisance species from dispersing into the Great Lakes.

Subtitle G—Long Island Sound Restoration

SEC. 10261. SHORT TITLE.

This subtitle may be cited as the ''Long Island Sound Restoration and Stewardship Act''.

SEC. 10262. AMENDMENTS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—

(1) IN GENERAL.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(A) by redesignating subsections (a) through (c), (d), (e), and (f) as subsections (b) through (d), (k), (l), and (m), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITIONS.—In this section:

''(1) CONFERENCE STUDY.—The term 'conference study' means the management conference of the Long Island Sound Study established pursuant to section 320.

''(2) LONG ISLAND SOUND STATE.—The term 'Long Island Sound State' means each of the States of Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

''(3) LONG ISLAND SOUND TMDL.—The term 'Long Island Sound TMDL' means a total

maximum daily load established or approved by the Administrator to achieve water quality standards in the waters of the Long Island Sound under section 303(d).

''(4) LONG ISLAND SOUND WATERSHED.—The term 'Long Island Sound watershed' means Long Island Sound and the area consisting of the drainage basin leading into Long Island Sound, including—

''(A) the Connecticut River and associated tributaries;

''(B) the Housatonic River and associated tributaries;

''(C) the Thames River and associated tributaries;

''(D) the Pawcatuck River and associated tributaries; and

''(E) all other tributaries in the States of Connecticut and New York that drain into Long Island Sound.

''(5) NEEDS-BASED APPLICANT.—The term 'needs-based applicant' means a public entity that meets the economic and affordability criteria established by the Administrator, in consultation with the Director of the Office.

''(6) OFFICE.—The term 'Office' means the office established pursuant to subsection (b)(2).'';

(C) by striking subsection (b) (as so redesignated) and inserting the following:

''(b) CONFERENCE STUDY; ESTABLISHMENT OF OFFICE.—The Administrator shall—

''(1) continue the conference study; and

''(2) establish an office in accordance with this section, to be located on or near Long Island Sound.'';

(D) in subsection (d) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking ''Management Conference of the Long Island Sound Study'' and inserting ''conference study'';

(ii) in paragraph (2)—

(I) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;

(II) in subparagraph (H), by striking '', and'' and inserting a semicolon;

(III) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

''(J) the impacts of climate change on the Long Island Sound watershed, including—

''(i) the identification and assessment of vulnerabilities in the watershed;

''(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

''(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure in Long Island Sound; and

''(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;'';

(iii) by striking paragraph (4) and inserting the following:

''(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;'';

(iv) in paragraph (5), by inserting ''study'' after ''conference'';

(v) in paragraph (6)—

(I) by inserting ''(including on the Internet)'' after ''the public''; and

(II) by inserting ''study'' after ''conference''; and

(vi) by striking paragraph (7) and inserting the following:

''(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and'';

(E) by inserting after subsection (d) (as so redesignated) the following:

''(e) STORMWATER DISCHARGES.—

''(1) REGIONAL STORMWATER PERMITTING.—Notwithstanding section 402(p)(3)(B)(i), and at the request of applicable municipalities within the Long Island Sound watershed, a permit under section 402(p) for discharges composed entirely of stormwater may be issued on a regional basis.

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, and after providing notice and an opportunity for public comment, the Administrator shall promulgate regulations to implement this subsection, including regulations for the issuance of permits under section 402(p) and, specifically, permit issuance on a regional basis under paragraph (1).

''(B) PERMIT REQUIREMENTS.—In carrying out subparagraph (A), the Administrator shall ensure that—

''(i) all permits held by industrial stormwater dischargers located within an area subject to a municipal discharge permit under section 402(p), regardless of whether the permits are regional permits issued under paragraph (1) or general or individual permits, conform to the conditions included in the municipal discharge permit;

''(ii) all permits held by construction activity dischargers located within an area subject to a municipal discharge permit issued under section 402(p), regardless of whether the permits are regional permits issued under paragraph (1) or general or individual permits, conform to the conditions included in the municipal discharge permit; and

''(iii) monitoring requirements are included in all permits issued under section 402(p).

''(3) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to a municipality with respect to the establishment of a regional permit issued under paragraph (1).

''(f) REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State participating in the conference study, shall submit to Congress a report that—

''(A) summarizes and assesses the progress made by the Office and the participating Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

''(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

''(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

''(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

''(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

''(F) describes the means by which Federal funding and actions will be coordinated with the actions of the participating Long Island Sound States and other entities.

''(2) PUBLIC AVAILABILITY.—The Administrator shall make the report described in paragraph (1) available to the public, including on the Internet.

''(g) ANNUAL BUDGET PLAN.—The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—

''(1) an interagency crosscut budget that displays for each department and agency—

''(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

''(B) the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and

''(C) the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and

''(2) a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.

''(h) FEDERAL ENTITIES.—

''(1) COORDINATION.—The Administrator shall coordinate the actions of all Federal departments and agencies that impact water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.

''(2) METHODS.—In carrying out this section, the Administrator, acting through the Director of the Office, may—

''(A) enter into interagency agreements; and

''(B) make intergovernmental personnel appointments.

''(3) FEDERAL PARTICIPATION IN WATERSHED PLANNING.—A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.

''(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—

''(A) IN GENERAL.—To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).

''(B) FORESTED LANDS AND RIPARIAN HABITAT.—Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, the Administrator shall coordinate with the head of each Federal agency that owns or occupies real property within the Long Island Sound watershed to develop and implement—

''(i) a plan to maximize, to the extent practicable, forest cover and riparian habitat on the property; and

''(ii) a plan for reforestation and riparian habitat recovery, if necessary, on the property.

''(C) STORMWATER MANAGEMENT PRACTICES.—Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, the Administrator shall coordinate with the head of each Federal agency that owns or occupies real property within the Long Island Sound watershed to develop and implement a plan to minimize or eliminate the discharge of stormwater.

''(D) PLUM ISLAND.—Notwithstanding any other provision of law, the Administrator of General Services shall ensure that any sale or other disposition of real and related personal property and transportation assets pursuant to section 540 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3688) preserves or enhances the environmental, ecological, cultural, historic, and scenic characteristics of the property or assets.

''(i) TRADING PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall, in consultation with the Governor of each Long Island Sound State—

''(A) not later than September 30, 2011, publish a proposal for a voluntary interstate nitrogen trading program with respect to Long Island Sound that includes the generation, trading, and use of nitrogen credits to facilitate the attainment and maintenance of the Long Island Sound TMDL; and

''(B) not later than March 1, 2012, establish a voluntary interstate nitrogen trading program with respect to Long Island Sound that includes the generation, trading, and use of nitrogen credits to facilitate the attainment and maintenance of the Long Island Sound TMDL.

''(2) REQUIREMENTS.—The trading program established under paragraph (1) shall, at a minimum—

''(A) establish procedures or standards for certifying, verifying, and enforcing nitrogen credits to ensure that credit-generating practices from both point sources and nonpoint sources are achieving actual reductions in nitrogen; and

''(B) establish procedures or standards for providing public transparency with respect to trading activity.

''(j) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing notice, the Director of the Office, in consultation with the Governors of each Long Island Sound State participating in the conference study, shall annually compile a priority list identifying and prioritizing the activities, projects, programs, and studies intended to be funded during the succeeding fiscal year with the amounts made available under subsection (k).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

''(A) a prioritized list of specific activities, projects, programs, and studies that—

''(i) advance the goals and objectives of the approved Long Island Sound Comprehensive Conservation and Management Plan; and

''(ii) select, to the maximum extent practicable and consistent with clause (i), those projects for which the matching funds available exceed the minimum level required under subsection (k)(3).

''(B) information on the activities, projects, programs, and studies specified under subparagraph (A), including a description of—

''(i) the terms of financial assistance agreements or interagency agreements;

''(ii) the identities of the financial assistance recipients or the Federal agency parties to the interagency agreements; and

''(iii) the communities to be served; and

''(C) the criteria and methods established by the Director of the Office for the selection of activities, projects, programs, and studies.

''(3) APPROVAL OF LIST.—

''(A) SUBMISSION.—On August 1 of each calendar year, the Director of the Office shall submit the annual priority list compiled under paragraph (1) to the Administrator for approval.

''(B) APPROVAL.—The Administrator shall approve or disapprove a list submitted under subparagraph (A) or resubmitted under subparagraph (C) based on a determination of whether—

''(i) the activities, projects, programs, and studies listed advance the goals and objectives of the approved Long Island Sound Comprehensive Conservation and Management Plan; and

''(ii) the list, as a whole, meets the criteria established under subsection (j)(2)(A)(ii).

''(C) EFFECT OF DISAPPROVAL.—If the Administrator disapproves a list submitted under subparagraph (A) or (C), the Administrator shall—

''(i) provide the Director of the Office, in writing, a notification of the basis for the disapproval; and

''(ii) allow the Director of the Office the opportunity for resubmission of a revised annual priority list that addresses, to the maximum extent practicable, the comments contained in the written disapproval of the Administrator described in clause (i).

''(D) FAILURE OF ADMINISTRATOR TO RESPOND.—If, by the date that is 60 days after the date of submission or resubmission to the Administrator of an annual priority list by the Director of the Office, the Administrator fails to respond to the submission or resubmission in writing, the annual priority list shall be considered to be approved.

''(4) FAILURE TO COMPILE LIST.—

''(A) IN GENERAL.—If, by the date that is 180 days after the annual date of submission specified in paragraph (3)(A), the Director of the Office fails to compile an annual priority list in accordance with paragraph (1) or secures only a written disapproval from the Administrator for a list submitted under subparagraph (A) or (C) of paragraph (3), the Administrator shall compile a priority list for the fiscal year that includes—

''(i) activities, projects, programs, or studies that advance the goals and objectives of the approved Long Island Sound Comprehensive Conservation and Management Plan;

''(ii) any identified activities, projects, programs, or studies from previously approved priority lists that have not yet been funded;

''(iii) information on the activities, projects, programs, and studies specified under clause (i) and (ii), including a description of—

''(I) the terms of financial assistance agreements or interagency agreements;

''(II) the identities of the financial assistance recipients or the Federal agency parties to the interagency agreements; and

''(III) the communities to be served; and

''(iv) the criteria and methods established by the Administrator for selection of activities, projects, programs, and studies.

''(B) APPROVAL.—A list compiled by the Administrator in accordance with subparagraph (A) shall be considered to be an approved annual priority list for the purposes of this section.'';

(F) by striking subsection (k) (as so redesignated) and inserting the following:

''(k) GRANTS.—

''(1) IN GENERAL.—The Administrator may provide grants under this subsection for activities, projects, programs, and studies included on an annual priority list approved pursuant to subsection (j).

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may provide grants under this subsection to State, interstate, and regional water pollution control agencies and other public and nonprofit private agencies, institutions, and organizations.

''(B) CONSTRUCTION OF TREATMENT WORKS.—

''(i) IN GENERAL.—The Administrator may provide a grant under this subsection for the construction of a publicly owned treatment works, including municipal separate storm sewer systems (which may use low-impact development technologies or other innovative approaches or methods to address combined sewer overflows), within a Long Island Sound State only—

''(I) to a municipal, intermunicipal, State, or interstate agency;

''(II) if the State in which the recipient agency is located has established, or the Administrator has established for the State, allocations for discharges within the State in a Long Island Sound TMDL; and

''(III) if the project is included on an annual priority list approved pursuant to subsection (j).

''(ii) MINIMUM FUNDING.—To the extent practicable, the Administrator shall make grants to agencies under this subparagraph in a manner that ensures that each Long Island Sound State meeting the criteria established in clause (i)(II) receives for each fiscal year not less than 5 percent of the total amount made available in grants under this subparagraph in that fiscal year.

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the total cost of an activity, project, program, or study funded by a grant provided under this subsection shall not exceed—

''(i) 95 percent, in the case of a citizen involvement or citizen education grants;

''(ii) 65 percent of the costs of construction, in the case of a grant to construct a municipal storm sewer system made under this subsection to a municipality that is subject to a regional permit issued under subsection (e)(1); or

''(iii) 50 percent, in the case of any other activity, project, program, or study.

''(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of an activity, project, program, or study carried out under this section may include the value of any in-kind services contributed by a non-Federal sponsor.

''(C) EXCEPTION.—The Administrator may use up to 15 percent of the funds made available to carry out this subsection for a fiscal year to increase the Federal share up to 100 percent for an activity, project, program, or study that is carried out by a needs-based applicant.

''(D) NON-FEDERAL SHARE.—Each grant provided under this subsection shall be provided on the condition that the non-Federal share of the costs of the activity, project, program, or study funded by the grant are provided from non-Federal sources.''; and

(G) by striking subsection (m) (as so redesignated) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section (other than subsection (k)) such sums as are necessary for each of fiscal years 2012 through 2016.

''(2) RELATIONSHIP TO OTHER FUNDING.—The conference study shall be eligible to receive funding under section 320(g), except to the extent that funds provided under this section for projects and programs are used for the general administration of the management conference under section 320.

''(3) GRANTS.—There are authorized to be appropriated to carry out subsection (k)—

''(A) for grants described in subsection (k)(2)(B) to construct publicly owned treatment works, including municipal separate

storm sewer systems (which may use low-impact development technologies or other innovative approaches or methods to address combined sewer overflows)—

''(i) $125,000,000 for fiscal year 2012; and

''(ii) $250,000,000 for each of fiscal years 2013 through 2016; and

''(B) for all grants other than those described in subsection (k)(2)(B), $40,000,000 for each of fiscal years 2012 through 2016.''.

(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—

(1) LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.—Section 8 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) in subsection (g), by striking ''2011'' and inserting ''2016''; and

(B) by adding at the end the following:

''(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

''(1) the Advisory Committee; or

''(2) any board, committee, or other group established under this Act.''.

(2) REPORTS.—Section 9(b)(1) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended in the matter preceding subparagraph (A) by striking ''2011'' and inserting ''2016''.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

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

''(a) IN GENERAL.—There are authorized to be appropriated to the Administrator for each of fiscal years 2012 through 2016—

''(1) to provide grants under section 7, $25,000,000; and

''(2) to carry out other provisions of this Act, such additional sums as are necessary.''; and

(B) in subsection (b), by striking ''under this section each'' and inserting ''to carry out this Act for a''.

(4) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2010.

SEC. 10263. INNOVATIVE STORMWATER MANAGEMENT APPROACHES.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following:

''SEC. 519. INNOVATIVE STORMWATER MANAGEMENT APPROACHES.

''To the maximum extent practicable, the Administrator shall consider the use of innovative stormwater management practices and approaches, including nutrient trading with respect to water quality and the use of low impact development technologies, in meeting the requirements of this Act.''.

SEC. 10264. NUTRIENT BIOEXTRACTION PILOT PROJECT.

(a) DEFINITION OF NUTRIENT BIOEXTRACTION.—In this section, the term ''nutrient bioextraction'' means an environmental management strategy under which nutrients are removed from an aquatic ecosystem through the harvest of enhanced biological production, including the aquaculture of suspension-feeding shellfish or algae.

(b) PILOT PROJECT.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall carry out a pilot project to demonstrate the efficacy of nutrient bioextraction for the removal of nitrogen and phosphorous from the waters of the Long Island Sound watershed.

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the pilot project under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

Subtitle H—Chesapeake Clean Water and Ecosystem Restoration

SEC. 10271. SHORT TITLE.

This subtitle may be cited as the ''Chesapeake Clean Water and Ecosystem Restoration Act''.

SEC. 10272. CHESAPEAKE BASIN PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

''SEC. 117. CHESAPEAKE BASIN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a financial assistance agreement under this section.

''(2) ASIAN OYSTER.—The term 'Asian oyster' means the species Crassostrea ariakensis.

''(3) BASELINE.—The term 'baseline'—

''(A) means the basic standard or level of the nitrogen and phosphorus control requirements a credit seller shall achieve to be eligible to generate saleable nitrogen and phosphorus credits; and

''(B) consists of the nitrogen and phosphorus load reductions required of individual sources to meet water quality standards and load or waste load allocations under all applicable total maximum daily loads and watershed implementation plans.

''(4) BASIN COMMISSIONS.—The term 'basin commissions' means—

''(A) the Interstate Commission on the Potomac River Basin established under the interstate compact consented to and approved by Congress under the Joint Resolution of July 11, 1940 (54 Stat. 748, chapter 579) and Public Law 91–407 (84 Stat. 856);

''(B) the Susquehanna River Basin Commission established under the interstate compact consented to and approved by Congress under Public Law 91–575 (84 Stat. 1509) and Public Law 99–468 (100 Stat. 1193); and

''(C) the Chesapeake Bay Commission, a tri-State legislative assembly representing Maryland, Virginia, and Pennsylvania created in 1980 to coordinate Bay-related policy across State lines and to develop shared solutions.

''(5) CHESAPEAKE BASIN.—The term 'Chesapeake Basin' means—

''(A) the Chesapeake Bay; and

''(B) the area consisting of 19 tributary basins within the Chesapeake Basin States through which precipitation drains into the Chesapeake Bay.

''(6) CHESAPEAKE BASIN ECOSYSTEM.—The term 'Chesapeake Basin ecosystem' means the ecosystem of the Chesapeake Basin.

''(7) CHESAPEAKE BASIN PROGRAM.—The term 'Chesapeake Basin Program' means the program, formerly known as the 'Chesapeake Bay Program', directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement (including any successor programs).

''(8) CHESAPEAKE BASIN STATE.—The term 'Chesapeake Basin State' means any of—

''(A) the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; or

''(B) the District of Columbia.

''(9) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Basin ecosystem and the living resources of the Chesapeake Basin ecosystem and signed by the Chesapeake Executive Council.

''(10) CHESAPEAKE BAY TIDAL SEGMENT.—The term 'Chesapeake Bay tidal segment' means any of the 92 tidal segments that—

''(A) make up the Chesapeake Bay; and

''(B) are identified by a Chesapeake Basin State pursuant to section 303(d).

''(11) CHESAPEAKE BAY TMDL.—

''(A) IN GENERAL.—The term 'Chesapeake Bay TMDL' means the total maximum daily load (including any revision) established or approved by the Administrator for nitrogen, phosphorus, and sediment loading to the waters in the Chesapeake Bay and the Chesapeake Bay tidal segments.

''(B) INCLUSIONS.—The term 'Chesapeake Bay TMDL' includes nitrogen, phosphorus, and sediment allocations in temporal units of greater-than-daily duration, if the allocations—

''(i) are demonstrated to achieve water quality standards; and

''(ii) do not lead to violations of other applicable water quality standards for local receiving waters.

''(12) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(13) CLEANING AGENT.—The term 'cleaning agent' means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

''(14) CREDIT.—The term 'credit' means a unit provided for 1 pound per year reduction of nitrogen, phosphorus, or sediment that is—

''(A) delivered to the tidal portion of the Chesapeake Bay; and

''(B) eligible to be sold under the trading programs established by this section.

''(15) DIRECTOR.—The term 'director' means the Director of the Chesapeake Basin Program Office of the Environmental Protection Agency.

''(16) LOCAL GOVERNMENT.—The term 'local government' means any county, city, or other general purpose political subdivision of a State with jurisdiction over land use.

''(17) MENHADEN.—The term 'menhaden' means members of stocks or populations of the species Brevoortia tyrannus.

''(18) NUTRIA.—The term 'nutria' means the species Myocaster coypus.

''(19) OFFSET.—The term 'offset' means a reduction of loading of nitrogen, phosphorous, or sediment, as applicable, in a manner that ensures that the net loading reaching the Chesapeake Bay and the Chesapeake Bay tidal segments from a source—

''(A) does not increase; or

''(B) is reduced.

''(20) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(21) TRIBUTARY BASIN.—The term 'tributary basin' means an area of land or body of water that—

''(A) drains into any of the 19 Chesapeake Bay tributaries or tributary segments; and

''(B) is managed through watershed implementation plans under this Act.

''(b) RENAMING AND CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall—

''(A) rename the Chesapeake Bay Program, as in existence on the date of enactment of the Chesapeake Clean Water and Ecosystem

Restoration Act, as the 'Chesapeake Basin Program'; and

''(B) continue to carry out the Chesapeake Basin Program.

''(2) MEETINGS.—

''(A) IN GENERAL.—The Chesapeake Executive Council shall meet not less frequently than once each year.

''(B) OPEN TO PUBLIC.—

''(i) IN GENERAL.—Subject to clause (ii), a meeting of the Chesapeake Executive Council shall be held open to the public.

''(ii) EXCEPTION.—The Chesapeake Executive Council may hold executive sessions that are closed to the public.

''(3) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Basin Program Office.

''(B) FUNCTION.—The Chesapeake Basin Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Basin Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Basin ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Basin ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Basin.

''(C) TRANSPARENCY AND ACCOUNTABILITY.—The Administrator shall establish and maintain a user-friendly, public-facing website to foster greater accountability, transparency, and knowledge regarding the Chesapeake Basin ecosystem health and restoration efforts by providing—

''(i) information on all Chesapeake Basin Program Office functions described in subparagraph (B);

''(ii) accountability information, including findings from audits, inspectors general, and the Government Accountability Office;

''(iii) data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds;

''(iv) links to other government websites at which key information relating to efforts to improve the water quality of the Chesapeake Bay watershed may be found;

''(v) printable reports on covered funds obligated, expressed by month, to each State and congressional district; and

''(vi) links to other government websites containing information concerning covered funds, including Federal agency and State websites.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance awards, to soil conservation districts, nonprofit organizations, State and local governments, basin commissions, and institutions of higher education to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a financial assistance agreement provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) CHESAPEAKE BASIN STEWARDSHIP AWARDS PROGRAM.—The Federal share of a financial assistance agreement provided under paragraph (1) to carry out an implementing activity under subsection (h)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—A financial assistance agreement under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) NITROGEN AND PHOSPHORUS TRADING GUARANTEE PILOT PROGRAM.—The project manager of the Chesapeake nitrogen and phosphorus trading guarantee program established under subsection (e)(1)(D) shall be eligible to receive technical assistance or financial assistance under this subsection.

''(e) IMPLEMENTATION, MONITORING, AND CENTERS OF EXCELLENCE FINANCIAL ASSISTANCE AWARDS.—

''(1) FINANCIAL ASSISTANCE AWARDS.—

''(A) IMPLEMENTATION FINANCIAL ASSISTANCE AWARDS.—The Administrator shall enter into an implementation financial assistance agreement with the Chesapeake Basin State, or a designee of a Chesapeake Basin State (including a soil conservation district, nonprofit organization, local government, institution of higher education, basin commission, or interstate agency), for the purposes of implementing an approved watershed implementation plan of the Chesapeake Basin State under subsection (i) and achieving the goals established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers to be appropriate.

''(B) MONITORING FINANCIAL ASSISTANCE AWARDS.—The Administrator may enter into a monitoring financial assistance agreement with—

''(i) a Chesapeake Basin State, designee of a Chesapeake Basin State, soil conservation district, nonprofit organization, local government, institution of higher education, or basin commission for the purpose of monitoring the ecosystem of freshwater tributaries to the Chesapeake Bay; or

''(ii) any of the States of Delaware, Maryland, or Virginia (or a designee), the District of Columbia (or a designee), nonprofit organization, local government, institution of higher education, or interstate agency for the purpose of monitoring the Chesapeake Bay, including the tidal waters of the Chesapeake Bay.

''(C) CENTERS OF EXCELLENCE FINANCIAL ASSISTANCE AWARDS.—The Administrator, in consultation with the Secretary of Agriculture, may enter into financial assistance agreements with institutions of higher education, consortia of such institutions, or nonprofit organizations for the purpose of establishing and supporting centers of excellence for water quality and agricultural practices—

''(i) to develop new technologies and innovative policies and practices for agricultural producers to reduce nitrogen, phosphorous, and sediment pollution;

''(ii) to quantify the expected load reductions of those pollutants to be achieved in the Chesapeake Basin through the implementation of current and newly developed technologies, policies, and practices; and

''(iii) to provide to the Administrator and the Secretary recommendations for—

''(I) the widespread deployment of those technologies, policies, and practices among agricultural producers; and

''(II) the application of those technologies, policies, and practices in Chesapeake Basin computer models.

''(D) CHESAPEAKE NITROGEN AND PHOSPHORUS TRADING GUARANTEE PILOT PROGRAM.—

''(i) IN GENERAL.—The Administrator, in consultation with the Chesapeake Basin States and with the concurrence of the Secretary of Agriculture, shall establish a Chesapeake nitrogen and phosphorus trading guarantee pilot program (referred to in this subparagraph as the 'guarantee pilot program') to support—

''(I) the interstate trading program established under subsection (j)(6); and

''(II) the environmental services market program under section 1245 of the Food Security Act of 1985 (16 U.S.C. 3845).

''(ii) PURPOSES.—The purposes of the guarantee pilot program are—

''(I) to develop innovative policies and practices to more efficiently and effectively implement best management practices, primarily on agricultural land;

''(II) to leverage public funding to raise private capital to accelerate the restoration of the Chesapeake Bay by providing a Federal guarantee on nitrogen and phosphorus credit purchases;

''(III) to support nitrogen and phosphorus trading throughout the Chesapeake Basin; and

''(IV) to demonstrate the effectiveness of environmental services markets.

''(iii) PROJECT MANAGER.—

''(I) IN GENERAL.—The Administrator shall designate a project manager to carry out the guarantee pilot program.

''(II) QUALIFICATIONS.—The project manager shall be an institution of higher education, a nonprofit organization, or a basin commission that—

''(aa) demonstrates thorough knowledge and understanding of best management practices that result in nitrogen and phosphorus reductions in the Chesapeake Basin;

''(bb) demonstrates thorough knowledge and understanding of the Chesapeake watershed computer model of the Environmental Protection Agency;

''(cc) demonstrates thorough knowledge and understanding of the relevant Federal and State environmental regulations relating to the Chesapeake Basin;

''(dd) has a demonstrated history of discharging fiduciary responsibilities with transparency and in accordance with all applicable accounting standards; and

''(ee) has relevant experience relating to environmental services markets, including pollution offsets and transactions involving pollution offsets.

''(III) DUTIES.—

''(aa) IN GENERAL.—The project manager shall provide guarantees to purchasers of nitrogen and phosphorus credits under the interstate trading program established under subsection (j)(6).

''(bb) MANAGERIAL DUTIES.—In carrying out the guarantee pilot program, the project manager shall—

''(AA) identify best management practices that result in the greatest reduction in pollution levels;

''(BB) establish offset metrics for calculation, verification, and monitoring protocols in collaboration with Federal and State programs;

''(CC) manage and oversee project verification and monitoring processes;

''(DD) establish procedures that minimize transaction costs and eliminate unnecessary or duplicative administrative processes;

''(EE) take ownership of the nitrogen and phosphorus reduction offsets from any private funding source for an activity carried out under this subparagraph;

''(FF) enter into agreements with private funding sources that enable a private funding source, at the conclusion of a project, to sell the verified nitrogen and phosphorus reduction offset to the program manager at an agreed upon price, or to sell the verified nitrogen and phosphorus reduction offsets; and

''(GG) manage the Chesapeake Nitrogen and Phosphorus Trading Guarantee Fund.

''(iv) CREDIT PURCHASER REQUIREMENTS.—As a condition of receiving a guarantee under this subparagraph, a purchaser shall comply with—

''(I) the regulations promulgated by the Administrator under subsection (j)(6);

''(II) any application procedure that the Administrator, in consultation with the project manager, determines to be necessary; and

''(III) any other applicable laws (including regulations).

''(v) TERMINATION.—The guarantee pilot program shall terminate on the date that is 5 years after the date of the establishment of the interstate trading program under subsection (j)(6).

''(vi) REPORTS.—

''(I) IN GENERAL.—The project manager shall—

''(aa) ensure public transparency for all nitrogen and phosphorus trading activities through a publicly available trading registry; and

''(bb) submit an annual report to the Administrator, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

''(II) CONTENTS.—A report under subclause (I)(bb) shall include a description of—

''(aa) the activities funded by the guarantee pilot program;

''(bb) the total quantity of nitrogen and phosphorus reduced and an identification of the data used to support those quantifications;

''(cc) the efficiency of each project carried out under the guarantee pilot program, measured in pounds of pollution reduced per dollar expended;

''(dd) the total quantity of nitrogen, phosphorus, and sediment reduced; and

''(ee) the total amount of private funds leveraged.

''(E) CHESAPEAKE NITROGEN AND PHOSPHORUS TRADING GUARANTEE FUND.—

''(i) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the 'Chesapeake Nitrogen and Phosphorus Trading Guarantee Fund' (referred to in this subparagraph as the 'Fund'), to be administered by the Administrator, to be available for 5 years after the date of the establishment of the interstate trading program under subsection (j)(6) and subject to appropriation, for the purposes described in subparagraph (D)(ii).

''(ii) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are appropriated to the Fund under subsection (p)(2)(v).

''(iii) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purpose described in clause (i).

''(iv) TERMINATION.—Subject to clause (v), the Fund shall terminate on the date that is 5 years after the date of establishment of the interstate trading program under subsection (j)(6).

''(v) UNOBLIGATED AMOUNTS.—On the termination of the Fund, the Administrator shall—

''(I) require the return of any unobligated amounts in the Fund to the Secretary of the Treasury; or

''(II) reauthorize the use of the Fund for the purposes described in clause (i).

''(vi) ANNUAL REPORTS.—

''(I) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with the first fiscal year after the date of the establishment of the interstate trading program under subsection (j)(6), the Administrator shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the operation of the Fund during the fiscal year.

''(II) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(aa) A statement of the amounts deposited in the Fund.

''(bb) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(cc) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(dd) A statement of the balance remaining in the Fund at the end of the fiscal year.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (C), in making implementation financial assistance awards to each of the Chesapeake Basin States for a fiscal year under this subsection, the Administrator shall ensure that not less than—

''(i) 10 percent of the funds available to make such financial assistance awards are made to the States of Delaware, New York, and West Virginia (or designees of those States); and

''(ii) 20 percent of the funds available to make such financial assistance awards are made to States (or designees of the States) for the sole purpose of providing technical assistance to agricultural producers and forest owners to access conservation programs and other resources devoted to improvements in, and protection of, water quality in the Chesapeake Bay and the tributaries of the Chesapeake Bay, in accordance with subparagraph (B).

''(B) TECHNICAL ASSISTANCE.—A State (or designees of a State) may use any soil conservation district, nonprofit organization, private sector vendor, or other appropriately qualified provider to deliver technical assistance to agricultural producers and forest owners under subparagraph (A)(ii).

''(C) NONAPPLICABILITY TO DC.—This paragraph shall not apply to any implementation financial assistance award provided to the District of Columbia.

''(3) PROPOSALS.—

''(A) IMPLEMENTATION FINANCIAL ASSISTANCE AWARDS.—

''(i) IN GENERAL.—A Chesapeake Basin State described in paragraph (1) may apply for a financial assistance agreement under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement programs and achieve the goals established under the Chesapeake Bay Agreement.

''(ii) IMPLEMENTATION FINANCIAL ASSISTANCE AGREEMENT CONTENTS.—A proposal under clause (i) shall include—

''(I) a description of the proposed actions that the Chesapeake Basin State commits to take within a specified time period, including 1 or more of actions that are designed—

''(aa) to achieve and maintain all applicable water quality standards, including standards necessary to support the aquatic living resources of the Chesapeake Bay and related tributaries and to protect human health;

''(bb) to restore, enhance, and protect the finfish, shellfish, waterfowl, and other living resources, habitats of those species and resources, and ecological relationships to sustain all fisheries and provide for a balanced ecosystem;

''(cc) to preserve, protect, and restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Chesapeake Bay and associated rivers;

''(dd) to develop, promote, and achieve sound land use practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources;

''(ee) to promote individual stewardship and assist individuals, community-based organizations, businesses, local governments, and schools to undertake initiatives to achieve the goals and commitments of the Chesapeake Bay Agreement; or

''(ff) to provide technical assistance to agricultural producers, forest owners, and other eligible entities, through technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses;

''(II) except with respect to any implementation financial assistance agreement proposal by the District of Columbia, a commitment to dedicate not less than 20 percent of the financial assistance award for the Chesapeake Bay under this subsection to support technical assistance for agricultural and forest land or nitrogen and phosphorus management practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources; and

''(III) the estimated cost of the actions proposed to be taken during the year.

''(B) MONITORING FINANCIAL ASSISTANCE AWARDS.—

''(i) IN GENERAL.—An eligible entity described in paragraph (1)(B) may apply for a financial assistance agreement under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to monitor freshwater or estuarine ecosystems, including water quality.

''(ii) MONITORING FINANCIAL ASSISTANCE AGREEMENT CONTENTS.—A proposal under this subparagraph shall include—

''(I) a description of the proposed monitoring system;

''(II) certification by the Director that such a monitoring system includes such parameters as the Director determines to be necessary to assess progress toward achieving the goals of the Chesapeake Clean Water and Ecosystem Restoration Act; and

''(III) the estimated cost of the monitoring proposed to be conducted during the year.

''(iii) CONSULTATION.—The Administrator shall consult with—

''(I) the Director of the United States Geological Survey regarding the design and implementation of the freshwater monitoring systems established under this subsection;

''(II) the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration regarding the design and implementation of the estuarine monitoring systems established under this subsection;

''(III) with respect to the freshwater monitoring system, the basin commissions, institutions with expertise in clean water and agricultural policy and practices, and the Chesapeake Basin States regarding the design and implementation of the monitoring systems established under this subsection—

''(aa) giving particular attention through fine scale instream and infield stream-edge and groundwater analysis to the measurement of the water quality effectiveness of agricultural conservation program implementation, including the Chesapeake Bay Watershed Initiative under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4); and

''(bb) analyzing the effectiveness of stormwater pollution control and mitigation using green infrastructure techniques in subwatersheds that have high levels of impervious surfaces;

''(IV) with respect to the estuarine monitoring system, institutions of higher education with expertise in estuarine systems and the Chesapeake Basin States regarding the monitoring systems established under this subsection;

''(V) the Chesapeake Basin Program Scientific and Technical Advisory Committee regarding independent review of monitoring designs giving particular attention to integrated freshwater and estuarine monitoring strategies; and

''(VI) Federal departments and agencies, including the Department of Agriculture, regarding cooperation in implementing monitoring programs.

''(f) FEDERAL FACILITIES COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Basin shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENTS AND PLANS.—The head of each Federal agency that owns or occupies real property in the Chesapeake Basin shall ensure that the property, and actions taken by the agency with respect to the property, comply with—

''(A) the Chesapeake Bay Agreement;

''(B) the Federal Agencies Chesapeake Ecosystem Unified Plan;

''(C) the Chesapeake Basin action plan developed in accordance with subsection (h)(1)(A); and

''(D) any subsequent agreements and plans.

''(3) FOREST COVER AT FEDERAL FACILITIES.—Not later than January 1, 2012, the Administrator, with the advice of the Chief of the Forest Service and the appropriate Chesapeake Basin State forester, shall coordinate with the head of each Federal agency that owns or operates a facility within the Chesapeake Basin (as determined by the Administrator) to develop plans to maximize forest cover at the facility through—

''(A) the preservation of existing forest cover; or

''(B) with respect to a facility that has been previously disturbed or developed, the development of a reforestation plan.

''(g) FEDERAL ANNUAL ACTION PLAN AND PROGRESS REPORT.—The Administrator, in accordance with Executive Order 13508 entitled 'Chesapeake Bay Protection and Restoration' and signed on May 12, 2009 (74 Fed. Reg. 23099), shall—

''(1)(A) make available to the public, not later than March 31 of each year—

''(i) a financial report, to be submitted to Congress beginning with the budget submission for fiscal year 2012 by the Director of the Office of Management and Budget, in consultation with other appropriate Federal agencies and the chief executive of each Chesapeake Bay State, containing—

''(I) a summary of an interagency crosscut budget that displays—

''(aa) the proposed funding for any Federal restoration activity to be carried out during the following fiscal year, including any planned interagency or intraagency transfer, for each Federal agency that carries out restoration activities;

''(bb) to the extent that information is available, the estimated funding for any State restoration activity to be carried out during the following fiscal year;

''(cc) all expenditures for Federal restoration activities during the preceding 3-fiscal-year period, the current fiscal year, and the following fiscal year; and

''(dd) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in item (cc);

''(II) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds that were transferred to a Chesapeake Bay State for restoration activities;

''(III) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

''(IV) a description of each proposed Federal and State restoration activity to be carried out during the following fiscal year, as those activities correspond to the activities described in items (aa) and (bb) of subclause (I);

''(ii) an annual progress report that—

''(I) assesses the key ecological attributes that reflect the health of the Chesapeake Basin ecosystem;

''(II) reviews indicators of environmental conditions in the Chesapeake Bay;

''(III) distinguishes between the health of the Chesapeake Basin ecosystem and the results of management measures;

''(IV) assesses implementation of the action plan during the preceding fiscal year;

''(V) recommends steps to improve progress in restoring and protecting the Chesapeake Bay and tributaries; and

''(VI) describes how Federal funding and actions will be coordinated with the actions of States, basin commissions, and others; and

''(iii) an annual report, detailed at the State and sector level where applicable, submitted by the Administrator to the Chesapeake Basin States and the public on specific recently completed, pending, or proposed regulations, guidance documents, permitting requirements, enforcement actions, and other activities carried out in accordance with the Executive Order, including actions relating to the Chesapeake Bay TMDL and State watershed implementation plans; and

''(B) submit each report described in subparagraph (A) to—

''(i) the Committees on Agriculture, Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives; and

''(ii) the Committees on Agriculture, Nutrition, and Forestry, Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate; and

''(2) create and maintain, with the concurrence of the Secretary of Agriculture, a Chesapeake Basin-wide database containing comprehensive data on implementation of agricultural conservation management practices in the Chesapeake Basin that—

''(A) includes conservation management practice implementation data, including, to the maximum extent feasible, all publicly and privately funded conservation practices, as of the effective date of the Chesapeake Clean Water and Ecosystem Restoration Act;

''(B) includes data on subsequent conservation management practice implementation projects funded by, or reported to, the Department of Agriculture, the appropriate department of any Chesapeake Basin State, a local soil and water conservation district, or any similar institution;

''(C) except with respect to data associated with a permit or recorded in the trading registry, as provided in subsection (j)(6)(B)(vii), presents the required data to the Administrator in statistical or aggregate form without identifying any—

''(i) individual owner, operator, or producer; or

''(ii) specific data gathering site;

''(D) is made available to the public not later than December 31, 2010; and

''(E) is updated not less frequently than once every 2 years.

''(h) CHESAPEAKE BASIN PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implemented by Chesapeake Basin States to achieve and maintain—

''(A) for each of the Chesapeake Basin States—

''(i) the sediment, nitrogen, and phosphorus goals of the Chesapeake Bay Agreement for the quantity of sediment, nitrogen, and phosphorus entering the Chesapeake Bay and the tidal tributaries of the Chesapeake Bay; and

''(ii) the water quality requirements necessary to restore living resources in the Chesapeake Bay and the tidal tributaries of the Chesapeake Bay; and

''(B) for the signatory States—

''(i) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Basin ecosystem or on human health;

''(ii) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement for wetland, riparian forests, and other types of habitat associated with the Chesapeake Basin ecosystem; and

''(iii) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement for living resources associated with the Chesapeake Basin ecosystem.

''(2) CHESAPEAKE BASIN STEWARDSHIP FINANCIAL ASSISTANCE AWARDS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a Chesapeake Basin Stewardship Financial Assistance Program; and

''(B) in carrying out that program—

''(i) offer technical assistance and financial assistance under subsection (d) to States (or designees of States), local governments, soil conservation districts, institutions of higher education, nonprofit organizations, basin commissions, and private entities in the Chesapeake Basin region to implement—

''(I) cooperative watershed strategies that address the water quality, habitat, and living resource needs in the Chesapeake Basin;

''(II) locally based protection and restoration programs or projects within a watershed that complement the State watershed implementation plans, including the creation, restoration, or enhancement of habitat associated with the Chesapeake Basin ecosystem;

''(III) activities for increased spawning and other habitat for migratory fish by removing barriers or constructing fish passage devices, restoring streams with high habitat potential for cold water fisheries such as native brook trout, or other habitat enhancements for fish and waterfowl;

''(IV) activities for increased recreational access to the Chesapeake Bay and the tidal rivers and freshwater tributaries of the Chesapeake Bay; and

''(V) innovative nitrogen, phosphorus, or sediment reduction efforts; and

''(ii) give preference to cooperative projects that involve local governments, soil conservation districts, and sportsmen associations, especially cooperative projects that involve public-private partnerships.

''(i) ACTIONS BY STATES.—

''(1) WATERSHED IMPLEMENTATION PLANS.—

''(A) PLANS.—

''(i) IN GENERAL.—Not later than November 1, 2011, each Chesapeake Basin State, after providing for reasonable notice and 1 or more public meetings, may submit to the Administrator for approval a watershed implementation plan for the Chesapeake Basin State.

''(ii) TARGETS.—The watershed implementation plan shall establish reduction targets, key actions, and schedules for reducing, to levels that will attain water quality standards, the loads of nitrogen, phosphorus, and sediment, including pollution from—

''(I) point sources, including point source stormwater discharges; and

''(II) nonpoint sources.

''(iii) POLLUTION LIMITATIONS.—

''(I) IN GENERAL.—The pollution limitations shall be the nitrogen, phosphorus, and sediment load and wasteload allocations sufficient to meet and maintain Chesapeake Bay and Chesapeake Bay tidal segment water quality standards.

''(II) STRINGENCY.—A watershed implementation plan shall be designed to attain, at a minimum, the pollution limitations described in subclause (I).

''(iv) PLAN REQUIREMENTS.—Each watershed implementation plan shall—

''(I) include State-adopted management measures, including rules or regulations, permits, consent decrees, and other enforceable or otherwise binding measures, to require and achieve reductions from point and nonpoint pollution sources;

''(II) include programs to achieve voluntary reductions from pollution sources, including an estimate of the funding commitments necessary to implement the programs and a plan for working to secure the funding;

''(III) include any additional requirements or actions that the Chesapeake Basin State determines to be necessary to attain the pollution limitations by the deadline established in this paragraph;

''(IV) provide for enforcement mechanisms, including a penalty structure for failures, such as fees or forfeiture of State funds, including Federal funds distributed or otherwise awarded by the State to the extent the State is authorized to exercise independent discretion in amounts of such distributions or awards, for use in case a permittee, local jurisdictions, or any other party fails to adhere to assigned pollutant limitations, implementation schedules, or permit terms;

''(V) include a schedule for implementation that—

''(aa) is divided into 2-year periods, along with computer modeling, or other appropriate analysis, to demonstrate the projected reductions in nitrogen, phosphorus, and sediment loads associated with each 2-year period; and

''(bb) demonstrates reasonable additional progress toward achievement of the goals described in—

''(AA) subclause (VIII)(aa); and

''(BB) clauses (i) and (ii) of subparagraph (B);

''(VI) include the stipulation of alternate actions as contingencies;

''(VII) account for how the Chesapeake Basin State will address additional loadings from new or expanded sources of pollution through reserved allocations, offsets, planned future controls, implementation of new technologies, or other actions;

''(VIII) provide assurances that—

''(aa) if compared to modeled estimated loads during calendar year 2008, the initial plan shall be designed to achieve, not later than May 31, 2017, at least 60 percent of the nitrogen, phosphorus, and sediment reduction requirements described in clause (iii)(I);

''(bb) the Chesapeake Basin State will have adequate personnel and funding (or a plan to secure such personnel or funding), and authority under State (and, as appropriate, local) law to carry out the implementation plan, and is not prohibited by any provision of Federal or State law from carrying out the implementation plan; and

''(cc) to the extent that a Chesapeake Basin State has relied on a local government for the implementation of any plan provision, the Chesapeake Basin State has the responsibility for ensuring adequate implementation of the provision;

''(IX) include adequate provisions for public participation; and

''(X) upon the approval of the Administrator, be made available to the public on the Internet.

''(B) IMPLEMENTATION.—

''(i) IN GENERAL.—In implementing a watershed implementation plan, each Chesapeake Basin State shall follow a strategy developed by the Administrator for the implementation of adaptive management principles to ensure full implementation of all plan elements by not later than May 12, 2025, including—

''(I) biennial evaluations of State actions;

''(II) progress made toward implementation;

''(III) determinations of necessary modifications to future actions in order to achieve objectives including achievement of water quality standards; and

''(IV) appropriate provisions to adapt to climate changes.

''(ii) DEADLINE.—Not later than May 12, 2025, each Chesapeake Basin State shall—

''(I) fully implement the watershed implementation plan of the State; and

''(II) have in place all the mechanisms outlined in the plan that are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

''(C) PROGRESS REPORTS.—Not later than May 12, 2014, and biennially thereafter, each Chesapeake Basin State shall submit to the Administrator a progress report that, with respect to the 2-year period covered by the report—

''(i) includes a listing of all management measures that were to be implemented in accordance with the approved watershed implementation plan of the Chesapeake Basin State, including a description of the extent to which those measures have been fully implemented;

''(ii) includes a listing of all the management measures described in clause (i) that the Chesapeake Basin State has failed to fully implement in accordance with the approved watershed implementation plan of the Chesapeake Basin State;

''(iii) includes monitored and collected water quality data;

''(iv) includes appropriate computer modeling data or other appropriate analyses that detail the nitrogen, phosphorus, and sediment load reductions projected to be achieved as a result of the implementation of the management measures and mechanisms carried out by the Chesapeake Basin State;

''(v) demonstrates reasonable additional progress made by the State toward achievement of the requirements and deadlines described in subparagraph (A)(iv)(VIII)(aa) and clauses (i) and (ii) of subparagraph (B);

''(vi) includes, for the subsequent 2-year period, implementation goals and Chesapeake Basin Program computer modeling data detailing the projected pollution reductions to be achieved if the Chesapeake Basin State fully implements the subsequent round of management measures;

''(vii) identifies compliance information, including violations, actions taken by the Chesapeake Basin State to address the violations, and dates, if any, on which compliance was achieved; and

''(viii) specifies any revisions to the watershed implementation plan submitted under this paragraph that the Chesapeake Basin State determines are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

''(2) ISSUANCE OF PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act (including any exclusion or exception contained in a definition under section 502) and in accordance with State laws (including regulations), after providing appropriate opportunities for public comment, for the purpose of achieving the nitrogen, phosphorus, and sediment reductions required under a watershed implementation plan, a Chesapeake Basin State, or, if the State is not authorized to administer the permit program under section 402, the Administrator, may impose limitations or other controls, including permit requirements, on any discharge or runoff from a pollution source, including point and nonpoint sources, located within the Chesapeake Basin State that the program administrator determines to be necessary.

''(B) ENFORCEMENT.—The Chesapeake Basin States and the Administrator shall enforce any permits issued in accordance with the watershed implementation plan in the same manner as permits issued under section 402 are enforced.

''(3) AGRICULTURAL AND PRIVATE FORESTLAND ASSURANCE STANDARDS.—A conservation plan adopted by a Chesapeake Basin State under subsection (h) of section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) shall be considered to be compliance assurance for an agricultural or private forest landowner under that section (16 U.S.C. 3839bb–4) if—

''(A) the plan fully recognizes and takes into consideration all obligations imposed by this Act;

''(B) the State in which the land is located has allocated and scheduled a portion of the reduction in the Chesapeake Bay TMDL to relevant landowners for purposes of meeting the load reduction in pollutants required for that watershed under the Chesapeake Bay TMDL or an approved State management plan under subsection (h) or this subsection;

''(C) the scheduled reductions in pollutants allocated to the relevant landowners and projected to be achieved by the conservation practices of the landowners have been certified by an independent auditing authority

that is in compliance with the guidelines established by the Secretary of Agriculture pursuant to section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) and approved by the State;

''(D) implementation of the conservation plan is certified not less frequently than once every 2 years after the date of initial certification by an independent auditing authority that is in compliance with the guidelines established by the Secretary of Agriculture pursuant to section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) and approved by the State; and

''(E) the State management plan under subsection (h) or the watershed implementation plan under this subsection contains compliance mechanisms, including a penalty structure (such as fees or forfeiture of Federal or State funds that would otherwise be awarded) determined to be adequate by the Administrator in case of failure to develop or fully implement a conservation plan.

''(4) STORMWATER PERMITS.—

''(A) IN GENERAL.—Effective beginning on January 1, 2013, the Chesapeake Basin State shall provide assurances to the Administrator that—

''(i) the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking, will use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow, using onsite infiltration, evapotranspiration, and reuse approaches, if feasible; and

''(ii) as a further condition of permitting such a development or redevelopment, the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking will compensate for any unavoidable impacts to the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow, such that—

''(I) the compensation within the affected subwatershed shall provide in-kind or out-of-kind mitigation of function at ratios to be determined by the Administrator through rulemaking;

''(II) the compensation outside the affected subwatershed shall provide in-kind or out-of-kind mitigation, at ratios to be determined by the Administrator through rulemaking, within the tributary watershed in which the project is located; and

''(III) if mitigation of unavoidable impacts is not feasible, the Administrator may approve stringent fee-in-lieu systems.

''(B) REGULATIONS.—

''(i) IN GENERAL.—Not later than November 19, 2012, the Administrator shall promulgate regulations that—

''(I) define the term 'predevelopment hydrology' for purposes of subparagraph (A);

''(II) establish the thresholds under subparagraph (A);

''(III) establish the compensation ratios under items (I) and (II) of subparagraph (A)(ii); and

''(IV) establish the fee-in-lieu systems under subparagraph (A)(ii)(III).

''(ii) REQUIREMENT.—In developing the regulations under clause (i), including establishing minimum standards for new development and redevelopment, the Administrator shall take into consideration, based on an evaluation of field science and practice, factors such as—

''(I) the benefit to—

''(aa) overall watershed protection and restoration of redevelopment of brownfields or other previously developed or disturbed sites; and

''(bb) water quality improvement through lot-level stormwater management.

''(iii) TREATMENT OF PENDING STORMWATER PERMITS.—In consultation with the Chesapeake Basin States and interested stakeholders, and taking into consideration any compliance schedules developed by any Chesapeake Basin State prior to June 30, 2010, the Administrator shall develop guidance regarding the treatment of pending stormwater permits for the Chesapeake Basin States.

''(C) FAILURE TO PROVIDE ASSURANCES.—If a Chesapeake Basin State that submits a Watershed Implementation Plan under this subsection fails to provide the assurances required under subparagraph (A), effective beginning on May 12, 2013, the Administrator may withhold funds otherwise available to the Chesapeake Basin State under this Act, in accordance with subparagraphs (A) and (B) of subsection (j)(5).

''(5) PHOSPHATE BAN.—

''(A) PHOSPHORUS IN CLEANING AGENTS.—Each Chesapeake Basin State shall provide to the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, assurances that within the jurisdiction, except as provided in subparagraph (B), a person may not use, sell, manufacture, or distribute for use or sale any cleaning agent that contains more than 0.0 percent phosphorus by weight, expressed as elemental phosphorus, except for a quantity not exceeding 0.5 percent phosphorus that is incidental to the manufacture of the cleaning agent.

''(B) PROHIBITED QUANTITIES OF PHOSPHORUS.—Each Chesapeake Basin State shall provide to the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, assurances that, within the jurisdiction, a person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by weight, if the cleaning agent is a substance that the Administrator, by regulation, excludes from the limitation under subparagraph (A), based on a finding that compliance with that subparagraph would—

''(i) create a significant hardship on the users of the cleaning agent; or

''(ii) be unreasonable because of the lack of an adequate substitute cleaning agent.

''(C) FAILURE TO PROVIDE ASSURANCES.—If a Chesapeake Basin State that submits a Watershed Implementation Plan under this subsection fails to provide the necessary assurances under subparagraphs (A) and (B) by not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator may withhold funds otherwise available to the Chesapeake Basin State under this Act, in accordance with subparagraphs (A) and (B) of subsection (j)(5).

''(j) ACTION BY ADMINISTRATOR.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator shall establish any minimum criteria that the Administrator determines to be necessary that any proposed watershed implementation plan must meet before the Administrator may approve such a plan.

''(2) COMPLETENESS FINDING.—Not later than 60 days after the date on which the Administrator receives a new or revised proposed watershed implementation plan from a Chesapeake Basin State, or not later than 60 days after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act (if the Basin State has already submitted a watershed implementation plan), the Administrator shall make a completeness determination based on whether the minimum criteria for the plan established under paragraph (1) have been met.

''(3) APPROVAL AND DISAPPROVAL.—

''(A) DEADLINE.—Not later than 90 days after determining that a watershed implementation plan meets minimum completeness criteria in accordance with paragraph (2), the Administrator shall approve or disapprove the plan.

''(B) FULL AND PARTIAL APPROVAL AND DISAPPROVAL.—In carrying out this paragraph, the Administrator shall—

''(i) approve a watershed implementation plan if the Administrator determines that the plan meets all applicable requirements under subsection (i)(1); and

''(ii) approve the plan in part and disapprove the plan in part if only a portion of the watershed implementation plan meets those requirements.

''(C) CONDITIONAL APPROVAL.—The Administrator shall—

''(i) conditionally approve the original or a revised watershed implementation plan based on a commitment of the Chesapeake Basin State submitting the plan to adopt specific enforceable management measures by not later than 1 year after the date of approval of the plan revision; but

''(ii) treat a conditional approval as a disapproval under this paragraph if the Chesapeake Basin State fails to comply with the commitment of the Chesapeake Basin State.

''(D) SCOPE OF REVIEW.—In reviewing watershed implementation plans for approval or disapproval, the Administrator shall—

''(i) ensure the completeness of the plan submission pursuant to subsection (i)(1)(A)(iv);

''(ii) limit any additional review to the adequacy of the plan to attain water quality standards; and

''(iii) not impose, as a condition of approval, any additional requirements.

''(E) FULL APPROVAL REQUIRED.—An original or revised watershed implementation plan shall not be treated as meeting the requirements of this section until the Administrator approves the entire original or revised plan.

''(F) CORRECTIONS.—In any case in which the Administrator determines that the action of the Administrator approving, disapproving, or conditionally approving any original or revised State watershed implementation plan was in error, the Administrator shall—

''(i) in the same manner as the approval, disapproval, conditional approval, or promulgation, revise the action of the Administrator, as appropriate, without requiring any further submission from the Chesapeake Basin State; and

''(ii) make the determination of the Administrator, and the basis for that determination, available to the public.

''(G) EFFECTIVE DATE.—The provisions of a State watershed implementation plan shall take effect upon the date of approval of the plan.

''(4) CALLS FOR PLAN REVISION.—In any case in which the Administrator determines that watershed implementation plan for any area is inadequate to attain or maintain applicable pollution limitations, the Administrator—

''(A) shall notify the Chesapeake Basin State of, and require the Chesapeake Basin State to revise the plan to correct the inadequacies;

''(B) may establish reasonable deadlines (not to exceed 180 days after the date on which the Administrator provides the notification) for the submission of a revised watershed implementation plan;

''(C) shall make the findings of the Administrator under paragraph (3) and notice provided under subparagraph (A) public;

''(D) shall require as an element of any revised plan by the Chesapeake Basin State that the State adhere to the requirements applicable under the original watershed implementation plan, except that the Administrator may adjust any dates (other than attainment dates) applicable under those requirements, as appropriate; and

''(E) shall disapprove any revised plan submitted by a Chesapeake Basin State that fails to adhere to the requirements described in subparagraph (D).

''(5) FEDERAL IMPLEMENTATION.—If a Chesapeake Basin State that has submitted a watershed implementation plan under subsection (i)(1)(A)(i) fails to submit a required revised watershed implementation plan, submit a biennial report, correct a previously missed 2-year commitment made in a watershed implementation plan, or remedy a disapproval of a watershed implementation plan, the Administrator shall, by not later than 30 days after the date of the failure and after issuing a notice to the State and providing a period of not less than 1 year during which the failure may be corrected—

''(A) notwithstanding sections 601(a) and 603(g), reserve up to 75 percent of the amount of the capitalization grant to the Chesapeake Basin State for a water pollution control revolving fund under section 603 for activities that are—

''(i) selected by the Administrator; and

''(ii) consistent with the watershed implementation plans described in subparagraph (C);

''(B) withhold all funds otherwise available to the Chesapeake Basin State (or a designee) under this Act, except for the funds available under title VI;

''(C) develop and administer the watershed implementation plan for the Chesapeake Basin State until the Chesapeake Basin State has remedied the plan, reports, or achievements to the satisfaction of the Administrator;

''(D) in addition to requiring compliance with all other statutory and regulatory requirements, require that all permits issued under section 402 for new or expanding discharges of nitrogen, phosphorus, or sediment shall acquire offsets that exceed, by a ratio to be determined by the Administrator through rulemaking, the quantities of nitrogen, phosphorus, or sediment that would be discharged under the permit, taking into account attenuation, equivalency, and uncertainty; and

''(E) for the purposes of developing and implementing a watershed implementation plan under subparagraph (C)—

''(i) incorporate into the Federal plan all applicable requirements for nonpoint sources included as part of the most recently approved watershed implementation plan of the Chesapeake Basin State;

''(ii) issue such permits to point sources as the Administrator determines to be necessary to control discharges sufficient to meet the pollution reductions required to meet applicable water quality standards;

''(iii) enforce such nonpoint source requirements under Federal law in the same manner and with the same stringency as required under most recently approved watershed implementation plan of the Chesapeake Basin State; and

''(iv) enforce such point source permits in the same manner as other permits issued under section 402 are enforced.

''(6) NITROGEN, PHOSPHORUS, AND SEDIMENT TRADING PROGRAMS.—

''(A) ESTABLISHMENT.—Not later than May 12, 2012, the Administrator, in cooperation with the Secretary of Agriculture and each Chesapeake Basin State, shall establish, by regulation, an interstate nitrogen and phosphorus trading program for the Chesapeake Basin for the generation, trading, and use of nitrogen and phosphorus credits to facilitate the attainment and maintenance of water quality standards in the Chesapeake Bay and the Chesapeake Bay tidal segments.

''(B) TRADING SYSTEM.—The trading program established under this subsection shall, at a minimum—

''(i) define and standardize nitrogen and phosphorus credits and establish procedures or standards for ensuring equivalent water quality benefits for all credits;

''(ii) establish procedures or standards for certifying, verifying, and enforcing nitrogen and phosphorus credits to ensure that credit-generating practices from both point sources and nonpoint sources are achieving actual reductions in nitrogen and phosphorus, including provisions for allowing the use of third parties to verify and certify credits sold within and across State lines;

''(iii) establish procedures or standards for generating, quantifying, trading, and applying credits to meet regulatory requirements and allow for trading to occur between and across point source or nonpoint sources, including a requirement that purchasers of credits that propose to satisfy all or part of the obligation to reduce nitrogen and phosphorus through the use of credits shall compensate in a timely manner, through further limitations on the discharges of the purchaser or through a new trade, for any deficiency in those reductions that results from the failure of a credit seller to carry out any activity that was to generate the credits;

''(iv) establish baseline requirements that a credit seller shall meet before becoming eligible to generate saleable credits, which shall be at least as stringent as applicable water quality standards, total maximum daily loads (including applicable wasteload and load allocations), and watershed implementation plans;

''(v) ensure that credits and trade requirements are incorporated, directly or by reference, into enforceable permit requirements under the more stringent of the national pollutant discharge elimination system established under section 402 or the system of the applicable State permitting authority, for all credit purchasers covered by the permits;

''(vi) ensure that private contracts between credit buyers and credit sellers contain adequate provisions to ensure enforceability under applicable law;

''(vii) establish procedures or standards to ensure public transparency for all nitrogen and phosphorus trading activities, including the establishment of a publicly available trading registry, which shall include—

''(I) the information used in the certification and verification process; and

''(II) recorded trading transactions (such as the establishment, sale, amounts, and use of credits);

''(viii) in addition to requiring compliance with all other statutory and regulatory requirements, ensure that, in any case in which a segment of the Chesapeake Basin is impaired with respect to nitrogen and phosphorus being traded and a total maximum daily load for that segment has not yet been implemented for the impairment—

''(I) trades are required to result in progress toward or the attainment of water quality standards in that segment; and

''(II) credit buyers in that segment may not rely on credits produced outside of the segment;

''(ix) require that the application of credits to meet regulatory requirements under this section not cause or contribute to exceedances of water quality standards, total maximum daily loads, or wasteload or load allocations for affected receiving waters, including avoidance of localized impacts;

''(x) except as part of a consent agreement, consent judgment, enforcement order, plea agreement, or sentencing condition, prohibit the purchase of credits from any entity that is in noncompliance with an enforceable permit issued under section 402;

''(xi) consider and incorporate, to the extent consistent with the minimum requirements of this Act, as determined by the Administrator, in consultation with the Secretary of Agriculture, elements of State trading programs in existence on the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act;

''(xii) allow for, as appropriate, the aggregation and banking of credits by third parties;

''(xiii) provide, to the maximum extent practicable, that credit-generating practices are achieving equivalent reductions in nitrogen and phosphorus before using the credits; and

''(xiv) provide for appropriate temporal consistency between the time period during which the credit is generated and the time period during which the credit is used.

''(C) FACILITATION OF TRADING.—In order to attract market participants and facilitate the cost-effective achievement of water-quality goals, the Administrator, in consultation with the Secretary of Agriculture, shall ensure that the trading program established under this paragraph—

''(i) includes measures to mitigate credit buyer risk;

''(ii) makes use of the best available science in order to minimize uncertainty and related transaction costs to traders by supporting research and other activities that increase the scientific understanding of nonpoint nitrogen and phosphorus pollutant loading and the ability of various structural and nonstructural alternatives to reduce the loads;

''(iii) eliminates unnecessary or duplicative administrative processes; and

''(iv) incorporates a permitting approach under the national pollutant discharge elimination system established under section 402 that—

''(I) allows trading to occur without requiring the reopening or reissuance of the base permits to incorporate individual trades; and

''(II) incorporates any such trades, directly through a permit amendment or addendum, or indirectly by any appropriate mechanism, as enforceable terms of those permits on approval of the credit purchase by the permitting authority, in accordance with the requirements of the Chesapeake Basin Program, this Act, and regulations promulgated pursuant to this Act.

''(D) SEDIMENT TRADING.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator, in consultation with the Secretary of Agriculture, shall convene a task force, to be composed of representatives from the Chesapeake Basin States and public and private entities—

''(I) to identify any scientific, technical, or other issues that would hinder the rapid deployment of an interstate sediment trading program; and

''(II) to provide to the Administrator recommendations to overcome any of the obstacles to rapid deployment of such a trading system.

''(ii) INTERSTATE SEDIMENT TRADING PROGRAM.—

''(I) ESTABLISHMENT.—Based on the recommendations of the task force established under clause (i), the Administrator, in cooperation with each Chesapeake Basin State, shall establish an interstate sediment trading program for the Chesapeake Basin for the generation, trading, and use of sediment credits to facilitate the attainment and maintenance water quality standards in the Chesapeake Bay and the Chesapeake Bay tidal segments.

''(II) REQUIREMENT.—The interstate sediment trading program established under subclause (I) shall include, at a minimum, definitions, procedures, standards, requirements, assurances, allowances, prohibitions, and evaluations comparable to the interstate nitrogen and phosphorus trading program established under subparagraph (A).

''(III) DEADLINE.—Upon a finding of the Administrator, based on the recommendation of the task force established under clause (i), that such a sediment trading program would substantially advance the achievement of Bay water quality objectives and would be feasible, the interstate trading program under this clause shall be established by the later of—

''(aa) May 12, 2014; and

''(bb) the date on which each issue described in clause (i) can be feasibly overcome.

''(E) EVALUATION OF TRADING.—

''(i) REPORTS.—Not less frequently than once every 5 years after the date of establishment of the interstate nitrogen and phosphorus trading program under this paragraph, the Administrator shall submit to Congress a report describing the results of the program with respect to enforceability, transparency, achievement of water quality results, and whether the program has resulted in any localized water pollution problem.

''(ii) IMPROVEMENTS.—Based on the reports under clause (i), the Administrator shall make improvements to the trading program under this paragraph to ensure achievement of the environmental and programmatic objectives of the program.

''(F) EFFECT ON OTHER TRADING SYSTEMS.—Nothing in this paragraph affects the ability of a State to establish or implement an applicable intrastate trading program.

''(7) AUTHORITY RELATING TO DEVELOPMENT.—The Administrator shall—

''(A) establish, for projects resulting in impervious development, guidance relating to site planning, design, construction, and maintenance strategies to ensure that the land maintains predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow;

''(B) compile a database of best management practices, model stormwater ordinances, and guidelines with respect to the construction of low-impact development infrastructure and nonstructural low-impact development techniques for use by States, local governments, and private entities; and

''(C) not later than 180 days after promulgation of the regulations under subsection (i)(4)(B), issue guidance, model ordinances, and guidelines to carry out this paragraph.

''(8) ASSISTANCE WITH RESPECT TO STORMWATER DISCHARGES.—

''(A) FINANCIAL ASSISTANCE AWARD PROGRAM.—The Administrator may enter into financial assistance agreements with any local government within the Chesapeake Basin that adopts the guidance, best management practices, ordinances, and guidelines issued and compiled under paragraph (7).

''(B) USE OF FUNDS.—A financial assistance agreement provided under subparagraph (A) may be used by a local government to pay costs associated with—

''(i) developing, implementing, and enforcing the guidance, best management practices, ordinances, and guidelines issued and compiled under paragraph (7); and

''(ii) implementing projects designed to reduce or beneficially reuse stormwater discharges.

''(9) CONSUMER AND COMMERCIAL PRODUCT REPORT.—Not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator, in consultation with the Chesapeake Executive Council, shall—

''(A) review consumer and commercial products (such as lawn fertilizer), the use of which may affect the water quality of the Chesapeake Basin or associated tributaries, to determine whether further product nitrogen and phosphorus content restrictions are necessary to restore or maintain water quality in the Chesapeake Basin and those tributaries; and

''(B) submit to the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives a product nitrogen and phosphorus report detailing the findings of the review under subparagraph (A).

''(10) AGRICULTURAL ANIMAL WASTE-TO-BIOENERGY DEPLOYMENT PROGRAM.—

''(A) DEFINITIONS.—In this paragraph:

''(i) AGRICULTURAL ANIMAL WASTE.—The term 'agricultural animal waste' means manure from livestock, poultry, or aquaculture.

''(ii) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means a technology that converts or proposes to convert agricultural animal waste into—

''(I) heat;

''(II) power; or

''(III) biofuels.

''(B) FINANCIAL ASSISTANCE AGREEMENT PROGRAM.—The Administrator, in coordination with the Secretary of Agriculture, may enter into financial assistance agreements with any person or partnership of persons for the purpose of carrying out projects to deploy an eligible technology in agricultural animal waste-to-bioenergy treatment that has significant potential to reduce agricultural animal waste volume, recover nitrogen and phosphorus, improve water quality, decrease pollution potential, and recover energy.

''(C) PROJECT SELECTION.—

''(i) IN GENERAL.—In selecting applicants for financial assistance agreements under this paragraph, the Administrator shall select projects that—

''(I) reduce—

''(aa) impacts of agricultural animal waste on surface and groundwater quality;

''(bb) emissions to the ambient air; and

''(cc) the release of pathogens and other contaminants to the environment; and

''(II) quantify—

''(aa) the degree of waste stabilization to be realized by the project; and

''(bb) nitrogen and phosphorus reduction credits that could contribute to the nitrogen and phosphorus trading program for the Chesapeake Basin under this subsection.

''(ii) PRIORITIZATION.—The Administrator shall prioritize projects based on—

''(I) the level of nitrogen and phosphorus reduction achieved;

''(II) geographical diversity among the Chesapeake Basin States; and

''(III) differing types of agricultural animal waste.

''(D) FEDERAL SHARE.—The amount of a financial assistance awarded under this paragraph shall not exceed 50 percent of the cost of the project to be carried out using funds from the financial assistance award.

''(k) PROHIBITION ON INTRODUCTION OF ASIAN OYSTERS.—Not later than 2 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator shall promulgate regulations—

''(1) to designate the Asian oyster as a 'biological pollutant' in the Chesapeake Bay and tidal waters pursuant to section 502;

''(2) to prohibit the issuance of permits under sections 402 and 404 for the discharge of the Asian oyster into the Chesapeake Bay and Chesapeake Bay tidal segments; and

''(3) to specify conditions under which scientific research on Asian oysters may be conducted within the Chesapeake Bay and Chesapeake Bay tidal segments.

''(l) CHESAPEAKE NUTRIA ERADICATION PROGRAM.—

''(1) FINANCIAL ASSISTANCE AUTHORITY.—Subject to the availability of appropriations, the Secretary of the Interior (referred to in this subsection as the 'Secretary'), may provide financial assistance to the States of Delaware, Maryland, and Virginia to carry out a program to implement measures—

''(A) to eradicate or control nutria; and

''(B) to restore marshland damaged by nutria.

''(2) GOALS.—The continuing goals of the program shall be—

''(A) to eradicate nutria in the Chesapeake Basin ecosystem; and

''(B) to restore marshland damaged by nutria.

''(3) ACTIVITIES.—In the States of Delaware, Maryland, and Virginia, the Secretary shall require that the program under this subsection consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds', dated March 2002, or any updates to the document.

''(m) REVIEW OF STUDIES ON THE IMPACTS OF MENHADEN ON THE WATER QUALITY OF THE CHESAPEAKE BAY.—

''(1) RESEARCH REVIEW.—The Administrator, in cooperation and consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall—

''(A) prepare a report that reviews and summarizes existing, peer reviewed research relating to the impacts of menhaden on water quality, including the role of menhaden as filter feeders and the impacts on dissolved oxygen levels, nitrogen and phosphorus levels, phytoplankton, zooplankton, detritus, and similar issues by menhaden at various life stages;

''(B) identify important data gaps or additional menhaden population studies, if any, relating to the impacts of the menhaden population on water quality; and

''(C) provide any recommendations for additional research or study.

''(2) REPORT AND RECOMMENDATIONS.—Not later than 5 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act, the Administrator shall submit the report and recommendations required in paragraph (1) to—

''(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works Committee of the Senate; and

''(B) the Committee on Natural Resources and the Committee on Transportation and Infrastructure Committee of the House of Representatives.

''(n) EFFECT ON OTHER REQUIREMENTS.—

''(1) IN GENERAL.—Nothing in this section removes or otherwise affects any other obligation for a point source to comply with

other applicable requirements under this Act.

''(2) VIOLATIONS BY STATES.—

''(A) ENFORCEMENT ACTION BY ADMINISTRATOR.—The failure of a Chesapeake Basin State that submits a watershed implementation plan under subsection (i) to submit a biennial report, meet or correct a previously missed 2-year commitment made in a watershed implementation plan, or implement a watershed implementation plan or permit program under this section shall—

''(i) constitute a violation of this Act; and

''(ii) subject the State to an enforcement action by the Administrator.

''(B) ENFORCEMENT ACTION BY CITIZENS.—

''(i) IN GENERAL.—The failure of a Chesapeake Basin State that submits a watershed implementation plan under subsection (i) to meet or correct a previously missed 2-year commitment made in a watershed implementation plan or implement a watershed implementation plan or permit program under this section shall subject the appropriate State officer to a civil action seeking injunctive relief commenced by a citizen on behalf of the citizen.

''(ii) JURISDICTION, VENUE, NOTICE, AND LITIGATION COSTS.—

''(I) IN GENERAL.—A citizen may commence a civil action on behalf of the citizen against a State under clause (i), subject to the requirements for notice, venue, and intervention described in subsections (b) and (c) of section 505 for a suit brought under section 505(a)(1)(A).

''(II) JURISDICTION.—Jurisdiction over a suit brought under subclause (I) shall be the district courts, as described in section 505(a).

''(III) LITIGATION COSTS.—The court may award litigation costs for suit brought under subclause (I), as described in section 505(d).

''(iii) SAVINGS CLAUSE.—Nothing in this subsection affects the ability of a citizen to bring an action for civil enforcement on behalf of the citizen under section 505.

''(o) GOVERNMENT AND INDEPENDENT EVALUATIONS.—

''(1) INSPECTORS GENERAL REVIEWS.—

''(A) IN GENERAL.—The Inspectors General of the Environmental Protection Agency and the Department of Agriculture shall jointly evaluate and submit to Congress reports describing the implementation of this section not less frequently than once every 3 years.

''(B) INCLUSIONS.—Each report under subparagraph (A) shall include an assurance that, with respect to the period covered by the report—

''(i) funds authorized for the restoration activities were distributed and used in a manner that are consistent with the objectives of improving the water quality in the Chesapeake Bay ecosystem;

''(ii) mechanisms were in place to ensure that restoration activities are properly implemented;

''(iii) mechanisms were in place to ensure that progress toward water quality goals for the Chesapeake Bay ecosystem are achieved;

''(iv) the allocation of funds reflected the responsibility and contribution of each Chesapeake Bay State toward achieving water quality goals;

''(v) restoration activities were carried out in accordance with this section;

''(vi) the factual information and assumptions incorporated in Chesapeake Bay modeling efforts were accurate; and

''(vii) implementation was adequately tracked and accounted for in Chesapeake Bay modeling efforts, including tracking of privately funded and government-funded practices.

''(2) INDEPENDENT REVIEWS.—

''(A) IN GENERAL.—The Administrator shall enter into a contract with the National Academy of Sciences or the National Academy of Public Administration under which the Academy shall conduct 2 reviews of the Chesapeake Basin restoration efforts under this section.

''(B) INCLUSIONS.—Each review under subparagraph (A) shall include an assessment of—

''(i) progress made toward meeting the goals of this section;

''(ii) efforts by Federal, State, and local governments and the private sector in implementing this section;

''(iii) the methodologies (including computer modeling) and data (including monitoring data) used to support the implementation of this section; and

''(iv) the economic impacts, including—

''(I) a comprehensive analysis of the costs of compliance;

''(II) the benefits of restoration;

''(III) the value of economic losses avoided;

''(IV) a regional analysis of items (I) through (III), by Chesapeake Basin State and by sector, to the maximum extent practicable; and

''(V) an analysis of nitrogen, phosphorus, or sediment credits for future delivery and the impact of that futures trading on nitrogen, phosphorus, or sediment price volatility.

''(C) REPORTS.—The National Academy of Sciences or the National Academy of Public Administration shall submit to the Administrator a report describing the results of the reviews under this paragraph, together with recommendations regarding the reviews (including any recommendations with respect to efforts of the Environmental Protection Agency or any other Federal or State agency required to implement applicable water quality standards in the Chesapeake Basin and achieve those standards in the Chesapeake Bay and Chesapeake Bay tidal segments), if any, by not later than—

''(i) May 12, 2015, with respect to the first review required under this paragraph; and

''(ii) May 12, 2020, with respect to the second review required under this paragraph.

''(p) AUTHORIZATION OF APPROPRIATIONS.—

''(1) CHESAPEAKE BASIN PROGRAM OFFICE.—There is authorized to be appropriated to the Chesapeake Basin Program Office to carry out subsection (b)(2) $20,000,000 for each of fiscal years 2012 through 2017.

''(2) IMPLEMENTATION, MONITORING, AND CENTERS OF EXCELLENCE FINANCIAL ASSISTANCE AWARDS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

''(i) to carry out a program to establish and support centers of excellence for water quality and agricultural policies and practices under subsection (e)(1)(C), $10,000,000 for each of fiscal years 2012 through 2017;

''(ii) to provide implementation of financial assistance agreements under subsection (e)(3)(A), $80,000,000 for each of fiscal years 2012 through 2017, to remain available until expended;

''(iii) to carry out a freshwater monitoring program under subsection (e)(3)(B), $5,000,000 for each of fiscal years 2012 through 2017;

''(iv) to carry out a Chesapeake Bay and tidal water monitoring program under subsection (e)(3)(B), $5,000,000 for each of fiscal years 2012 through 2017; and

''(v) to carry out the Chesapeake nitrogen and phosphorus trading guarantee pilot program under subsection (e)(1)(D), $20,000,000 for the period of fiscal years 2012 through 2017.

''(B) COST SHARING.—The Federal share of the cost of a program carried out using funds from a financial assistance agreement provided—

''(i) under subparagraph (A)(ii) shall not exceed—

''(I) 80 percent, with respect to funds provided for the provision of technical assistance to agricultural producers and forest owners; and

''(II) with respect to all other activities under that subparagraph—

''(aa) for the States of Delaware, New York, and West Virginia, shall not exceed 75 percent; and

''(bb) for the States of Maryland, Pennsylvania, and Virginia and for the District of Columbia, shall not exceed 50 percent; and

''(ii) under clause (i), (iii), or (iv) of subparagraph (A) shall not exceed 80 percent.

''(3) CHESAPEAKE STEWARDSHIP FINANCIAL ASSISTANCE AWARDS.—There is authorized to be appropriated to carry out subsection (h)(2) $15,000,000 for each of fiscal years 2012 through 2017.

''(4) STORM WATER POLLUTION PLANNING AND IMPLEMENTATION FINANCIAL ASSISTANCE AWARDS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

''(i) to carry out subsection (j)(8)(B)(i), $10,000,000; and

''(ii) to carry out subsection (j)(8)(B)(ii), $1,500,000,000.

''(B) COST-SHARING.—A financial assistance agreement provided for a project under—

''(i) subsection (j)(8)(B)(i) may not be used to cover more than 80 percent of the cost of the project; and

''(ii) subsection (j)(8)(B)(ii) may not be used to cover more than 75 percent of the cost of the project.

''(5) NUTRIA ERADICATION FINANCIAL ASSISTANCE AWARDS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior to provide financial assistance in the Chesapeake Basin under subsection (l) $4,000,000 for each of fiscal years 2012 through 2017.

''(B) COST-SHARING.—

''(i) FEDERAL SHARE.—The Federal share of the cost of carrying out the program under subsection (l) may not exceed 75 percent of the total costs of the program.

''(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of carrying out the program under subsection (l) may be provided in the form of in-kind contributions of materials or services.

''(6) AGRICULTURAL ANIMAL WASTE-TO-BIOENERGY DEPLOYMENT FINANCIAL ASSISTANCE AWARDS.—There is authorized to be appropriated to carry out the agricultural animal waste-to-bioenergy deployment program under subsection (j) $30,000,000 for the period of fiscal years 2012 to 2017, to remain available until expended.

''(7) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 10 percent of the annual amount of any financial assistance agreement provided by the Administrator or Secretary under any program described in this subsection may be used for administrative costs.

''(8) AVAILABILITY.—Amounts authorized to be appropriated under this subsection shall remain available until expended.

''(q) SEVERABILITY.—A determination that any provision of this section is invalid, illegal, unenforceable, or in conflict with any other law shall not affect the validity, legality, or enforceability of the remaining provisions of this section.

''(r) APPLICABILITY.—

''(1) IN GENERAL.—The authority provided by this section applies solely to Chesapeake Basin States.

''(2) OTHER STATES.—Nothing in this section modifies or otherwise affects any authority provided by this Act with respect to any provision of law (including a regulation) applicable to any other State.''.

SEC. 10273. FEDERAL ENFORCEMENT.

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking ''section 402'' and inserting ''section 117, 402,'';

(B) in paragraph (3), by inserting ''section 117 or'' before ''section 402'';

(2) in subsection (d), in the first sentence, by inserting ''section 117 or'' after ''a permit issued under''; and

(3) in subsection (g)—

(A) in paragraph (1)(A), by inserting ''section 117 or'' before ''section 402''; and

(B) in paragraph (7), by striking ''section 402'' and inserting ''section 117, 402,''.

SEC. 10274. FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER PROGRAMS.

Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended by adding at the end the following:

''(c) REASONABLE SERVICE CHARGES.—Reasonable service charges described in subsection (a) include any reasonable nondiscriminatory fee, charge, or assessment that is—

''(1) based on some fair approximation of the proportionate contribution of the property or facility to stormwater pollution (in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the property or facility); and

''(2) used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste), including the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge, regardless of whether that reasonable fee, charge, or assessment is denominated a tax.''.

SEC. 10275. RELATIONSHIP TO NATIONAL ESTUARY PROGRAM.

Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended in the last sentence by inserting ''or section 117'' after ''this section''.

SEC. 10276. SEPARATE APPROPRIATIONS ACCOUNT.

Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(2) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(3) by adding at the end the following:

''(38) a separate statement for the Chesapeake Nitrogen and Phosphorus Trading Guarantee Fund established under section 117(e)(1)(E) of the Federal Water Pollution Control Act (33 U.S.C. 1267(e)(1)(E)), which shall include the estimated amounts of—

''(A) deposits in the Fund;

''(B) obligations; and

''(C) outlays from the Fund.''.

SEC. 10277. CHESAPEAKE BASIN ASSURANCE STANDARDS.

Section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) ASSURANCE STANDARDS.—

''(1) DEFINITION OF CHESAPEAKE BASIN STATE.—In this subsection, the term 'Chesapeake Basin State' means any of—

''(A) the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; or

''(B) the District of Columbia.

''(2) PURPOSE.—The purpose of this subsection is to develop environmental assurance standards for use by the Chesapeake Basin States to ensure that agricultural producers and nonindustrial private forest landowners in the Chesapeake Bay watershed are implementing achievable and economically practicable conservation activities, consistent with the water quality standards of the applicable Chesapeake Basin State, that—

''(A) reduce nitrogen, phosphorus, and sediment loads; and

''(B) fulfill water quality requirements under applicable Federal and State law.

''(3) DUTIES OF SECRETARY.—

''(A) IN GENERAL.—The Secretary, using existing partnerships and programs, to the maximum extent practicable, and with the concurrence of the Administrator of the Environmental Protection Agency, shall identify conservation practice standards and other conservation activities, including risk assessment and conservation planning, designed to achieve the nitrogen, phosphorus, and sediment allocations that Chesapeake Basin States can incorporate in—

''(i) a State management plan under section 117(h)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1267(h)(1)); or

''(ii) a State watershed implementation plan under section 117(i) of the Federal Water Pollution Control Act (33 U.S.C. 1267(i)).

''(B) ESTABLISHMENT OF GUIDELINES.—The Secretary shall establish third-party verification and auditing guidelines for Chesapeake Basin States to ensure that activities designed to meet the conservation practice standards under subparagraph (A) are being implemented.

''(C) TECHNICAL ASSISTANCE.—The Secretary shall provide conservation technical assistance—

''(i) to educate agricultural and private forest landowners in the Chesapeake Bay watershed regarding Federal and State regulatory water quality requirements and activities the landowners could carry out—

''(I) to achieve compliance with the requirements; and

''(II) to improve wildlife habitat;

''(ii) to assist those landowners in selecting and implementing conservation activities that will achieve and maintain compliance with Federal and State regulatory water quality requirements; and

''(iii) to support voluntary efforts to improve water quality and wildlife habitat.

''(D) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency and the Chesapeake Basin States to coordinate conservation planning for agricultural and nonindustrial private forestland to meet applicable Federal and State water quality requirements, including applicable nitrogen, phosphorus, and sediment allocations.

''(4) EFFECT OF ASSURANCE STANDARDS.—

''(A) COMPLIANCE.—Except as provided in subparagraph (B), an agricultural or private forest landowner that is not subject to the requirements of the national pollutant discharge elimination system of section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), but that implements all applicable conservation practices or other conservation activities in accordance with a conservation plan adopted under this subsection that meets the requirements of section 117(i)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1267(i)(3)) and any additional State water quality requirements, shall be considered to be in full compliance with the applicable nitrogen, phosphorus, and sediment allocations for the Chesapeake Bay watershed established pursuant to section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(B) EXCEPTION.—Subparagraph (A) does not apply to any agreement entered into with the Natural Resources Conservation Service regarding a comprehensive nutrient management plan.

''(5) UPDATING PRACTICE STANDARDS, ALLOCATIONS, AND PLANS.—Nothing in this subsection limits the ability of—

''(A) the Secretary or the Administrator of the Environmental Protection Agency to update applicable conservation practice standards;

''(B) the Administrator to update the Chesapeake Bay TMDL (as defined in section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a))) or any wasteload allocation or load allocation under the Chesapeake Bay TMDL; or

''(C) the Administrator or any Chesapeake Basin State to update any watershed implementation plan.''.

Subtitle I—San Francisco Bay Restoration

SEC. 10281. SHORT TITLE.

This subtitle may be cited as the ''San Francisco Bay Restoration Act''.

SEC. 10282. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (as amended by section 10243) is amended by adding at the end the following:

''SEC. 126. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL PRIORITY LIST.—The term 'annual priority list' means the annual priority list compiled under subsection (b).

''(2) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means—

''(A) the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

''(B) any amendments to that plan.

''(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the San Francisco Estuary Partnership, the entity that is designated as the management conference under section 320.

''(b) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing public notice, the Administrator shall annually compile a priority list identifying and prioritizing the activities, projects, and studies intended to be funded with the amounts made available under subsection (c).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

''(A) activities, projects, or studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the approved comprehensive plan;

''(B) information on the activities, projects, programs, or studies specified under subparagraph (A), including a description of—

''(i) the identities of the financial assistance recipients; and

''(ii) the communities to be served; and

''(C) the criteria and methods established by the Administrator for selection of activities, projects, and studies.

''(3) CONSULTATION.—In developing the priority list under paragraph (1), the Administrator shall consult with and consider the recommendations of—

''(A) the Estuary Partnership;

''(B) the State of California and affected local governments in the San Francisco Bay estuary watershed; and

''(C) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Administrator determines to be appropriate.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—Pursuant to section 320, the Administrator may provide funding through cooperative agreements, grants, or other means to State and local agencies, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for activities, studies, or projects identified on the annual priority list.

''(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

''(A) MAXIMUM AMOUNT OF GRANTS.—Amounts provided to any individual or entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any eligible activities that are to be carried out using those amounts.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any eligible activities that are carried out using amounts provided under this section shall be—

''(i) not less than 25 percent; and

''(ii) provided from non-Federal sources.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section $35,000,000 for each of fiscal years 2012 through 2021.

''(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Administrator shall use not more than 5 percent to pay administrative expenses incurred in carrying out this section.

''(3) RELATIONSHIP TO OTHER FUNDING.—Nothing in this section limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(4) PROHIBITION.—No amounts made available under subsection (c) may be used for the administration of a management conference under section 320.''.

TITLE CIII—WATER QUALITY PROTECTION AND RESTORATION PROGRAMS

Subtitle A—Clean Coastal Environment and Public Health

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the ''Clean Coastal Environment and Public Health Act of 2010''.

SEC. 10302. FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS.

(a) ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.—Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking ''paragraph (1)(A)'' each place it appears and inserting ''paragraph (1)''.

(b) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended—

(1) in subparagraph (A), by striking ''methods, as appropriate'' and inserting ''methods, including rapid testing methods''; and

(2) by adding at the end the following:

''(C) PUBLICATION OF PATHOGEN AND PATHOGEN INDICATOR LIST.—Upon publication of the new or revised water quality criteria under subparagraph (A), the Administrator shall publish in the Federal Register a list of all pathogens and pathogen indicators studied in developing the new or revised water quality criteria.''.

(c) SOURCE IDENTIFICATION.—

(1) MONITORING PROTOCOLS.—Section 406(a)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(a)(1)(A)) is amended by striking ''methods for monitoring'' and inserting ''methods for monitoring protocols that are most likely to detect pathogenic contamination''.

(2) STATE REPORTS; SOURCE TRACKING.—Section 406(b) of the Federal Water Pollution Control Act (33 U.S.C. 1346(b)) is amended—

(A) in paragraph (3)(A)(ii), by striking ''public'' and inserting ''public and all environmental agencies of the State with authority to prevent or treat sources of pathogenic contamination in coastal recreation waters''; and

(B) by adding at the end the following:

''(5) CONTENTS OF MONITORING AND NOTIFICATION PROGRAMS.—For the purposes of this section, a program for monitoring, assessment, and notification shall include, consistent with performance criteria published by the Administrator under subsection (a), monitoring, public notification, source tracking, and sanitary surveys, and may include prevention efforts, not already funded under this Act to address identified sources of contamination by pathogens and pathogen indicators in coastal recreation waters adjacent to beaches or similar points of access that are used by the public.''.

(d) USE OF RAPID TESTING METHODS.—

(1) CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.—Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by striking ''methods'' and inserting ''methods, including a rapid testing method after the last day of the 1-year period following the date of validation of that rapid testing method by the Administrator,''.

(2) VALIDATION AND USE OF RAPID TESTING METHODS.—

(A) VALIDATION OF RAPID TESTING METHODS.—Not later than October 15, 2012, the Administrator of the Environmental Protection Agency (referred to in this subtitle as the ''Administrator'') shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 304(a)(9)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)(A)).

(B) GUIDANCE FOR USE OF RAPID TESTING METHODS.—

(i) IN GENERAL.—Not later than 180 days after the date of completion of the validation under subparagraph (A), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceedance of applicable water quality standards for pathogens and pathogen indicators.

(ii) PRIORITIZATION.—In developing guidance under clause (i), the Administrator shall require the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

(3) DEFINITION OF RAPID TESTING METHOD.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) RAPID TESTING METHOD.—The term 'rapid testing method' means a method of testing the water quality of coastal recreation waters for which results are available as soon as practicable and not more than 4 hours after receipt of the applicable sample by the testing facility.''.

(e) NOTIFICATION OF FEDERAL, STATE, AND LOCAL AGENCIES; CONTENT OF STATE AND LOCAL PROGRAMS.—Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by striking ''prompt communication'' and inserting ''communication, within 2 hours of the receipt of the results of a water quality sample,'';

(B) by striking subparagraph (A) and inserting the following:

''(A)(i) in the case of any State in which the Administrator is administering the program under section 402, the Administrator, in such form as the Administrator determines to be appropriate; and

''(ii) in the case of any State other than a State to which clause (i) applies, all agencies of the State government with authority to require the prevention or treatment of the sources of coastal recreation water pollution; and'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

''(6) measures for an annual report to the Administrator, in such form as the Administrator determines to be appropriate, on the occurrence, nature, location, pollutants involved, and extent of any exceedance of applicable water quality standards for pathogens and pathogen indicators;'';

(4) in paragraph (7) (as redesignated by paragraph (2))—

(A) by striking ''the posting'' and inserting ''the immediate posting''; and

(B) by striking ''and'' at the end;

(5) in paragraph (8) (as redesignated by paragraph (2)), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(9) the availability of a geographical information system database that the State or local government program shall use to inform the public about coastal recreation waters and that—

''(A) is publicly accessible and searchable on the Internet;

''(B) is organized by beach or similar point of access;

''(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

''(D) is updated within 24 hours of the availability of revised information;

''(10) measures to ensure that closures or advisories are made or issued within 2 hours after the receipt of the results of a water quality sample exceeding applicable water quality standards for pathogens and pathogen indicators;

''(11) measures that inform the public of identified sources of pathogenic contamination; and

''(12) analyses of monitoring protocols to determine which protocols are most likely to detect pathogenic contamination.''.

(f) NATIONAL LIST OF BEACHES.—Section 406(g) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)) is amended by striking paragraph (3) and inserting the following:

''(3) UPDATES.—Not later than 1 year after the date of enactment of the Clean Coastal Environment and Public Health Act of 2010, and biennially thereafter, the Administrator shall update the list described in paragraph (1).''.

(g) COMPLIANCE REVIEW.—Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''In the'' and inserting the following:

''(1) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning 18 months after the date of enactment of the Clean Coastal Environment and Public Health Act of 2010, the Administrator shall—

''(A) prepare a written assessment of compliance with—

''(i) all statutory and regulatory requirements of this section for each State and local government; and

''(ii) conditions of each grant made under this section to a State or local government;

''(B) notify the State or local government of each such assessment; and

''(C) make each of the assessments available to the public in a searchable database on the Internet on or before December 31 of the applicable calendar year.

''(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) and fails to take such action as is necessary to comply with the requirement or condition by the date that is 1 year after the date of notification, any grants made under subsection (b) to the State or local government, after the last day of that 1-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.

''(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of the Clean Coastal Environment and Public Health Act of 2010, the Comptroller General shall—

''(A) conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after that date of enactment; and

''(B) submit to Congress a report on the results of the review.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 406(i) of the Federal Water Pollution Control Act (33 U.S.C. 1346(i)) is amended by striking ''$30,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$60,000,000 for each of fiscal years 2012 through 2016''.

SEC. 10303. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking ''2005'' and inserting ''2015''.

SEC. 10304. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of that formula.

(b) CONTENTS.—In conducting the study under this section, the Administrator shall take into consideration—

(1) the base cost to States of developing and maintaining water quality monitoring and notification programs;

(2) the varied beach monitoring and notification needs of the States, including beach mileage, beach usage, and length of beach season; and

(3) other factors that the Administrator determines to be appropriate.

(c) CONSULTATION.—In conducting the study under this section, the Administrator shall consult with appropriate Federal, State, and local agencies.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study under this section, including any recommendation for revision of the distribution formula referred to in subsection (a).

SEC. 10305. IMPACT OF CLIMATE CHANGE ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator shall conduct a study on the long-term impact of climate change on pollution of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on potential contaminant impacts on—

(A) ground and surface water resources; and

(B) public and ecosystem health in coastal communities.

(3) MONITORING.—The report shall—

(A) address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems; and

(B) review the current ability to assess and forecast impacts associated with long-term climate change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate the impacts and effects described in paragraphs (2) and (3) in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

SEC. 10306. IMPACT OF NUTRIENTS ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator shall conduct a study of available scientific information relating to the impacts of nutrient excesses and algal blooms on coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) information regarding the impacts of nutrient excesses and algal blooms on coastal recreation waters and coastal communities; and

(B) recommendations of the Administrator for actions to be carried out by the Administrator to address those impacts, including, if applicable, through the establishment of numeric water quality criteria.

(3) CONSULTATION.—In developing the report under paragraph (1), the Administrator shall work in consultation with the heads of other appropriate Federal agencies (including the National Oceanic and Atmospheric Administration), States, and local governmental entities.

Subtitle B—Chesapeake Bay Gateways and Watertrails Network

SEC. 10311. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking subsection (c) and inserting the following:

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

Subtitle C—Water Resources Research Amendments

SEC. 10321. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking ''for each of fiscal years 2007 through 2011'' and inserting ''for each of fiscal years 2012 through 2016''.

(d) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking ''for each of fiscal years 2007 through 2011'' and inserting ''for each of fiscal years 2012 through 2016''.

TITLE CIV—NATIONAL WOMEN'S HISTORY MUSEUM

SEC. 10401. SHORT TITLE.

This title may be cited as the ''National Women's History Museum Act of 2010''.

SEC. 10402. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) COMMITTEES.—The term ''Committees'' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) MUSEUM.—The term ''Museum'' means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) PROPERTY.—The term ''Property'' means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326. The Property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

SEC. 10403. CONVEYANCE OF PROPERTY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to the requirements of this title, the Administrator shall convey the Property to the Museum, on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this title.

(2) AGREEMENT.—As soon as practicable, but not later than 180 days after the date of enactment of this title, the Administrator shall enter into an agreement with the Museum for the conveyance.

(3) TERMS AND CONDITIONS.—The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

(b) PURCHASE PRICE.—

(1) IN GENERAL.—The purchase price for the Property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) SELECTION OF APPRAISER.—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) TERMS AND CONDITIONS FOR APPRAISAL.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

(B) REQUIRED TERMS.—The appraisal shall assume that the Property does not contain hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) or hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. 9601) or other applicable environmental statutes) which require response action (as defined in such sections).

(c) APPLICATION OF PROCEEDS.—The purchase price shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the Administrator may expend, in amounts specified in appropriations Acts, the proceeds from the conveyance for any lawful purpose consistent with existing authorities granted to the Administrator.

(d) QUIT CLAIM DEED.—The Property shall be conveyed pursuant to a quit claim deed.

(e) USE RESTRICTION.—The Property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) REVERSION.—

(1) BASES FOR REVERSION.—The Property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the Property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the Property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) ENFORCEMENT.—The Administrator may perform any acts necessary to enforce the reversionary rights provided in this section.

(3) CUSTODY OF PROPERTY UPON REVERSION.—If the Property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

(g) CLOSING.—The conveyance pursuant to this title shall occur not later than 3 years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under section 10404(a).

SEC. 10404. ENVIRONMENTAL MATTERS.

(a) AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Administrator is authorized to contract with the Museum or an affiliate thereof for the performance (on behalf of the Administrator) of response actions on the Property.

(b) CREDITING OF RESPONSE COSTS.—Any costs incurred with the use of non-Federal funds by the Museum or an affiliate thereof pursuant to subsection (a) shall be credited to the purchase price for the Property.

(c) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this title, or any amendment made by this title, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA (42 U.S.C. 9620(h)).

SEC. 10405. INCIDENTAL COSTS.

Subject to section 10404, the Museum shall bear any and all costs associated with complying with the provisions of this title, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

SEC. 10406. LAND USE APPROVALS.

(a) EXISTING AUTHORITIES.—Nothing in this title shall be construed as limiting or affecting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(b) COOPERATION.—

(1) ZONING AND LAND USE.—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the Property in accordance with this title. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) LIMITATIONS.—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this title.

SEC. 10407. REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the Property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this title.

DIVISION K—OCEANS AND FISHERIES

TITLE CXI—PACIFIC SALMON STRONGHOLD CONSERVATION

SEC. 11101. SHORT TITLE.

This title may be cited as the ''Pacific Salmon Stronghold Conservation Act of 2010''.

SEC. 11102. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Several species of salmon native to the rivers of the United States are highly migratory, interacting with salmon originating from Canada, Japan, Russia, and South Korea and spending portions of their life history outside of the territorial waters of the United States. Recognition of the migratory and transboundary nature of salmon species has led countries of the North Pacific to seek enhanced coordination and cooperation through multilateral and bilateral agreements.

(2) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems. They are also an indicator of ecosystem health and potential impacts of climate change.

(3) Salmon are a central part of the culture, economy, and environment of Western North America.

(4) Economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs.

(5) During the anticipated rapid environmental change during the period beginning on the date of the enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity will be vital to ensuring the health of salmon populations.

(6) Salmon strongholds provide critical production zones for commercial, recreational, and subsistence fisheries.

(7) Taking into consideration the frequency with which fisheries have collapsed during the period preceding the date of the enactment of this Act, using scientific research to correctly identify and conserve core centers of abundance, productivity, and diversity is vital to sustain salmon populations and fisheries in the future.

(8) Measures being undertaken as of the date of the enactment of this Act to recover threatened or endangered salmon stocks, including Federal, State, and local programs to restore salmon habitat, are vital. These measures will be complemented and enhanced by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the range of salmon species.

(9) The effects of climate change are affecting salmon habitat at all life history stages and future habitat conservation must consider climate change projections to safeguard natural systems under future climate conditions.

(10) Greater coordination between public and private entities can assist salmon strongholds by marshaling and focusing resources on scientifically supported, high priority conservation actions.

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

(1) to expand Federal support and resources for the protection and restoration of the healthiest remaining salmon strongholds in North America to sustain core centers of salmon abundance, productivity, and diversity in order to ensure the long-term viability of salmon populations—

(A) in the States of California, Idaho, Oregon, and Washington, by focusing resources on cooperative, incentive-based efforts to conserve the roughly 20 percent of salmon habitat that supports approximately two-thirds of salmon abundance; and

(B) in the State of Alaska, a regional stronghold that produces more than one-third of all salmon, by increasing resources available to public and private organizations working cooperatively to conserve regional core centers of salmon abundance and diversity;

(2) to maintain and enhance economic benefits related to fishing or associated with healthy salmon stronghold habitats, including flood protection, recreation, water quantity and quality, carbon sequestration, climate change mitigation and adaptation, and other ecosystem services; and

(3) to complement and add to existing Federal, State, and local salmon recovery efforts by using sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout their range.

SEC. 11103. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Assistant Administrator for Fisheries Service of the National Oceanic and Atmospheric Administration.

(2) BOARD.—The term ''Board'' means the Salmon Stronghold Partnership Board established under section 11104.

(3) CHARTER.—The term ''charter'' means the charter of the Board developed under section 11104(g).

(4) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(5) ECOSYSTEM SERVICES.—The term ''ecosystem services'' means an ecological benefit generated from a healthy, functioning ecosystem, including clean water, pollutant filtration, regulation of river flow, prevention of soil erosion, regulation of climate, and fish production.

(6) PROGRAM.—Except as otherwise provided, the term ''program'' means the salmon stronghold watershed grants and technical assistance program established under section 11106(a).

(7) SALMON.—The term ''salmon'' means any of the wild anadromous Oncorhynchus species that occur in the Western United States, including—

(A) chum salmon (Oncorhynchus keta);

(B) pink salmon (Oncorhynchus gorbuscha);

(C) sockeye salmon (Oncorhynchus nerka);

(D) chinook salmon (Oncorhynchus tshawytscha);

(E) coho salmon (Oncorhynchus kisutch); and

(F) steelhead trout (Oncorhynchus mykiss).

(8) SALMON STRONGHOLD.—The term ''salmon stronghold'' means all or part of a watershed or that meets biological criteria for abundance, productivity, diversity (life history and run timing), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout their range, as defined by the Board.

(9) SALMON STRONGHOLD PARTNERSHIP.—The term ''Salmon Stronghold Partnership'' means the Salmon Stronghold Partnership established under section 11104(a)(1).

(10) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

SEC. 11104. SALMON STRONGHOLD PARTNERSHIP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Salmon Stronghold Partnership that is a cooperative, incentive-based, public-private partnership among appropriate Federal, State, tribal, and local governments, private landowners, and nongovernmental organizations working across political boundaries, government jurisdictions, and land ownerships to advise the Secretary on the identification and conservation of salmon strongholds.

(2) MEMBERSHIP.—To the extent possible, the membership of the Salmon Stronghold Partnership shall include each entity described under subsection (b).

(3) LEADERSHIP.—The Salmon Stronghold Partnership shall be managed by a Board established by the Secretary to be known as the Salmon Stronghold Partnership Board.

(b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

(1) IN GENERAL.—The Board shall consist of representatives with strong scientific or technical credentials and expertise as follows:

(A) One representative from each of—

(i) the National Marine Fisheries Service, as appointed by the Administrator;

(ii) the United States Fish and Wildlife Service, as appointed by the Director;

(iii) the Forest Service, as appointed by the Chief of the Forest Service;

(iv) the Environmental Protection Agency, as appointed by the Administrator of the Environmental Protection Agency;

(v) the Bonneville Power Administration, as appointed by the Administrator of the Bonneville Power Administration;

(vi) the Bureau of Land Management, as appointed by the Director of the Bureau of Land Management; and

(vii) the Northwest Power and Conservation Council, as appointed by the Northwest Power and Conservation Council.

(B) One representative from the natural resources staff of the office of the Governor or of an appropriate natural resource agency of a State, as appointed by the Governor, from each of the States of—

(i) Alaska;

(ii) California;

(iii) Idaho;

(iv) Oregon; and

(v) Washington.

(C) Not less than 3 and not more than 5 representatives from Indian tribes or tribal commissions located within the range of a salmon species, as appointed by such Indian tribes or tribal commissions, in consultation with the Board.

(D) One representative from each of 3 nongovernmental organizations with salmon conservation and management expertise, as selected by the Board.

(E) One national or regional representative from an association of counties, as selected by the Board.

(F) Representatives of other entities with significant resources regionally dedicated to the protection of salmon ecosystems that the Board determines are appropriate, as selected by the Board.

(2) FAILURE TO APPOINT.—If a representative described in subparagraph (B), (C), (D), (E), or (F) of paragraph (1) is not appointed to the Board or otherwise fails to participate in the Board, the Board shall carry out its functions until such representative is appointed or joins in such participation.

(c) MEETINGS.—

(1) FREQUENCY.—Not less frequently than 3 times each year, the Board shall meet to provide opportunities for input from a broader set of stakeholders.

(2) NOTICE.—Prior to each meeting, the Board shall give timely notice of the meeting to the public, the government of each county, and tribal government in which a salmon stronghold is identified by the Board.

(d) BOARD CONSULTATION.—The Board shall seek expertise from fisheries experts from agencies, colleges, or universities, as appropriate.

(e) CHAIRPERSON.—The Board shall nominate and select a Chairperson from among the members of the Board.

(f) COMMITTEES.—The Board—

(1) shall establish a standing science advisory committee to assist the Board in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information; and

(2) may establish additional standing or ad hoc committees as the Board determines are necessary.

(g) CHARTER.—The Board shall develop a written charter that—

(1) provides for the members of the Board described in subsection (b);

(2) may be signed by a broad range of partners, to reflect a shared understanding of the purposes, intent, and governance framework of the Salmon Stronghold Partnership; and

(3) includes—

(A) the defining criteria for a salmon stronghold;

(B) the process for identifying salmon strongholds; and

(C) the process for reviewing and awarding grants under the program, including—

(i) the number of years for which such a grant may be awarded;

(ii) the process for renewing such a grant;

(iii) the eligibility requirements for such a grant;

(iv) the reporting requirements for projects awarded such a grant; and

(v) the criteria for evaluating the success of a project carried out with such a grant.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 11105. INFORMATION AND ASSESSMENT.

The Administrator shall carry out specific information and assessment functions associated with salmon strongholds, in coordination with other regional salmon efforts, including—

(1) triennial assessment of status and trends in salmon strongholds;

(2) geographic information system and mapping support to facilitate conservation planning;

(3) projections of climate change impacts on all habitats and life history stages of salmon;

(4) development and application of models and other tools to identify salmon conservation actions projected to have the greatest positive impacts on salmon abundance, productivity, or diversity within salmon strongholds; and

(5) measurement of the effectiveness of the Salmon Stronghold Partnership activities.

SEC. 11106. SALMON STRONGHOLD WATERSHED GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Director, shall establish a salmon stronghold watershed grants and technical assistance program, as described in this section.

(b) PURPOSE.—The purpose of the program shall be to support salmon stronghold protection and restoration activities, including—

(1) to fund the administration of the Salmon Stronghold Partnership in carrying out the charter;

(2) to encourage cooperation among the entities represented on the Board, local authorities, and private entities to establish a network of salmon strongholds, and assist locally in specific actions that support the Salmon Stronghold Partnership;

(3) to support entities represented on the Board—

(A) to develop strategies focusing on salmon conservation actions projected to have the greatest positive impacts on abundance, productivity, or diversity in salmon strongholds; and

(B) to provide financial assistance to the Salmon Stronghold Partnership to increase local economic opportunities and resources for actions or practices that provide long-term or permanent conservation and that maintain key ecosystem services in salmon strongholds, including—

(i) payments for ecosystem services; and

(ii) demonstration projects designed for specific salmon strongholds;

(4) to maintain a forum to share best practices and approaches, employ consistent and comparable metrics, forecast and address climate impacts, and monitor, evaluate, and report regional status and trends of salmon ecosystems in coordination with related regional and State efforts;

(5) to carry out activities and existing conservation programs in, and across, salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership;

(6) to accelerate the implementation of recovery plans in salmon strongholds that have salmon populations listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(7) to develop and make information available to the public pertaining to the Salmon Stronghold Partnership; and

(8) to conduct education outreach to the public, in coordination with other programs, to encourage increased stewardship of salmon strongholds.

(c) SELECTION.—Projects that will be carried out with assistance from the program shall be selected and administered as follows:

(1) SITE-BASED PROJECTS.—A project that will be carried out with assistance from the program within 1 State shall be selected as follows:

(A) STATE SELECTION.—If a State has a competitive grant process relating to salmon conservation in effect as of the date of the enactment of this Act and has a proven record of implementing an efficient, cost-effective, and competitive grant program for salmon conservation or has a viable plan to provide accountability under the program—

(i) the National Fish and Wildlife Foundation, in consultation with the Board, shall provide program funds to the State; and

(ii) the State shall select and administer projects to be carried out in such State, in consideration of criteria developed pursuant to subsection (d).

(B) NATIONAL FISH AND WILDLIFE FOUNDATION SELECTION.—If a State does not meet the criteria described in subparagraph (A)—

(i) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(ii) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer projects to be carried out in such State, in consideration of criteria developed pursuant to subsection (d).

(2) MULTISITE AND PROGRAMMATIC INITIATIVES.—For a project that will be carried out with assistance from the program in more than 1 State or that is a programmatic initiative that affects more than 1 State—

(A) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(B) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer such projects to be carried out, in consideration of criteria developed pursuant to subsection (d).

(d) CRITERIA FOR APPROVAL.—

(1) CRITERIA DEVELOPED BY THE BOARD.—

(A) REQUIREMENT TO DEVELOP.—The Board shall develop and provide advisory criteria for the prioritization of projects funded under the program in a manner that enables projects to be individually ranked in sequential order by the magnitude of the project's positive impacts on salmon abundance, productivity, or diversity.

(B) SPECIFIC REQUIREMENTS.—The criteria required by subparagraph (A) shall require that a project that receives assistance under the program—

(i) contributes to the conservation of salmon;

(ii) meets the criteria for eligibility established in the charter;

(iii)(I) addresses a factor limiting or threatening to limit abundance, productivity, diversity, habitat quality, or other biological attributes important to sustaining viable salmon populations within a salmon stronghold; or

(II) is a programmatic action that supports the Salmon Stronghold Partnership;

(iv) addresses limiting factors to healthy ecosystem processes or sustainable fisheries management;

(v) has the potential for conservation benefits and broadly applicable results; and

(vi) meets the requirements for—

(I) cost sharing described in subsection (e); and

(II) the limitation on administrative expenses described in subsection (f).

(C) SCHEDULE FOR DEVELOPMENT.—The Board shall—

(i) develop and provide the criteria required by subparagraph (A) prior to the initial solicitation of projects under the program; and

(ii) revise such criteria not less often than once each year.

(e) COST SHARING.—

(1) FEDERAL SHARE.—

(A) NON-FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is not owned by the United States shall not exceed 50 percent of the total cost of the project.

(B) FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is owned by the United States, including the acquisition of inholdings, may be up to 100 percent of the total cost of the project.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a project that receives assistance under the program may not be derived from Federal grant programs, but may include in-kind contributions.

(B) BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity used to carry out a project that receives assistance under the program shall be credited toward the non-Federal share of the cost of the project.

(f) ADMINISTRATIVE EXPENSES.—Of the amount available to a State or the National Fish and Wildlife Foundation under the program for each fiscal year, such State and the National Fish and Wildlife Foundation shall not expend more than 5 percent of such amount for administrative and reporting expenses necessary to carry out this section.

(g) REPORTS.—

(1) REPORTS TO STATES OR NFWF.—Each person who receives assistance through a State or the National Fish and Wildlife Foundation under the program for a project shall provide periodic reports to the State or the National Fish and Wildlife Foundation, as appropriate, that includes the information required by the State or the National Fish and Wildlife Foundation to evaluate the progress and success of the project.

(2) REPORTS TO THE ADMINISTRATOR.—Not less frequently than once every 3 years, each State that is provided program funds under subsection (c)(1)(A) and the National Fish and Wildlife Foundation shall provide reports to the Administrator that include the information required by the Administrator to evaluate the implementation of the program.

SEC. 11107. INTERAGENCY COOPERATION.

The head of each Federal agency or department responsible for acquiring, managing, or disposing of Federal land that is within a salmon stronghold shall, to the extent consistent with the mission of the agency or department and existing law, cooperate with the Administrator and the Director—

(1) to conserve the salmon strongholds; and

(2) to effectively coordinate and streamline Salmon Stronghold Partnership activities and delivery of overlapping, incentive-based programs that affect the salmon stronghold.

SEC. 11108. INTERNATIONAL COOPERATION.

(a) AUTHORITY TO COOPERATE.—The Administrator and the Board may share status and trends data, innovative conservation strategies, conservation planning methodologies, and other information with North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to promote conservation of salmon and salmon habitat.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator and the Board, or entities that are members of the Board, should and are encouraged to provide information to North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to support the development of a network of salmon strongholds across the nations of the North Pacific.

SEC. 11109. ACQUISITION AND TRANSFER OF REAL PROPERTY INTERESTS.

(a) USE OF REAL PROPERTY.—No project that will result in the acquisition by the Secretary or the Secretary of the Interior of any land or interest in land, in whole or in part, may receive funds under this title unless the project is consistent with the purposes of this title.

(b) PRIVATE PROPERTY PROTECTION.—No Federal funds made available to carry out this title may be used to acquire any real property or any interest in any real property without the written consent of the 1 or more owners of the property or interest in property.

(c) TRANSFER OF REAL PROPERTY.—No land or interest in land, acquired in whole or in part by the Secretary of the Interior with Federal funds made available under this title to carry out a salmon stronghold conservation project may be transferred to a State, other public agency, or other entity unless—

(1) the Secretary of the Interior determines that the State, agency, or entity is committed to manage, in accordance with this title and the purposes of this title, the property being transferred; and

(2) the deed or other instrument of transfer contains provisions for the reversion of the title to the property to the United States if the State, agency, or entity fails to manage the property in accordance with this title and the purposes of this title.

(d) REQUIREMENT.—Any real property interest conveyed under subsection (c) shall be subject to such terms and conditions as will ensure, to the maximum extent practicable, that the interest will be administered in accordance with this title and the purposes of this title.

SEC. 11110. ADMINISTRATIVE PROVISIONS.

(a) CONTRACTS, GRANTS, AND TRANSFERS OF FUNDS.—In carrying out this title, the Secretary may—

(1) after consideration of a recommendation of the Board and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107; 31 U.S.C. 6101 note), enter into cooperative agreements, contracts, and grants;

(2) notwithstanding any other provision of law, apply for, accept, and use grants from any person to carry out the purposes of this title; and

(3) make funds available to any Federal agency or department to be used by the agency or department to award financial assistance for any salmon stronghold protection, restoration, or enhancement project that the Secretary determines to be consistent with this title.

(b) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to authorize the organization to carry out activities under this title; and

(B) accept donations of funds or services for use in carrying out this title.

(2) PROPERTY.—The Secretary of the Interior may accept donations of property for use in carrying out this title.

(3) USE OF DONATIONS.—Donations accepted under this section—

(A) shall be considered to be gifts or bequests to, or for the use of, the United States; and

(B) may be used directly by the Secretary (or, in the case of donated property under paragraph (2), the Secretary of the Interior) or provided to other Federal agencies or departments through interagency agreements.

(c) INTERAGENCY FINANCING.—The Secretary may participate in interagency financing, including receiving appropriated funds from other agencies or departments to carry out this title.

(d) STAFF.—Subject to the availability of appropriations, the Administrator may hire such additional full-time employees as are necessary to carry out this title.

SEC. 11111. LIMITATIONS.

Nothing in this title may be construed—

(1) to create a reserved water right, express or implied, in the United States for any purpose, or affect the management or priority of water rights under State law;

(2) to affect existing water rights under Federal or State law;

(3) to affect any Federal or State law in existence on the date of the enactment of this Act regarding water quality or water quantity;

(4) to affect the authority, jurisdiction, or responsibility of any agency or department of the United States or of a State to manage, control, or regulate fish and resident wildlife under a Federal or State law or regulation;

(5) to authorize the Secretary or the Secretary of the Interior to control or regulate hunting or fishing under State law;

(6) to abrogate, abridge, affect, modify, supersede, or otherwise alter any right of a federally recognized Indian tribe under any applicable Federal or tribal law or regulation; or

(7) to diminish or affect the ability of the Secretary or the Secretary of the Interior to join the adjudication of rights to the use of water pursuant to subsections (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

SEC. 11112. REPORTS TO CONGRESS.

Not less frequently than once every 3 years, the Administrator, in consultation with the Director, shall submit to Congress a report describing the activities carried out under this title, including the recommendations of the Administrator, if any, for legislation relating to the Salmon Stronghold Partnership.

SEC. 11113. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator, to be distributed by the National Fish and Wildlife Foundation as a fiscal agent, to provide grants under the program, $30,000,000 for each of fiscal years 2011 through 2015.

(2) BOARD.—The National Fish and Wildlife Foundation shall, from the amount appropriated pursuant to the authorization of appropriations in paragraph (1), make available sufficient funds to the Board to carry out its duties under this title.

(b) TECHNICAL ASSISTANCE.—For each of fiscal years 2011 through 2015, there is authorized to be appropriated to the Administrator $300,000 to provide technical assistance under the program and to carry out section 11105.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to an authorization of appropriations in this section are authorized to remain available until expended.

TITLE CXII—SHARK CONSERVATION

SEC. 11201. SHORT TITLE.

This title may be cited as the ''Shark Conservation Act of 2010''.

SEC. 11202. AMENDMENT OF HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) ACTIONS TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(F) to adopt shark conservation measures, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea;'';

(2) in paragraph (2), by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) seeking to enter into international agreements that require measures for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that are comparable to those of the United States, taking into account different conditions; and''.

(b) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Subparagraph (A) of section 609(e)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)(3)) is amended—

(1) by striking the ''and'' before ''bycatch reduction requirements''; and

(2) by striking the semicolon at the end and inserting '', and shark conservation measures;''.

(c) EQUIVALENT CONSERVATION MEASURES.—

(1) IDENTIFICATION.—Subsection (a) of section 610 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended—

(A) in the matter preceding paragraph (1), by striking ''607, a nation if—'' and inserting ''607—'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(ii) by moving clauses (i) and (ii) (as so redesignated) 2 ems to the right;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(E) by inserting before subparagraph (A) (as so redesignated) the following:

''(1) a nation if—'';

(F) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(2) a nation if—

''(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices in waters beyond any national jurisdiction that target or incidentally catch sharks; and

''(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.''.

(2) INITIAL IDENTIFICATIONS.—The Secretary of Commerce shall begin making identifications under paragraph (2) of section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as added by paragraph (1)(G), not later than 1 year after the date of the enactment of this Act.

SEC. 11203. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Paragraph (1) of section 307 of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by amending subparagraph (P) to read as follows:

''(P)(i) to remove any of the fins of a shark (including the tail) at sea;

''(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

''(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

''(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;''; and

(2) by striking the matter following subparagraph (R) and inserting the following:

''For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds 5 percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term 'naturally attached', with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.''.

TITLE CXIII—MARINE MAMMAL RESCUE ASSISTANCE

SEC. 11301. SHORT TITLE.

This title may be cited as the ''Marine Mammal Rescue Assistance Amendments of 2010''.

SEC. 11302. STRANDING AND ENTANGLEMENT RESPONSE.

(a) COLLECTION AND UPDATING OF INFORMATION.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting ''or entangled'' after ''stranded''.

(b) ENTANGLEMENT RESPONSE AGREEMENTS.—

(1) IN GENERAL.—Section 403 of that Act (16 U.S.C. 1421b) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.'';

and

(B) by striking ''stranding.'' in subsection (a) and inserting ''stranding or entanglement.''.

(2) CLERICAL AMENDMENT.—The table of contents for title IV of that Act is amended by striking the item relating to section 403 and inserting the following:

''Sec. 403. Stranding or entanglement response agreements.''.

(c) LIABILITY.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting ''or entanglement'' after ''stranding''.

(d) ENTANGLEMENT DEFINED.—

(1) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

''(A) on a beach or shore of the United States; or

''(B) in waters under the jurisdiction of the United States.''.

(2) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f–1(a)(2)(B)(i)) is amended by striking ''section 410(6)'' and inserting ''section 410(7)''.

(e) UNUSUAL MORTALITY EVENT FUNDING.—Section 405 of such Act (16 U.S.C. 1421d) is amended—

(1) by striking ''to compensate persons for special costs'' in subsection (b)(1)(A)(i) and inserting ''to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs'';

(2) by striking ''preparing and transporting'' in subsection (b)(1)(A)(ii) and inserting ''the preparation, analysis, and transportation of'';

(3) by striking ''event for'' in subsection (b)(1)(A)(ii) and inserting ''event, including such transportation for'';

(4) by striking ''and'' after the semicolon in subsection (c)(2);

(5) by striking ''subsection (d).'' in subsection (c)(3) and inserting ''subsection (d); and''; and

(6) by adding at the end of subsection (c) the following:

''(4) up to $500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act.''.

(f) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 408(h) of such Act (16 U.S.C. 1421f–1(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, other than subsection (a)(3), $7,000,000 for each of fiscal years 2011 through 2015, to remain available until expended, of which—

''(A) $6,000,000 may be available to the Secretary of Commerce; and

''(B) $1,000,000 may be available to the Secretary of the Interior.

''(2) RAPID RESPONSE FUND.—There are authorized to be appropriated to the John H. Prescott Marine Mammal Rescue and Rapid Response Fund established by subsection (a)(3), $500,000 for each of fiscal years 2011 through 2015.

''(3) ADDITIONAL RAPID RESPONSE FUNDS.—There shall be deposited into the Fund established by subsection (a)(3) up to $500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act.''.

(2) ADMINISTRATIVE COSTS AND EXPENSES.—Section 408(f) of such Act (16 U.S.C. 1421f–1(f)) is amended to read as follows:

''(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $120,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided under subsection (a).''.

(3) EMERGENCY ASSISTANCE.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended—

(A) in subsection (a)—

(i) by striking the material preceding paragraph (2) and inserting the following:

''(a) IN GENERAL.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall conduct a program to be known as the John H. Prescott Marine Mammal Rescue and Response Funding Program, to provide for the recovery or treatment of marine mammals, the collection of data from living or dead stranded or entangled marine mammals for scientific research regarding marine mammal health, facility operation costs that are directly related to those purposes, and stranding or entangling events requiring emergency assistance. All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f).'';

(ii) by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following:

''(2) CONTRACT AUTHORITY.—To carry out the activities set out in paragraph (1), the Secretary may enter into grants, cooperative agreements, contracts, or such other agreements or arrangements as the Secretary deems appropriate.

''(3) PRESCOTT RAPID RESPONSE FUND.—There is established in the Treasury an interest bearing fund to be known as the 'John H. Prescott Marine Mammal Rescue and Rapid Response Fund', which shall consist of a portion of amounts deposited into the Fund under subsection (h) or received as contributions under subsection (i), and which shall remain available until expended without regard to any statutory or regulatory provision related to the negotiation, award, or administration of any grants, cooperative agreements, and contracts.''; and

(iii) in paragraph (4)(A), as redesignated by clause (ii)—

(I) by striking ''designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants'' and inserting ''as defined in subsection (g). The Secretary''; and

(II) by striking ''subregions.'' and inserting ''subregions where such facilities exist.'';

(B) by striking subsections (d) and (e) and inserting the following:

''(d) LIMITATION.—

''(1) IN GENERAL.—Support for an individual project under this section may not exceed $200,000 for any 12-month period.

''(2) UNEXPENDED FUNDS.—Amounts provided as support for an individual project under this section that are unexpended or unobligated at the end of such period—

''(A) shall remain available until expended; and

''(B) shall not be taken into account in any other 12-month period for purposes of paragraph (1).

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs of an activity conducted with funds under this section shall be 25 percent of such Federal costs.

''(2) WAIVER.—The Secretary shall waive the requirements of paragraph (1) with respect to an activity conducted with emergency funds disbursed from the Fund established by subsection (a)(3).

''(3) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.''; and

(C) in subsection (g), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) EMERGENCY ASSISTANCE.—The term 'emergency assistance' means assistance provided for a stranding or entangling event—

''(A) that—

''(i) is not an unusual mortality event as defined in section 409(7);

''(ii) leads to an immediate increase in required costs for stranding or entangling response, recovery, or rehabilitation in excess of regularly scheduled costs;

''(iii) may be cyclical or endemic; and

''(iv) may involve out-of-habitat animals; or

''(B) is found by the Secretary to qualify for emergency assistance.''.

(4) CONTRIBUTIONS.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended by adding at the end the following:

''(i) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.''.

(5) PRESCOTT RESCUE AND RAPID RESPONSE FUND DEFINED.—

(A) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h), as amended by subsection (d)(1) of this section, is further amended—

(i) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

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

''(4) The term 'Prescott Rescue and Response Fund' means the John H. Prescott Marine Mammal Rescue and Response Fund established by section 408(a).''.

(B) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f–1(a)(2)(B)(i)), as amended by subsection (d)(2) of this section, is further amended by striking ''section 410(7)'' and inserting ''section 410(8)''.

(6) CONFORMING AMENDMENT.—The section heading for section 408 is amended to read as follows:

''SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR MARINE MAMMAL UNUSUAL MORTALITY EVENT

FUND.—Section 409 of such Act (16 U.S.C. 1421g) is amended—

(1) by striking ''1993 and 1994;'' in paragraph (1) and inserting ''2011 through 2015;'';

(2) by striking ''1993 and 1994;'' in paragraph (2) and inserting ''2011 through 2015;''; and

(3) by striking ''fiscal year 1993.'' in paragraph (3) and inserting ''each of fiscal years 2011 through 2015.''.

TITLE CXIV—SOUTHERN SEA OTTER RECOVERY AND RESEARCH

SEC. 11401. SHORT TITLE.

This title may be cited as the ''Southern Sea Otter Recovery and Research Act''.

SEC. 11402. DEFINITIONS.

In this title:

(1) RECOVERY AND RESEARCH PROGRAM.—The term ''recovery and research program'' means the southern sea otter recovery and research program carried out under section 11403(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Director of the United States Geological Survey.

SEC. 11403. SOUTHERN SEA OTTER RECOVERY AND RESEARCH PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Interior, acting through the United States Fish and Wildlife Service and the United States Geological Survey, shall carry out a recovery and research program for southern sea otter populations along the coast of California, informed by—

(A) the prioritized research recommendations of the Final Revised Recovery Plan for the southern sea otter (Enhydra lutris nereis) published by the United States Fish and Wildlife Service and dated February 24, 2003;

(B) the Research Plan for California Sea Otter Recovery issued by the United States Fish and Wildlife Service Southern Sea Otter Recovery Implementation Team and dated March 2, 2007; and

(C) any other recovery, research, or conservation plan adopted by the United States Fish and Wildlife Service after the date of the enactment of this Act in accordance with otherwise applicable law.

(2) REQUIREMENTS.—The recovery and research program shall include—

(A) monitoring, analysis, and assessment of southern sea otter population demographics, health, causes of mortality, and life history parameters, including range-wide population surveys; and

(B) development and implementation of measures to reduce or eliminate potential factors limiting southern sea otter populations that relate to marine ecosystem health or human activities.

(b) APPOINTMENT OF RECOVERY IMPLEMENTATION TEAM.—Not later than 1 year after the commencement of the recovery and research program under subsection (a), the Secretary shall appoint persons to a southern sea otter recovery implementation team as authorized in accordance with section 4(f)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)(2)).

(c) SOUTHERN SEA OTTER RESEARCH AND RECOVERY GRANTS.—

(1) GRANT AUTHORITY.—The Secretary shall establish a peer-reviewed, merit-based process to award competitive grants for research regarding southern sea otters and for projects assisting the recovery of southern sea otter populations.

(2) PEER REVIEW PANEL.—The Secretary shall establish as necessary a peer review panel to provide scientific advice and guidance to prioritize proposals for grants under this subsection.

(3) RESEARCH GRANT SUBJECTS.—Research funded with grants under this subsection—

(A) shall be in accordance with the research recommendations of any plan referred to in subsection (a); and

(B) may include research on topics such as—

(i) causes of sea otter mortality;

(ii) southern sea otter demographics and natural history;

(iii) effects and sources of poor water quality on southern sea otters (including pollutants, nutrients, and toxicants) and mechanisms for addressing those effects and sources;

(iv) effects and sources of infectious diseases and parasites affecting southern sea otters;

(v) limitations on the availability of food resources for southern sea otters and the impacts of food limitation on southern sea otter carrying capacity;

(vi) interactions between southern sea otters and coastal fisheries and other human activities in the marine environment;

(vii) assessment of the keystone ecological role of sea otters in coastal marine ecosystems of southern and central California, including the direct and indirect effects of sea otter predation, especially as those effects influence human welfare, resource use, and ecosystem services; and

(viii) assessment of the adequacy of emergency response and contingency plans.

(4) RECOVERY PROJECT SUBJECTS.—Recovery projects funded with grants under this subsection—

(A) shall be conducted in accordance with recovery recommendations of any plan referred to in subsection (a) and the findings of the research conducted under this section; and

(B) may include projects—

(i) to protect and recover southern sea otters;

(ii) to reduce, mitigate, or eliminate potential factors limiting southern sea otter populations that are related to human activities, including projects—

(I) to reduce, mitigate, or eliminate factors contributing to mortality, adversely affecting health, or restricting distribution and abundance; and

(II) to reduce, mitigate, or eliminate factors that harm or reduce the quality of southern sea otter habitat or the health of coastal marine ecosystems; and

(iii) to implement emergency response and contingency plans.

(d) REPORT.—The Secretary shall—

(1) not later than 1 year after the date of the enactment of this Act, submit to Congress a report on—

(A) the status of southern sea otter populations;

(B) implementation of the recovery and research program and the grant program under this title; and

(C) any relevant formal consultations conducted during the 2 years preceding the date of the enactment of this Act, and any other consultations the Secretary determines to be relevant, under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to the southern sea otter; and

(2) not later than 2 years after the date of the enactment of this Act and every 5 years thereafter, and in consultation with a southern sea otter recovery implementation team that is otherwise being used by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)), submit to Congress and make available to the public a report that includes—

(A) an evaluation of—

(i) southern sea otter health;

(ii) causes of southern sea otter mortality; and

(iii) the interactions of southern sea otters with the coastal marine ecosystems of California;

(B) an evaluation of actions taken—

(i) to improve southern sea otter health;

(ii) to reduce southern sea otter mortality; and

(iii) to improve southern sea otter habitat;

(C) recommendations for actions that may be taken pursuant to all applicable law—

(i) to improve southern sea otter health;

(ii) to reduce the occurrence of human-related mortality; and

(iii) to improve the health of the coastal marine ecosystems of California;

(D) recommendations for funding to carry out this title; and

(E) a description of any formal consultations that the Secretary determines to be relevant to the research and recovery program established under this title that are conducted in accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) after the date of the enactment of this Act.

SEC. 11404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $5,000,000 for each of fiscal years 2011 through 2016.

(b) MINIMUM PERCENTAGES FOR GRANTS AND PROJECTS.—During the period of fiscal years 2011 through 2016 for which funds are authorized to be appropriated under subsection (a)—

(1) not less than 30 percent of the total amounts appropriated for that period shall be for research grants under section 11403(c)(3); and

(2) not less than 30 percent of the total amounts appropriated for that period shall be for recovery projects under section 11403(c)(4).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts made available for each fiscal year to carry out this title, the Secretary may expend not more than the greater of 7 percent of the amounts, or $150,000, to pay the administrative expenses necessary to carry out this title.

SEC. 11405. TERMINATION.

This title shall have no force or effect on and after the date on which the Secretary (as that term is used in section 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(2)) publishes a determination that the southern sea otter should be removed from the lists published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)).

TITLE CXV—INTERNATIONAL FISHERIES STEWARDSHIP AND ENFORCEMENT

SEC. 11501. SHORT TITLE.

This title may be cited as the ''International Fisheries Stewardship and Enforcement Act''.

Subtitle A—Administration and Enforcement of Certain Fishery and Related Statutes

SEC. 11511. AUTHORITY OF THE SECRETARY TO ENFORCE STATUTES.

(a) IN GENERAL.—

(1) ENFORCEMENT OF STATUTES.—The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating shall enforce the statutes to which this section applies in accordance with the provisions of this section.

(2) UTILIZATION OF NONDEPARTMENTAL RESOURCES.—The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in carrying out this section.

(3) STATUTES TO WHICH APPLICABLE.—This section applies to—

(A) the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.);

(B) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);

(C) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);

(D) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);

(E) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);

(F) the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.);

(G) the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431 et seq.);

(H) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);

(I) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.);

(J) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.);

(K) the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773 et seq.);

(L) any other Act in pari materia, so designated by the Secretary after notice and an opportunity for a hearing; and

(M) the Antigua Convention Implementing Act of 2010.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall prevent any person from violating any Act to which this section applies in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857 through 1861) were incorporated into and made a part of each such Act. Except as provided in subsection (c), any person that violates any Act to which this section applies is subject to the penalties, and entitled to the privileges and immunities, provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by the same means as though sections 308 through 311 of that Act were incorporated into and made a part of each such Act.

(c) SPECIAL RULES.—

(1) IN GENERAL.—Notwithstanding the incorporation by reference of certain sections of the Magnuson-Stevens Fishery Conservation and Management Act under subsection (b), if there is a conflict between a provision of this subsection and the corresponding provision of any section of the Magnuson-Stevens Fishery Conservation and Management Act so incorporated, the provision of this subsection shall apply.

(2) CIVIL ADMINISTRATIVE ENFORCEMENT.—The amount of the civil penalty for a violation of any Act to which this section applies shall not exceed $250,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(3) CIVIL JUDICIAL ENFORCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States to enforce this title and any Act to which this section applies, and such court shall have jurisdiction to award civil penalties or such other relief as justice may require, including a permanent or temporary injunction. The amount of the civil penalty for a violation of any Act to which this section applies shall not exceed $250,000 for each violation. Each day of a continuing violation shall constitute a separate violation. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(4) CRIMINAL FINES AND PENALTIES.—

(A) INDIVIDUALS.—In the case of an individual, any offense described in subsection (e)(2), (3), (4), (5), or (6) is punishable by a fine of not more than $500,000, imprisonment for not more than 5 years, or both. If, in the commission of such offense, an individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury the maximum term of imprisonment is 10 years.

(B) OTHER PERSONS.—In the case of any other person, any offense described in subsection (e)(2), (3), (4), (5), or (6) is punishable by a fine of not more than $1,000,000.

(5) OTHER CRIMINAL VIOLATIONS.—Any person (other than a foreign government or any entity of such government) who knowingly violates any provision of subsection (e) of this section, or any provision of any regulation promulgated pursuant to this title, is guilty of a criminal offense punishable—

(A) in the case of an individual, by a fine of not more than $500,000, imprisonment for not more than 5 years, or both; and

(B) in the case of any other person, by a fine of not more than $1,000,000.

(6) CRIMINAL FORFEITURES.—

(A) IN GENERAL.—A person found guilty of an offense described in subsection (e), or who is convicted of a criminal violation of any Act to which this section applies, shall forfeit to the United States—

(i) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(ii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including any shoreside facility, including its conveyances, structure, equipment, furniture, appurtenances, stores, and cargo.

(B) PROCEDURE.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this section.

(7) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to the powers of officers authorized pursuant to subsection (b), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a) to enforce the provisions of any Act to which this section applies may, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act—

(A) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

(B) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products;

(C) detain, for a period of up to 14 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 14 days; and

(D) make an arrest, in accordance with any guidelines which may be issued by the Attorney General, for any offense under the laws of the United States committed in the person's presence, or for the commission of any felony under the laws of the United States, if the person has reasonable grounds to believe that the person to be arrested has committed or is committing a felony, search and seize, in accordance with any guidelines which may be issued by the Attorney General, and execute and serve any subpoena, arrest warrant, search warrant issued in accordance with rule 41 of the Federal Rules of Criminal Procedure, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction.

(8) SUBPOENAS.—In addition to any subpoena authority pursuant to subsection (b), the Secretary may, for the purposes of conducting any investigation under this section, or any other statute administered by the Secretary, issue subpoenas for the production of relevant papers, photographs, records, books, and documents in any form, including those in electronic, electrical, or magnetic form.

(d) DISTRICT COURT JURISDICTION.—The several district courts of the United States shall have jurisdiction over any actions arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

(e) PROHIBITED ACTS.—It is unlawful for any person—

(1) to violate any provision of this section or any Act to which this section applies or any regulation promulgated thereunder;

(2) to refuse to permit any authorized enforcement officer to board, search, or inspect a vessel, conveyance, or shoreside facility that is subject to the person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of this section or any Act to which this section applies or any regulation promulgated thereunder;

(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies;

(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this section or any Act to which this section applies, or any data collector employed by or under contract to the National Marine Fisheries Service to carry out responsibilities under this section or any Act to which this section applies;

(7) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or fish product taken, possessed, transported, or sold in violation of any treaty or binding conservation measure adopted pursuant to an international agreement or organization to which the United States is a party; or

(8) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.

(f) REGULATIONS.—The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this section or any Act to which this section applies.

SEC. 11512. CONFORMING, MINOR, AND TECHNICAL AMENDMENTS.

(a) HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—

(1) ENFORCEMENT.—Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended—

(A) by inserting ''(a) DETECTING, MONITORING, AND PREVENTING VIOLATIONS.—'' before ''The President''; and

(B) by adding at the end the following:

''(b) ENFORCEMENT.—This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(2) BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.—Section 607(2) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h(2)) is amended by striking ''whose vessels'' and inserting ''that''.

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—

(A) IDENTIFICATION.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended to read as follows:

''(a) IDENTIFICATION.—

''(1) IN GENERAL.—The Secretary shall identify, and list in the report under section 607, a nation if that nation is engaged, or has been engaged at any time during the preceding 3 years, in illegal, unreported, or unregulated fishing and—

''(A) such fishing undermines the effectiveness of measures required under the relevant international fishery management organization;

''(B) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation, or the nation is not a party to, or does not maintain cooperating status with, such organization; or

''(C) there is no international fishery management organization with a mandate to regulate the fishing activity in question.

''(2) OTHER IDENTIFYING ACTIVITIES.—The Secretary shall also identify, and list in the report under section 607, a nation if—

''(A) it is violating, or has violated at any time during the preceding 3 years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures, taking into account the factors described in paragraph (1); or

''(B) it is failing, or has failed at any time during the preceding 3 years, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described in paragraph (1)(C).

''(3) TREATMENT OF CERTAIN ENTITIES AS IF THEY WERE NATIONS.—Where the provisions of this Act apply to the act, or failure to act, of a nation, they shall also be applicable, as appropriate, to any other entity that is competent to enter into an international fishery management agreement.''.

(B) IUU CERTIFICATION PROCEDURE.—

(i) CERTIFICATION.—Section 609(d)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1)) is amended by striking ''of its fishing vessels'' each place it appears.

(ii) ALTERNATIVE PROCEDURE.—Section 609(d)(2) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(2)) is amended—

(I) by striking ''procedure for certification,'' and inserting ''procedure,'';

(II) by striking ''basis of fish'' and inserting ''basis, for allowing importation of fish''; and

(III) by striking ''harvesting nation not certified under paragraph (1)'' and inserting ''nation issued a negative certification under paragraph (1)''.

(4) EQUIVALENT CONSERVATION MEASURES.—Section 610(a)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)(1)) is amended—

(A) by striking ''calendar year'' and inserting ''3 years''; and

(B) by striking ''practices;'' and inserting ''practices—''.

(b) DOLPHIN PROTECTION CONSUMER INFORMATION ACT.—Section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended—

(1) by adding at the end of subsection (d) the following:

''(4) It is a violation of section 11511 of the International Fisheries Stewardship and Enforcement Act for any person to assault, resist, oppose, impede, intimidate, or interfere with and authorized officer in the conduct of any search, investigation or inspection under this Act.''; and

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

''(e) ENFORCEMENT.—This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(c) TUNA CONVENTIONS ACT OF 1950.—Section 8 of the Tuna Conventions Act of 1950 (16 U.S.C. 957) is amended—

(1) by striking ''regulations.'' in subsection (a) and inserting ''regulation or for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including the false identification of species, harvesting vessel or nation or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.'';

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

''(d) It shall be unlawful for any person—

''(1) to refuse to permit any officer authorized to enforce the provisions of this Act to board a fishing vessel subject to such person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of this Act or any regulation promulgation or permit issued under this Act;

''(2) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation or inspection described in paragraph (1);

''(3) to resist a lawful arrest for any act prohibited by this section; or

''(4) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.'';

(3) by striking subsections (e) through (g) and redesignating subsection (h) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) ENFORCEMENT.—This section shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT OF 1992.—

(1) UNLAWFUL ACTIVITIES.—Section 810 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(A) by striking ''purchases'' in paragraph (5) and inserting ''purposes'';

(B) by striking ''search or inspection'' in paragraph (5) and inserting ''search, investigation, or inspection'';

(C) by striking ''search or inspection'' in paragraph (6) and inserting ''search, investigation, or inspection'';

(D) by striking ''or'' after the semicolon in paragraph (8);

(E) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(F) by adding at the end the following:

''(10) for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''.

(2) ADMINISTRATION AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

''SEC. 811. ADMINISTRATION AND ENFORCEMENT.

''This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(e) PACIFIC SALMON TREATY ACT OF 1985.—Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) by striking ''search or inspection'' in subsection (a)(2) and inserting ''search, investigation, or inspection'';

(2) by striking ''search or inspection'' in subsection (a)(3) and inserting ''search, investigation, or inspection'';

(3) by striking ''or'' after the semicolon in subsection (a)(5);

(4) by striking ''section.'' in subsection (a)(6) and inserting ''section; or'';

(5) by adding at the end of subsection (a) the following:

''(7) for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''; and

(6) by striking subsections (b) through (f) and inserting the following:

''(b) ADMINISTRATION AND ENFORCEMENT.—This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(f) SOUTH PACIFIC TUNA ACT OF 1988.—

(1) PROHIBITED ACTS.—Section 5(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973c(a)) is amended—

(A) by striking ''search or inspection'' in paragraph (8) and inserting ''search, investigation, or inspection'';

(B) by striking ''search or inspection'' in paragraph (10)(A) and inserting ''search, investigation, or inspection'';

(C) by striking ''or'' after the semicolon in paragraph (12);

(D) by striking '' retained.'' in paragraph (13) and inserting ''retained; or''; and

(E) by adding at the end the following:

''(14) for any person to make or submit any false record, account, or label for, or any

false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''.

(2) ADMINISTRATION AND ENFORCEMENT.—The South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.) is amended by striking sections 7 and 8 (16 U.S.C. 973e and 973f) and inserting the following:

''SEC. 7. ADMINISTRATION AND ENFORCEMENT.

''This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(g) ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984.—

(1) UNLAWFUL ACTIVITIES.—Section 306 of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2435) is amended—

(A) by striking ''which he knows, or reasonably should have known, was'' in paragraph (3);

(B) by striking ''search or inspection'' in paragraph (4) and inserting ''search, investigation, or inspection'';

(C) by striking ''search or inspection'' in paragraph (5) and inserting ''search, investigation, or inspection'';

(D) by striking ''or'' after the semicolon in paragraph (6);

(E) by striking ''section.'' in paragraph (7) and inserting ''section; or''; and

(F) by adding at the end the following:

''(8) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''.

(2) REGULATIONS.—Section 307 of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2436) is amended by adding ''Notwithstanding the provisions of subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final rule to implement conservation measures, described in section 635(a) of this title, that are in effect for 12 months or less, adopted by the Commission, and not objected to by the United States within the time period allotted under Article IX of the Convention. Upon publication in the Federal Register, such conservation measures shall be in force with respect to the United States.'' after ''title.''.

(3) PENALTIES AND ENFORCEMENT.—The Antarctic Marine Living Resources Convention Act (16 U.S.C. 2431 et seq.) is amended—

(A) by striking sections 308 and 309 (16 U.S.C. 2437 and 2438);

(B) by striking subsection (b), (c), and (d) of section 310 (16 U.S.C. 2439) and redesignating subsection (e) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) ADMINISTRATION AND ENFORCEMENT.—This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(h) ATLANTIC TUNAS CONVENTION ACT OF 1975.—

(1) VIOLATIONS.—Section 7 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (f); and

(B) by inserting after subsection (d) the following:

''(e) MISLABELING.—It shall be unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including the false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be, imported, exported, transported, sold, offered for sale, purchased or received in interstate or foreign commerce.''.

(2) ENFORCEMENT.—Section 8 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971f) is amended—

(A) by striking subsections (a) and (c);

(B) by striking ''(b) INTERNATIONAL ENFORCEMENT.—'' in subsection (b) and inserting ''This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''; and

(C) by striking ''shall have the authority to carry out the enforcement activities specified in section 8(a) of this Act'' each place it appears and inserting ''shall enforce this Act''.

(i) NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

(1) in the section heading, by striking ''**PENALTIES.**'' and inserting ''**ENFORCEMENT.**''

(2) in subsection (a)—

(A) in paragraph (2), by striking ''search or inspection'' and inserting ''search, investigation, or inspection'';

(B) in paragraph (3), by striking ''search or inspection'' and inserting ''search, investigation, or inspection'';

(C) in paragraph (5), by striking ''or'' after the semicolon;

(D) in paragraph (6), by striking ''section.'' and inserting ''section; or''; and

(E) by adding at the end the following:

''(7) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''; and

(3) by striking subsections (b) through (f) and inserting the following:

''(b) ADMINISTRATION AND ENFORCEMENT.—This title shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(j) WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.—

(1) ADMINISTRATION AND ENFORCEMENT.—Section 506(c) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6905(c)) is amended to read as follows:

''(c) ADMINISTRATION AND ENFORCEMENT.—This title shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

(2) PROHIBITED ACTS.—Section 507(a) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6906(a)) is amended—

(A) by striking ''suspension, on'' in paragraph (2) and inserting ''suspension of'';

(B) by striking ''title.'' in paragraph (14) and inserting ''title; or''; and

(C) by adding at the end the following:

''(15) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''.

(k) NORTHERN PACIFIC HALIBUT ACT OF 1982.—

(1) PROHIBITED ACTS.—Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

(A) by redesignating subdivisions (a) and (b) as paragraphs (1) and (2), respectively, and subdivisions (1) through (6) of paragraph (1), as redesignated, as subparagraphs (A) through (F);

(B) by striking ''search or inspection'' in paragraph (1)(B), as redesignated, and inserting ''search, investigation, or inspection'';

(C) by striking ''search or inspection'' in paragraph (1)(C), as redesignated, and inserting ''search, investigation, or inspection'';

(D) by striking ''or'' after the semicolon in paragraph (1)(E), as redesignated;

(E) by striking ''section.'' in paragraph (1)(F), as redesignated, and inserting ''section;''; and

(F) by adding at the end of paragraph (1), as redesignated, the following:

''(G) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.''.

(2) ADMINISTRATION AND ENFORCEMENT.—The Northern Pacific Halibut Act of 1982 (16 U.S.C. 773 et seq.) is amended—

(A) by striking sections 3, 9, and 10 (16 U.S.C. 773f, 773g, and 773h); and

(B) by striking subsections (b) through (f) of section 11 (16 U.S.C. 773i) and inserting the following:

''(b) ADMINISTRATION AND ENFORCEMENT.—This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

SEC. 11513. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

(a) IN GENERAL.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i), as amended by section 11532 of this division, is further amended by adding at the end the following:

''(c) VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The Secretary may—

''(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization or arrangement made pursuant to an international fishery agreement, whether or not the United States is a party to such organization or arrangement;

''(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements; and

''(3) provide notification to the public of vessels and vessel owners identified by international fishery management organizations or arrangements made pursuant to an international fishery agreement as having been engaged in illegal, unreported, or unregulated fishing, as well as any measures adopted by such organizations or arrangements to address illegal, unreported, or unregulated fishing.

''(d) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (c)(2) that includes measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

''(e) REGULATIONS.—The Secretary may promulgate regulations to implement subsections (c) and (d).''.

(b) ADDITIONAL MEASURES.—

(1) AMENDMENT OF THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—

(A) IUU CERTIFICATION PROCEDURE; EFFECT OF CERTIFICATION.—Section 609(d)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(3)) is amended by striking ''that has not been certified by the Secretary under this subsection, or'' in subparagraph (A)(i).

(B) CONSERVATION CERTIFICATION PROCEDURE; EFFECT OF CERTIFICATION.—Section 610(c)(5) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)(5)) is amended by striking ''that has not been certified by the Secretary under this subsection, or''.

(2) AMENDMENT OF THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.—

(A) DENIAL OF PORT PRIVILEGES.—Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(i) by striking subsection (a)(2) and inserting the following:

''(2) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

''(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for—

''(i) any large-scale driftnet fishing vessel that is documented under the law of the United States or of a nation included on a list published under paragraph (1); or

''(ii) any fishing vessel of a nation that receives a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d) or 1826k(c)); and

''(B) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purpose of inspecting the vessel, conducting an investigation, or taking other appropriate enforcement action.'';

(ii) by striking ''or illegal, unreported, or unregulated fishing'' each place it appears in subsection (b)(1) and (2);

(iii) by striking ''or'' after the semicolon in subsection (b)(3)(A)(i);

(iv) by striking ''nation.'' in subsection (b)(3)(A)(ii) and inserting ''nation; or'';

(v) by adding at the end of subsection (b)(3)(A) the following:

''(iii) upon receipt of notification of a negative certification under section 609(d)(1) or 610(c)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1) or 1826k(c)(1)).'';

(vi) by inserting ''or after issuing a negative certification under section 609(d)(1) or 610(c)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1) and 1826k(c)(1)),'' after ''paragraph (1),'' in subsection (b)(4)(A); and

(vii) by striking subsection (b)(4)(A)(i) and inserting the following:

''(i) any prohibition established under paragraph (3) is insufficient to cause that nation—

''(I) to terminate large-scale driftnet fishing conducted by its nationals and vessels beyond the exclusive economic zone of any nation;

''(II) to address illegal, unreported, or unregulated fishing activities for which a nation has been identified under section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j); or

''(III) to address bycatch of a protected living marine resource for which a nation has been identified under section 610 of such Act (16 U.S.C. 1826k); or''.

(B) DURATION OF DENIAL OF PORT PRIVILEGES AND SANCTIONS.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by striking ''such nation has terminated large-scale driftnet fishing or illegal, unreported, or unregulated fishing by its nationals and vessels beyond the exclusive economic zone of any nation.'' and inserting ''such nation has—

''(1) terminated large-scale driftnet fishing by its nationals and vessels beyond the exclusive economic zone of any nation;

''(2) addressed illegal, unreported, or unregulated fishing activities for which a nation has been identified under section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j); or

''(3) addressed bycatch of a protected living marine resource for which a nation has been identified under section 610 of that Act (16 U.S.C. 1826k).''.

SEC. 11514. LIABILITY.

Any claims arising from the actions of any officer, authorized by the Secretary to enforce the provisions of this title or any Act to which this title applies, taken pursuant to any scheme for at-sea boarding and inspection authorized under any international agreement to which the United States is a party may be pursued under chapter 171 of title 28, United States Code, or such other legal authority as may be pertinent.

Subtitle B—Law Enforcement and International Operations

SEC. 11521. INTERNATIONAL FISHERIES ENFORCEMENT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Within 12 months after the date of the enactment of this Act, the Secretary shall, subject to the availability of appropriations, establish an International Fisheries Enforcement Program within the Office of Law Enforcement of the National Marine Fisheries Service.

(2) PURPOSE.—The Program shall be an interagency program established and administered by the Secretary in coordination with the heads of other departments and agencies for the purpose of detecting and investigating illegal, unreported, or unregulated fishing activity and enforcing the provisions of this title.

(3) STAFF.—The Program shall be staffed with representation from the U.S. Coast Guard, U.S. Customs and Border Protection, U.S. Food and Drug Administration, and any other department or agency determined by the Secretary to be appropriate and necessary to detect and investigate illegal, unreported, or unregulated fishing activity and enforce the provisions of this title.

(b) PROGRAM ACTIONS.—

(1) STAFFING AND OTHER RESOURCES.—At the request of the Secretary, the heads of other departments and agencies providing staff for the Program shall—

(A) by agreement, on a reimbursable basis or otherwise, participate in staffing the Program;

(B) by agreement, on a reimbursable basis or otherwise, share personnel, services, equipment (including aircraft and vessels), and facilities with the Program; and

(C) to the extent possible, and consistent with other applicable law, extend the enforcement authorities provided by their enabling legislation to the other departments and agencies participating in the Program for the purposes of conducting joint operations to detect and investigate illegal, unreported or unregulated fishing activity and enforcing the provisions of this title.

(2) BUDGET.—The Secretary and the heads of other departments and agencies providing staff for the Program, may, at their discretion, develop interagency plans and budgets and engage in interagency financing for such purposes.

(3) 5-YEAR PLAN.—Within 180 days after the date on which the Program is established under subsection (a), the Secretary shall develop a 5-year strategic plan for guiding interagency and intergovernmental international fisheries enforcement efforts to carry out the provisions of this title. The Secretary shall update the plan periodically as necessary, but at least once every 5 years.

(4) COOPERATIVE ACTIVITIES.—The Secretary, in coordination with the heads of other departments and agencies providing staff for the Program, may—

(A) create and participate in task forces, committees, or other working groups with other Federal, State or local governments as well as with the governments of other nations for the purposes of detecting and investigating illegal, unreported, or unregulated fishing activity and carrying out the provisions of this title; and

(B) enter into agreements with other Federal, State, or local governments as well as with the governments of other nations, on a reimbursable basis or otherwise, for such purposes.

(c) POWERS OF AUTHORIZED OFFICERS.—Notwithstanding any other provision of law, while operating under an agreement with the Secretary entered into under section 11511 of this title, and conducting joint operations as part of the Program for the purposes of detecting and investigating illegal, unreported or unregulated fishing activity and enforcing the provisions of this title, authorized officers shall have the powers and authority provided in that section.

(d) INFORMATION COLLECTION, MAINTENANCE AND USE.—

(1) IN GENERAL.—The Secretary and the heads of other departments and agencies providing staff for the Program shall, to the maximum extent allowable by law, share all applicable information, intelligence, and data related to the harvest, transportation, or trade of fish and fish product in order to detect and investigate illegal, unreported, or unregulated fishing activity and to carry out the provisions of this title.

(2) COORDINATION OF DATA.—The Secretary, through the Program, shall coordinate the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the harvest, transportation, or trade of fish and fish product collected or maintained by the member agencies of the Program.

(3) CONFIDENTIALITY.—The Secretary, through the Program, shall ensure the protection and confidentiality required by law for information, intelligence, and data related to the harvest, transportation, or trade of fish and fish product obtained by the Program.

(4) DATA STANDARDIZATION.—The Secretary and the heads of other departments and agencies providing staff for the Program shall, to the maximum extent practicable, develop data standardization for fisheries related data for Program agencies and with international fisheries enforcement databases as appropriate.

(5) ASSISTANCE FROM INTELLIGENCE COMMUNITY.—Upon request of the Secretary, elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall collect information related to illegal, unreported, or unregulated fishing activity outside the United States about individuals who are not United States persons (as defined in section 105A(c)(2) of such Act (50 U.S.C. 403–5a(c)(2))). Such elements of the intelligence community shall collect and share such information with the Secretary through the Program for law enforcement purposes in order to detect and investigate illegal, unreported, or unregulated fishing activities and to carry out the provisions of this title. All collection and sharing of information shall be in accordance with the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(6) INFORMATION SHARING.—The Secretary, through the Program, shall have authority

to share fisheries-related data with other Federal or State government agency, foreign government, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fisheries management organization or arrangement made pursuant to an international fishery agreement, if—

(A) such governments, organizations, or arrangements have policies and procedures to safeguard such information from unintended or unauthorized disclosure; and

(B) the exchange of information is necessary—

(i) to ensure compliance with any law or regulation enforced or administered by the Secretary;

(ii) to administer or enforce treaties to which the United States is a party;

(iii) to administer or enforce binding conservation measures adopted by any international organization or arrangement to which the United States is a party;

(iv) to assist in investigative, judicial, or administrative enforcement proceedings in the United States; or

(v) to assist in any fisheries or living marine resource related law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 to the Secretary for each of fiscal years 2011 through 2016 to carry out this section.

SEC. 11522. INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.

(a) INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.—The Secretary may establish an international cooperation and assistance program, including grants, to provide assistance for international capacity building efforts.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to other nations to assist them in addressing illegal, unreported, or unregulated fishing activities;

(2) provide funding and technical expertise to other nations to assist them in reducing the loss and environmental impacts of derelict fishing gears, reducing the bycatch of living marine resources, and promoting international marine resource conservation;

(3) provide funding, technical expertise, and training, in cooperation with the International Fisheries Enforcement Program under section 11521 of this title, to other nations to aid them in building capacity for enhanced fisheries management, fisheries monitoring, catch and trade tracking activities, enforcement, and international marine resource conservation;

(4) establish partnerships with other Federal agencies, as appropriate, to ensure that fisheries development assistance to other nations is directed toward projects that promote sustainable fisheries; and

(5) conduct outreach and education efforts in order to promote public and private sector awareness of international fisheries sustainability issues, including the need to combat illegal, unreported, or unregulated fishing activity and to promote international marine resource conservation.

(c) GUIDELINES.—The Secretary may establish guidelines necessary to implement the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2011 through 2016 to carry out this section.

Subtitle C—Miscellaneous Amendments

SEC. 11531. ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) ELIMINATION OF ANNUAL REPORT.—Section 11 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971j) is repealed.

(b) CERTAIN REGULATIONS.—Section 6(c)(2) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''(A) submission'' and inserting ''the presentation'';

(3) by striking ''arguments, and (B) oral presentation at a public hearing. Such'' and inserting ''written or oral statements at a public hearing. After consideration of such presentations, the''; and

(4) by adding at the end the following:

''(B) The Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) of this subsection concerning trade restrictive measures against nations or fishing entities without regard to the requirements of subparagraph (A) of this paragraph and subsections (b) and (c) of section 553 of title 5, United States Code.''.

SEC. 11532. DATA SHARING.

(a) HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i), as amended by section 11202 of this division, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary,'';

(2) by striking ''organizations'' the first place it appears and inserting, ''organizations, or arrangements made pursuant to an international fishery agreement (as defined in section 3(24) of the Magnuson-Stevens Fishery Conservation and Management Act),'';

(3) by striking ''and'' after the semicolon in paragraph (3), as added by section 11202 of this division;

(4) by striking ''territories.'' in paragraph (4), as redesignated by section 11202 of this division, and inserting ''territories; and''; and

(5) by adding at the end the following:

''(5) urging other nations, through the regional fishery management organizations of which the United States is a member, bilaterally and otherwise to seek and foster the sharing of accurate, relevant, and timely information—

''(A) to improve the scientific understanding of marine ecosystems;

''(B) to improve fisheries management decisions;

''(C) to promote the conservation of protected living marine resources;

''(D) to combat illegal, unreported, and unregulated fishing; and

''(E) to improve compliance with conservation and management measures in international waters.

''(b) INFORMATION SHARING.—In carrying out this section, the Secretary may disclose, as necessary and appropriate, information to the Food and Agriculture Organization of the United Nations, international fishery management organizations (as so defined), or arrangements made pursuant to an international fishery agreement, if such organizations or arrangements have policies and procedures to safeguard such information from unintended or unauthorized disclosure.''.

(b) CONFORMING AMENDMENT.—Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (J); and

(3) by inserting after subparagraph (G) the following:

''(H) to the Food and Agriculture Organization of the United Nations, international fishery management organizations, or arrangements made pursuant to an international fishery agreement as provided for in the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i(b));

''(I) to any other Federal or State government agency, foreign government, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fisheries management organization or arrangement made pursuant to an international fishery agreement, as provided in section 621(d)(6) of the International Fisheries Stewardship and Enforcement Act; or''.

SEC. 11533. PERMITS UNDER THE HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 104(f) of the High Seas Fishing Compliance Act (16 U.S.C. 5503(f)) is amended to read as follows:

''(f) VALIDITY.—A permit issued under this section is void if—

''(1) 1 or more permits or authorizations required for a vessel to fish, in addition to a permit issued under this section, expire, are revoked, or are suspended; or

''(2) the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.''.

SEC. 11534. TECHNICAL CORRECTIONS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.

Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6902) is amended—

(1) by striking ''Management Council and'' in subsection (a) and inserting ''Management Council, and one of whom shall be the chairman or a member of'';

(2) by striking subsection (c)(1) and inserting the following:

''(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''; and

(3) by striking subsection (d)(2)(B)(ii) and inserting the following:

''(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 11535. PACIFIC WHITING ACT OF 2006.

(a) SCIENTIFIC EXPERTS.—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended by striking ''at least 6 but not more than 12'' inserting ''no more than 2''.

(b) EMPLOYMENT STATUS.—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended to read as follows:

''(a) EMPLOYMENT STATUS.—Individuals appointed under section 603, 604, 605, or 606 of this title, other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 11536. CLARIFICATION OF EXISTING AUTHORITY.

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified

under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2886).

SEC. 11537. REAUTHORIZATIONS.

(a) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 304(c)(1) of the Marine Mammal Protection Act (16 U.S.C. 1414a(c)(1)) is amended by adding at the end the following:

''(5) $1,000,000 for each of fiscal years 2011 through 2015.''.

(b) PACIFIC SALMON TREATY ACT OF 1985.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is amended by striking ''and 2009,'' and inserting ''2009, 2010, 2011, 2012, 2013, 2014, and 2015''.

(c) SOUTH PACIFIC TUNA ACT OF 1988.—Section 20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973r(a)) is amended by striking ''1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002,'' each place it appears and inserting ''2011 through 2015''.

Subtitle D—Implementation of the Antigua Convention

SEC. 11541. SHORT TITLE.

This title may be cited as the ''Antigua Convention Implementing Act of 2010''.

SEC. 11542. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.).

SEC. 11543. DEFINITIONS.

Section 2 (16 U.S.C. 951) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ANTIGUA CONVENTION.—The term 'Antigua Convention' means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003.

''(2) COMMISSION.—The term 'Commission' means the Inter-American Tropical Tuna Commission provided for by the Convention.

''(3) CONVENTION.—The term 'Convention' means—

''(A) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica;

''(B) the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States; or

''(C) both such Conventions, as the context requires.

''(4) IMPORT.—The term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

''(5) PERSON.—The term 'person' means an individual, partnership, corporation, or association subject to the jurisdiction of the United States.

''(6) UNITED STATES.—The term 'United States' includes all areas under the sovereignty of the United States.

''(7) U.S. COMMISSIONERS.—The term 'U.S. commissioners' means the members of the commission.

''(8) U.S. SECTION.—The term 'U.S. section' means the U.S. Commissioners to the Commission and a designee of the Secretary of State.''.

SEC. 11544. COMMISSIONERS, NUMBER, APPOINTMENT, AND QUALIFICATIONS.

Section 3 (16 U.S.C. 952) is amended to read as follows:

''SEC. 3. COMMISSIONERS.

''(a) COMMISSIONERS.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council, and one of whom shall be the chairman or a member of the Pacific Fishery Management Council. Not more than 2 Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.

''(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 4(b), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

''(c) ADMINISTRATIVE MATTERS.—

''(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

''(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

''(3) TRAVEL EXPENSES.—

''(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the IATTC and other meetings the Secretary deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.''.

SEC. 11545. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

Section 4 (16 U.S.C. 953) is amended—

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

''(a) GENERAL ADVISORY COMMITTEE.—

''(1) APPOINTMENTS; PUBLIC PARTICIPATION; COMPENSATION.—

''(A) The Secretary, in consultation with the Secretary of State, shall appoint a General Advisory Committee which shall consist of not more than 25 individuals who shall be representative of the various groups concerned with the fisheries covered by the Convention, including nongovernmental conservation organizations, providing to the maximum extent practicable an equitable balance among such groups. Members of the General Advisory Committee will be eligible to participate as members of the U.S. delegation to the Commission and its working groups to the extent the Commission rules and space for delegations allow.

''(B) The chair of the Pacific Fishery Management Council's Advisory Subpanel for Highly Migratory Fisheries and the chair of the Western Pacific Fishery Management Council's Advisory Committee shall be members of the General Advisory Committee by virtue of their positions in those Councils.

''(C) Each member of the General Advisory Committee appointed under subparagraph (A) shall serve for a term of 3 years and is eligible for reappointment.

''(D) The General Advisory Committee shall be invited to attend all non-executive meetings of the United States Section and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

''(E) The General Advisory Committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The General Advisory Committee shall publish and make available to the public a statement of its organization, practices and procedures. Meetings of the General Advisory Committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in timely fashion. The General Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) INFORMATION SHARING.—The Secretary and the Secretary of State shall furnish the General Advisory Committee with relevant information concerning fisheries and international fishery agreements.

''(3) ADMINISTRATIVE MATTERS.—

''(A) The Secretary shall provide to the General Advisory Committee in a timely manner such administrative and technical support services as are necessary for its effective functioning.

''(B) Individuals appointed to serve as a member of the General Advisory Committee—

''(i) shall serve without pay, but while away from their homes or regular places of business to attend meetings of the General Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

''(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''; and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

''(b) SCIENTIFIC ADVISORY COMMITTEE.—(1) The Secretary, in consultation with the Secretary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with

balanced representation from the public and private sectors, including nongovernmental conservation organizations.''.

SEC. 11546. RULEMAKING.

Section 6 (16 U.S.C. 955) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 6. RULEMAKING.''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of 1 or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

''(b) JURISDICTION.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.''.

SEC. 11547. PROHIBITED ACTS.

Section 8 (16 U.S.C. 957) is amended to read as follows:

''SEC. 8. PROHIBITED ACTS.

''It is unlawful for any person—

''(1) to violate any provision of this chapter or any regulation or permit issued pursuant to this Act;

''(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

''(3) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in section 10) to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation or inspection in connection with the enforcement of this Act or any regulation, permit, or the Convention;

''(4) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this Act or any regulation, permit, or the Convention;

''(5) to resist a lawful arrest for any act prohibited by this Act;

''(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in paragraph (1) or (2);

''(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

''(8) to knowingly and willfully submit to the Secretary false information regarding any matter that the Secretary is considering in the course of carrying out this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;

''(10) to engage in fishing in violation of any regulation adopted pursuant to section 6(c) of this Act;

''(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

''(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished;

''(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States; and

''(14) to import, in violation of any regulation adopted pursuant to section 6(c) of this Act, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 6(c) of this Act, unless such person provides such proof as the Secretary of Commerce may require that a fish described in this paragraph offered for entry into the United States is not ineligible for such entry under the terms of section 6(c) of this Act.''.

SEC. 11548. ENFORCEMENT.

Section 10 (16 U.S.C. 959) is amended to read as follows:

''SEC. 10. ENFORCEMENT.

''This Act shall be enforced under section 11511 of the International Fisheries Stewardship and Enforcement Act.''.

SEC. 11549. REDUCTION OF BYCATCH.

Section 15 (16 U.S.C. 962) is amended by striking ''vessel'' and inserting ''vessels''.

SEC. 11550. REPEAL OF EASTERN PACIFIC TUNA LICENSING ACT OF 1984.

The Eastern Pacific Tuna Licensing Act of 1984 (16 U.S.C. 972 et seq.) is repealed.

TITLE CXVI—GULF OF THE FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES BOUNDARY MODIFICATION AND PROTECTION

SEC. 11601. SHORT TITLE.

This title may be cited as the ''Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act''.

SEC. 11602. FINDINGS.

Congress finds the following:

(1) The Gulf of the Farallones extends approximately 100 miles along the coast of Marin and Sonoma Counties of northern California. It includes approximately one-half of California's nesting seabirds, rich benthic marine life on hard-rock substrate, prolific fisheries, and substantial concentrations of resident and seasonally migratory marine mammals.

(2) Cordell Bank is adjacent to the Gulf of the Farallones and is a submerged island with spectacular, unique, and nationally significant marine environments.

(3) These marine environments have national and international significance, exceed the biological productivity of tropical rain forests, and support high levels of biological diversity.

(4) These biological communities are easily susceptible to damage from human activities, and must be properly conserved for themselves and to protect the economic viability of their contribution to national and regional economies.

(5) The Gulf of Farallones and the Cordell Bank include some of the United States richest fishing grounds and support important commercial and recreational fisheries. These fisheries are regulated by State and Federal fishery agencies and are supported and fostered through protection of the waters and habitats of Gulf of the Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary.

(6) The report of the Commission on Ocean Policy established by section 3 of the Oceans Act of 2000 (Public Law 106–256; 33 U.S.C. 857–19) calls for comprehensive protection for the most productive ocean environments and recommends that they be managed as ecosystems.

(7) New scientific discoveries by the Office of National Marine Sanctuaries support comprehensive protection for these marine environments by broadening the geographic scope of the existing Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

(8) Cordell Bank is at the nexus of an ocean upwelling system, which produces the highest biomass concentrations on the west coast of the United States.

SEC. 11603. POLICY AND PURPOSE.

(a) POLICY.—It is the policy of the United States to protect and preserve living and other resources of the Gulf of the Farallones and Cordell Bank marine environments.

(b) PURPOSE.—The purposes of this title are the following:

(1) To extend the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary as described in section 11605.

(2) To strengthen the protections that apply in the Sanctuaries.

(3) To provide for the education and interpretation for the public of the ecological value and national importance of the Sanctuaries.

(4) To manage human uses of the Sanctuaries under this title and the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

(c) EFFECT ON FISHING ACTIVITIES.—Nothing in this title is intended to alter any existing authorities regarding the conduct and location of fishing activities in the Sanctuaries.

SEC. 11604. DEFINITIONS.

In this title:

(1) CORDELL BANK NMS.—The term ''Cordell Bank NMS'' means the Cordell Bank National Marine Sanctuary.

(2) FARALLONES NMS.—The term ''Farallones NMS'' means the Gulf of the Farallones National Marine Sanctuary.

(3) SANCTUARIES.—The term ''Sanctuaries'' means the Farallones NMS and the Cordell Bank NMS.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 11605. NATIONAL MARINE SANCTUARY BOUNDARY ADJUSTMENTS.

(a) GULF OF THE FARALLONES.—

(1) BOUNDARY ADJUSTMENT.—The areas described in paragraph (2) are added to the Farallones NMS described in part 922.80 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) AREAS INCLUDED.—

(A) IN GENERAL.—The areas referred to in paragraph (1) are the following:

(i) All submerged lands and waters, including living marine and other resources within and on those lands and waters, from the mean high water line to the boundary described in subparagraph (B).

(ii) The submerged lands and waters, including living marine and other resources within those waters, within the approximately two-square-nautical-mile portion of the Cordell Bank NMS (as in effect immediately before the enactment of this Act)

that is located south of the area that is added to Cordell Bank NMS by subsection (b)(2).

(B) BOUNDARY DESCRIBED.—The boundary referred to in subparagraph (A)(i) commences from the mean high water line (referred to in this subparagraph as the ''MHWL'') at 39.00000 degrees north in a westward direction approximately 29 nautical miles (referred to in this subparagraph as ''nm'') to 39.00000 north, 124.33333 west. The boundary then extends in a southeasterly direction to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nm westward of Bodega Head. The boundary then extends eastward to the most northeastern corner of the expanded Cordell Bank NMS at 38.30000 north, 123.20000 degrees west, approximately 6 nm miles westward of Bodega Head. The boundary then extends in a southeasterly direction to 38.26390 degrees north, 123.18138 degrees west at the northwestern most point of the current Gulf of the Farallones Boundary. The boundary then follows the current northern Gulf of the Farallones NMS boundary in a northeasterly direction to the MHWL near Bodega Head. The boundary then follows the MHWL in a northeasterly and northwesterly direction to the commencement point at the intersection of the MHWL and 39.00000 north. Coordinates listed in this subparagraph are based on the North American Datum 1983 and the geographic projection.

(b) CORDELL BANK.—

(1) BOUNDARY ADJUSTMENT.—The area described in paragraph (2) is added to the existing Cordell Bank NMS described in part 922.80 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) AREA INCLUDED.—

(A) IN GENERAL.—The area referred to in paragraph (1) consists of all submerged lands and waters, including living marine and other resources within those waters, within the boundary described in subparagraph (B).

(B) BOUNDARY.—The boundary referred to in subparagraph (A) commences at the most northeastern point of the Cordell Bank NMS boundary (as in effect immediately before the enactment of this Act) at 38.26390 degrees north, 123.18138 degrees west and extends northwestward to 38.30000 degrees north, 123.20000 degrees west, approximately 6 nautical miles (referred to in this subparagraph as ''nm'') west of Bodega Head. The boundary then extends westward to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nautical miles west of Bodega Head. The boundary then turns southeastward and continues approximately 34 nautical miles to 37.76687 degrees north, 123.75142 degrees west, and then approximately 15 nm eastward to 37.76687 north, 123.42694 west at an intersection with the current Cordell Bank NMS boundary. The boundary then follows the current Cordell Bank NMS boundary, which is coterminous with the current Gulf of the Farallones boundary, in a northeasterly and then northwesterly direction to its commencement point at 38.26390 degrees north, 123.18138 degrees west. Coordinates listed in this subparagraph are based on NAD83 Datum and the geographic projection.

(c) INCLUSION IN THE SYSTEM.—The areas included in the Sanctuaries under subsections (a) and (b) shall be managed as part of the National Marine Sanctuary System, established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.

(d) UPDATED NOAA CHARTS.—The Secretary shall—

(1) produce updated National Oceanic and Atmospheric Administration nautical charts for the areas in which the Sanctuaries are located, as modified by subsections (a) and (b); and

(2) include on those nautical charts the boundaries of the Sanctuaries, as so modified.

(e) BOUNDARY ADJUSTMENTS.—In producing revised nautical charts required by subsection (d) and in describing the boundaries in regulations issued by the Secretary, the Secretary may make technical modifications to the boundaries described in this section for clarity and ease of identification, as appropriate.

SEC. 11606. MANAGEMENT PLANS AND REGULATIONS.

(a) DRAFT PLANS.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall complete a draft supplemental management plan for each of the Sanctuaries, as modified by subsections (a) and (b) of section 11605, that—

(1) focuses on management of the areas of the Sanctuaries described in such subsections (a) and (b); and

(2) does not weaken the resource protections in effect on the date of the enactment of this Act for the Sanctuaries.

(b) REVISED PLANS.—

(1) REQUIREMENT TO REVISE.—The Secretary shall issue a revised management plan for each of the Sanctuaries at the conclusion of the first management review for the Sanctuaries initiated after the date of the enactment of this Act under section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)) and issue such final regulations as may be necessary to implement such plans.

(2) CONTENTS OF PLANS.—Revisions to the management plan for each of the Sanctuaries under this section shall, in addition to matters required under section 304(a)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1434(a)(2))—

(A) facilitate all appropriate public and private uses of the national marine sanctuary to which each respective plan applies consistent with the primary objective of sanctuary resource protection;

(B) establish temporal and geographical zoning if necessary to ensure protection of the resources of each of the Sanctuaries;

(C) identify priority needs for research—

(i) to improve management of the Sanctuaries; or

(ii) to diminish threats to the health of the ecosystems in the Sanctuaries;

(D) establish a long-term ecological monitoring program and database, including the development and implementation of a resource information system to disseminate information on the ecosystem, history, culture, and management of the Sanctuaries;

(E) identify alternative sources of funding needed to fully implement the provisions of each such plan to supplement appropriations made to carry out the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

(F) ensure coordination and cooperation between the superintendents of each of the Sanctuaries and other Federal, State, and local authorities with jurisdiction over areas within or adjacent to one of the Sanctuaries to manage issues affecting the Sanctuaries, including surface water runoff, stream and river drainages, and navigation;

(G) in the case of revisions to such plan for the Farallones NMS, promote cooperation with farmers and ranchers operating in the watersheds adjacent to the Farallones NMS and establish voluntary best management practices programs;

(H) promote cooperative and educational programs with fishing vessel operators and crews operating in the waters of the Sanctuaries, and, whenever possible, include individuals who engage in fishing and their vessels in cooperative research, assessment, and monitoring programs and educational programs to promote sustainable fisheries, conservation of resources, and navigational safety; and

(I) promote education and public awareness, among users of the Sanctuaries, about the need for marine resource conservation and safe navigation and marine transportation.

(c) APPLICATION OF EXISTING REGULATIONS.—The regulations for Farallones NMS in subpart H of part 922 of title 15, Code of Federal Regulations (or any corresponding similar regulation) or of the Cordell Bank NMS in subpart K of such part 922 (or any corresponding similar regulation), including any regulations issued as a result of a joint management plan review for the Sanctuaries conducted pursuant to section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)), shall apply to the areas added to each Sanctuary, respectively, under subsection (a) or (b) of section 5 until the Secretary modifies such regulations in accordance with subsection (d) of this section.

(d) REVISED REGULATIONS.—

(1) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall—

(A) carry out an assessment of necessary revisions to the regulations for the Sanctuaries to ensure the protection of the resources of the Sanctuaries in a manner that is consistent with the purposes and policies of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the goals and objectives for the areas added to either of the Sanctuaries under subsection (a) or (b) of section 11605; and

(B) issue final regulations for the Sanctuaries that include any revisions identified in the assessment carried out under subparagraph (A).

(2) REGULATION OF SPECIFIC ACTIVITIES.—In carrying out the assessment required by paragraph (1)(A), the Secretary shall consider appropriate regulations for—

(A) the deposit or release of introduced species into the Sanctuaries; and

(B) the alteration of stream and river drainage into the Sanctuaries.

(3) CONSIDERATIONS.—In carrying out the assessment required by paragraph (1)(A), the Secretary shall consider exempting from further regulation under the National Marine Sanctuaries Act or this title discharges that are permitted under a National Pollution Discharge Elimination System permit that is in effect on the date of the enactment of this Act, or under a new or renewed National Pollution Discharge Elimination System permit if such permit—

(A) does not increase pollution in the Sanctuaries; and

(B) that originates—

(i) in the Russian River Watershed outside the boundaries of the Gulf of the Farallones National Marine Sanctuary; or

(ii) from the Bodega Marine Laboratory.

(e) PUBLIC PARTICIPATION.—The Secretary shall provide for the participation of the general public in the review and revision of the management plans for the Sanctuaries and relevant regulations under this section.

SEC. 11607. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title—

(1) $3,000,000 for each of fiscal years 2011 through 2015, for activities other than construction and acquisition activities; and

(2) $3,500,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015 for construction and acquisition activities.

TITLE CXVII—THUNDER BAY NATIONAL MARINE SANCTUARY

SEC. 11701. SHORT TITLE.

This title may be cited as the ''Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act''.

SEC. 11702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Thunder Bay National Marine Sanctuary and Underwater Preserve in Lake Huron contains more than 100 recorded historic vessel losses.

(2) The areas immediately surrounding the Sanctuary, including the offshore waters of Presque Isle and Alcona counties, Michigan, contain an equal number of historic vessel losses.

(3) Many of these shipwrecks and underwater cultural resources are popular recreational diving destinations and all contribute to our collective maritime heritage.

(4) These resources are susceptible to damage from human activities and must be properly preserved for their innate value and to protect the economic viability of their contribution to national and regional economies.

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

(1) to expand the Thunder Bay National Marine Sanctuary and Underwater Preserve boundaries to encompass the offshore waters of Presque Isle and Alcona counties, Michigan, and outward to the international border between the United States and Canada; and

(2) to provide the underwater cultural resources of those areas equal protection to that currently afforded to the Sanctuary.

SEC. 11703. DEFINITIONS.

In this title:

(1) SANCTUARY.—The term ''Sanctuary'' means the Thunder Bay National Marine Sanctuary and Underwater Preserve.

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

SEC. 11704. SANCTUARY BOUNDARY ADJUSTMENT.

(a) BOUNDARY ADJUSTMENT.—Notwithstanding any other provision of law, including section 922.190 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, the Sanctuary shall consist of the geographic area described in subsection (b).

(b) EXPANDED SANCTUARY BOUNDARY.—The area referred to in subsection (a) is all submerged lands, including the underwater cultural resources, lakeward of the mean high water line, within the boundaries of a line formed by connecting points in succession beginning at a point along the mean high water line located approximately at 45.6262N, 84.2043W at the intersection of the northern Presque Isle and northeastern Cheboygan County boundary, then north to a point approximately 45.7523N, 84.2011W, then northeast to a point approximately 45.7777N, 84.1231W, then due east to the international boundary between the United States and Canada approximately located at 45.7719N, 83.4840W then following the international boundary between the United States and Canada in a generally southeasterly direction to a point located approximately at 44.5128N, 82.3295W, then due west to a point along the mean high water line located approximately at 44.5116N, 83.3186W at the intersection of the southern Alcona County and northern Iosco County boundary, returning to the first point along the mean high water line.

(c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—The Secretary may make minor adjustments to the boundary described in subsection (b) to facilitate enforcement and clarify the boundary to the public if the resulting boundary is consistent with the purposes described in section 11702(b).

(d) INCLUSION IN THE NATIONAL MARINE SANCTUARY SYSTEM.—The area described in subsection (b), as modified in accordance with subsection (c), shall be managed as part of the National Marine Sanctuary System established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.

(e) UPDATED NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CHARTS.—The Secretary shall—

(1) produce updated National Oceanic and Atmospheric Administration charts for the area in which the Sanctuary is located; and

(2) include on such charts the boundaries of the Sanctuary described in subsection (b), as modified in accordance with subsection (c).

SEC. 11705. EXTENSION OF REGULATIONS AND MANAGEMENT.

(a) REGULATIONS.—The regulations applicable to the Sanctuary codified in subpart R of part 922 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, shall apply to the geographic area added to the Sanctuary pursuant to section 11704, unless the Secretary specifies otherwise by regulation.

(b) EXISTING CERTIFICATIONS.—The Secretary may certify that any license, permit, approval, other authorization, or right to conduct a prohibited activity authorized pursuant to section 922.194 of title 15, Code of Federal Regulations, that exists on the date of the enactment of this Act shall apply to such an activity conducted within the geographic area added to the Sanctuary pursuant to section 11704.

(c) DATE OF SANCTUARY DESIGNATION.—For purposes of section 922.194 of title 15, Code of Federal Regulations, the date of Sanctuary designation shall be the date of the enactment of this Act.

(d) MANAGEMENT PLAN.—To the extent practicable, the Secretary shall apply the management plan in effect for the Sanctuary on the date of the enactment of this Act to the geographic area added to the Sanctuary pursuant to section 11704.

TITLE CXVIII—NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE REAUTHORIZATION AND EXPANSION

SEC. 11801. SHORT TITLE.

This title may be cited as the ''Northwest Straits Marine Conservation Initiative Reauthorization Act of 2010''.

SEC. 11802. REAUTHORIZATION OF NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT.

The Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105–384; 112 Stat. 3458) is amended—

(1) by striking ''Commission (in this title referred to as the 'Commission').'' and inserting ''Commission.'';

(2) by striking sections 403 and 404;

(3) by redesignating section 405 as section 410; and

(4) by inserting after section 402 the following:

''SEC. 403. FINDINGS.

''Congress makes the following findings:

''(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

''(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

''(3) At the start of the 21st century, the Northwest Straits have been threatened by sea level rise, ocean acidification, and other effects of climate change.

''(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105–384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

''(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

''(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.

''(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

''SEC. 404. DEFINITIONS.

''In this title:

''(1) COMMISSION.—The term 'Commission' means the Northwest Straits Advisory Commission established by section 402.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) NORTHWEST STRAITS.—The term 'Northwest Straits' means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.

''SEC. 405. MEMBERSHIP OF THE COMMISSION.

''(a) COMPOSITION.—The Commission shall be composed of up to 14 members who shall be appointed as follows:

''(1) One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:

''(A) San Juan County.

''(B) Island County.

''(C) Skagit County.

''(D) Whatcom County.

''(E) Snohomish County.

''(F) Clallam County.

''(G) Jefferson County.

''(2) Two members appointed by the Secretary of the Interior in trust capacity and in consultation with the Northwest Indian Fisheries Commission or the Indian tribes affected by this title collectively, as the Secretary of the Interior considers appropriate, to represent the interests of such tribes.

''(3) One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.

''(4) Four members appointed by the Governor of the State of Washington who—

''(A) are residents of the State of Washington; and

''(B) are not employed by a Federal, State, or local government.

''(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(c) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

''(d) MEETING.—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

''(e) LIAISON.—

''(1) IN GENERAL.—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), appoint an employee of the National Oceanic and Atmospheric Administration—

''(A) to serve as a liaison between the Commission and the Department of Commerce; and

''(B) to attend meetings and other events of the Commission as a nonvoting participant.

''(2) LIMITATION.—Service as a member of the Commission by the employee appointed under paragraph (1)—

''(A) is limited to the employee's service as a liaison and attendance of meetings and other events as a nonvoting participant; and

''(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

''SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

''(a) GOAL.—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

''(1) designing and initiating projects that are driven by sound science, local priorities, community-based decisions, and the ability to measure results;

''(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

''(3) maintaining and expanding diverse membership and partner organizations;

''(4) expanding partnerships with governments of Indian tribes and continuing to foster respect for tribal cultures and treaties; and

''(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

''(b) DUTIES.—The duties of the Commission are the following:

''(1) To provide resources and technical support for marine resources committees established under section 408.

''(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

''(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

''(4) To develop scientifically sound restoration and protection recommendations, informed by local priorities, that address such factors.

''(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

''(6) To develop and implement regional projects based on such recommendations to protect and restore the Northwest Straits ecosystem.

''(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

''(8) To inform appropriate authorities and local communities about the marine ecosystem of the Northwest Straits and about issues relating to the marine ecosystem of the Northwest Straits.

''(9) To consult with all affected Indian tribes in the region of the Northwest Straits to ensure that the work of the Commission does not violate tribal treaty rights.

''(c) BENCHMARKS.—The Commission shall carry out its duties in a manner that promotes the achieving of the benchmarks described in subsection (f)(2).

''(d) COORDINATION AND COLLABORATION.—The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes.

''(e) REGULATORY AUTHORITY.—The Commission shall have no power to issue regulations.

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

''(A) the activities carried out by the Commission during the preceding year; and

''(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

''(2) BENCHMARKS.—The benchmarks described in this paragraph are the following:

''(A) Protection and restoration of marine, coastal, and nearshore habitats.

''(B) Prevention of loss and achievement of a net gain of healthy habitat areas.

''(C) Protection and restoration of marine populations to healthy, sustainable levels.

''(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

''(E) Collection of high-quality data and promotion of the use and dissemination of such data.

''(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

''SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

''(a) DIRECTOR.—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

''(b) STAFF.—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

''(c) ADMINISTRATIVE SERVICES.—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology and Padilla Bay National Estuarine Research Reserve, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

''SEC. 408. MARINE RESOURCES COMMITTEES.

''(a) IN GENERAL.—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

''(1) complies with the requirements of this section; and

''(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

''(A) to address issues affecting the marine ecosystems within its county; and

''(B) to work to achieve the benchmarks described in section 406(f)(2).

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—Each marine resources committee established pursuant to this section shall be composed of—

''(A) members with relevant scientific expertise; and

''(B) members that represent balanced representation, including representation of—

''(i) local governments, including planning staff from counties and cities with marine shorelines;

''(ii) affected economic interests, such as ports and commercial fishers;

''(iii) affected recreational interests, such as sport fishers; and

''(iv) conservation and environmental interests.

''(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraphs (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

''(3) CHAIRPERSON.—

''(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

''(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

''(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

''(1) To assist in assessing marine resource problems in concert with governmental agencies, tribes, and other entities.

''(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes, and other entities.

''(3) To work with other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.

''(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

''(5) To work closely with county leadership to implement local marine conservation and restoration initiatives.

''(6) To coordinate with the Commission on marine ecosystem objectives.

''(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

''SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

''(a) ESTABLISHMENT.—The Director of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this title.

''(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the

'Northwest Straits Marine Conservation Foundation'.

''(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this title.

''(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this title.

''SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary of Commerce for the use of the Commission such sums as may be necessary to carry out the provisions of this title.''.

TITLE CXIX—HARMFUL ALGAL BLOOMS HYPOXIA RESEARCH AND CONTROL

SEC. 11901. SHORT TITLE.

This title may be cited as the ''Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010''.

SEC. 11902. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 11903. FINDINGS.

Section 602 is amended to read as follows:

''SEC. 602. FINDINGS.

''Congress finds the following:

''(1) Harmful algal blooms and hypoxia—

''(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

''(B) pose a threat to the health of coastal and Great Lakes ecosystems;

''(C) are costly to coastal economies; and

''(D) threaten the safety of seafood and human health.

''(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

''(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Interagency Task Force, along with States, Indian tribes, and local governments, possesses capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

''(4) Harmful algal blooms and hypoxia can be triggered and exacerbated by increases in nutrient loading from point and nonpoint sources. Since much of these increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

''(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood and tourism industries suffer annual losses of $82,000,000 due to economic impacts of harmful algal blooms.

''(6) Global climate change and its effect on oceans and the Great Lakes may ultimately affect harmful algal bloom and hypoxic events.

''(7) Proliferations of harmful and nuisance algae can occur in all United States waters, including coastal areas and estuaries, the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

''(8) After the passage of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

''(A) provide data for forecast models;

''(B) improve the monitoring and prediction of these events; and

''(C) provide essential decisionmaking tools for managers and stakeholders.''.

SEC. 11904. PURPOSES.

The Act is amended by inserting after section 602, as amended by section 11903 of this title, the following:

''SEC. 602A. PURPOSES.

''The purposes of this title are—

''(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

''(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

''(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools including outreach programs and information dissemination mechanisms.''.

SEC. 11905. INTERAGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) in each of paragraphs (1) through (11), by striking ''the'' the first instance such term appears and inserting ''The'';

(2) in each of paragraphs (1) through (10), by striking the semicolon and inserting a period;

(3) in paragraph (11), by striking ''Quality; and'' and inserting ''Quality.'';

(4) by redesignating paragraph (12) as paragraph (13);

(5) by inserting after paragraph (11) the following:

''(12) The Centers for Disease Control.''; and

(6) in paragraph (13), as redesignated, by striking ''such other'' and inserting ''Other''.

SEC. 11906. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

''SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

''(a) ESTABLISHMENT.—The Under Secretary, acting through the Task Force established under section 603(a), shall establish and maintain a national harmful algal bloom and hypoxia program in accordance with this section.

''(b) ACTION STRATEGY.—

''(1) IN GENERAL.—The Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

''(A) is consistent with the purposes of this title;

''(B) includes a statement of goals and objectives; and

''(C) includes an implementation plan.

''(2) PUBLICATION.—Once the action strategy is developed, the Task Force shall—

''(A) submit the action strategy to Congress; and

''(B) publish the action strategy in the Federal Register.

''(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy as necessary.

''(c) TASK FORCE FUNCTIONS.—The Task Force shall—

''(1) coordinate interagency review of plans and policies of the Program;

''(2) assess interagency work and spending plans for implementing the activities of the Program;

''(3) review the Program's distribution of Federal grants and funding to address research priorities;

''(4) support the implementation of the actions and strategies identified in the Regional Research and Action Plans under subsection (e);

''(5) support the development of institutional mechanisms and financial instruments to further the goals of the program;

''(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

''(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

''(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

''(9) establish such interagency working groups that the Task Force determines to be necessary.

''(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

''(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

''(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

''(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the Regional Research and Action Plans;

''(3) administer merit-based, competitive grant funding—

''(A) to support the projects maintained and established by the Program; and

''(B) to address the research and management needs and priorities identified in the Regional Research and Action Plans;

''(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

''(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

''(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to

protect the ecosystems affected by marine and freshwater harmful algal blooms;

''(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

''(8) facilitate and provide resources for training State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

''(9) support regional efforts to control and mitigate outbreaks through—

''(A) communication of the contents of the Regional Research and Action Plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

''(B) overseeing the development, review, and periodic updating of Regional Research and Action Plans;

''(10) convene at least 1 meeting of the Task Force each year; and

''(11) perform such other tasks as may be delegated by the Task Force.

''(f) NOAA ACTIVITIES.—The Under Secretary shall—

''(1) maintain and enhance the following existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

''(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

''(3) carry out, in coordination with the Environmental Protection Agency, other freshwater harmful algal bloom and hypoxia events response activities;

''(4) establish new programs and infrastructure as necessary to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes of this title;

''(5) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities; and

''(6) increase the availability to appropriate public and private entities of—

''(A) analytical facilities and technologies;

''(B) operational forecasts; and

''(C) reference and research materials.

''(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within NOAA, other agencies represented on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and aquatic issues to coordinate harmful algal blooms and hypoxia and related activities and research.

''(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, other than aspects occurring in the Great Lakes, the Administrator, in consultation with the Under Secretary, through the Task Force, shall—

''(1) carry out the duties otherwise assigned to the Under Secretary under this section and section 603B, including the activities described in subsection (f);

''(2) research the ecology of freshwater harmful algal blooms;

''(3) monitor and respond to freshwater harmful algal blooms events in lakes other than the Great Lakes, rivers, and reservoirs;

''(4) mitigate and control freshwater harmful algal blooms; and

''(5) identify in the President's annual budget request to Congress how much funding is proposed to carry out the activities proposed in subsection (f).

''(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.''.

SEC. 11907. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 11906, is further amended by inserting after section 603A the following:

''SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.

''(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

''(1) identify appropriate regions and subregions to be addressed by each Regional Research and Action Plan; and

''(2) oversee the development and implementation of Regional Research and Action Plans.

''(b) PLAN DEVELOPMENT.—The Under Secretary shall develop and submit to the Task Force for approval a regional research and action plan for each region, which shall build upon any existing State or regional plans the Under Secretary determines to be appropriate and shall identify appropriate elements for the region, including—

''(1) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

''(2) regional priorities for ecological and socio-economic research on issues related to, and impacts of, harmful algal blooms and hypoxia;

''(3) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

''(4) State, tribal, and local government actions that may be implemented—

''(A) to support long-term monitoring efforts and emergency monitoring as needed;

''(B) to minimize the occurrence of harmful algal blooms and hypoxia;

''(C) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

''(D) to address human health dimensions of harmful algal blooms and hypoxia; and

''(E) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

''(5) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

''(6) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

''(7) the roles Federal agencies can play to help facilitate implementation of the plans.

''(c) CONSULTATION.—In developing plans under this section, the Under Secretary shall—

''(1) coordinate with State coastal management and planning officials;

''(2) coordinate with tribal resource management officials;

''(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

''(4) coordinate with the Administrator and such other Federal agencies as the Under Secretary determines to be appropriate; and

''(5) consult with—

''(A) public health officials;

''(B) emergency management officials;

''(C) science and technology development institutions;

''(D) economists;

''(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

''(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(G) other stakeholders.

''(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing plans under this section, the Under Secretary shall—

''(1) utilize and build on existing research, assessments, and reports, including those carried out pursuant to existing law and other relevant sources; and

''(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, and estuaries and tributaries.

''(e) SCHEDULE.—The Under Secretary shall—

''(1) begin development of plans in at least ⅓ of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010;

''(2) begin development of plans in at least another ⅓ of the regions not later than 21 months after such date;

''(3) begin development of plans in the remaining regions not later than 33 months after such date; and

''(4) ensure that each Regional Research and Action Plan developed under this section is—

''(A) completed and approved by the Under Secretary not later than 12 months after the date on which the development of such plan begins; and

''(B) updated not less frequently than once every 5 years after the completion of such plan.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved Regional Research and Action Plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant Regional Research and Action Plan.

''(2) APPLICATION; ASSURANCES.—Any organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require any organization receiving funds under this subsection to utilize the mechanisms described in subsection (e)(5) to ensure the transfer of data and products developed under the Plan.

''(3) ELIGIBLE ORGANIZATION.—In this subsection, the term 'eligible organization' means—

''(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

''(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.''.

SEC. 11908. REPORTING.

Section 603 is amended by adding at the end the following:

''(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

''(1) the proceedings of the annual Task Force meetings;

''(2) the activities carried out under the Program and the Regional Research and Action Plans, and the budget related to these activities;

''(3) the progress made on implementing the action strategy; and

''(4) the need to revise or terminate activities or projects under the Program.

''(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

''(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

''(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and review those communities' efforts and associated economic costs related to event forecasting, planning, mitigation, response, and public outreach and education;

''(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

''(4) describes advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for, integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

''(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of such policies and strategies;

''(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

''(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention; and

''(8) describes extramural research activities carried out under section 605(b).''.

SEC. 11909. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

''SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

''(a) TASK FORCE INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force shall submit an annual report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency Gulf of Mexico Program Office toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(b) TASK FORCE 2-YEAR PROGRESS REPORTS.—Beginning 2 years after the date on which the Administrator submits the report required under subsection (a), and every 2 years thereafter, the Administrator, through the Task Force, shall submit a report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities and activities carried out or funded by the Environmental Protection Agency Gulf of Mexico Program Office toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(c) CONTENTS.—Each report required under this section shall—

''(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

''(2) evaluate lessons learned; and

''(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.''.

SEC. 11910. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015—

''(1) to the Under Secretary to carry out sections 603A and 603B, $34,000,000, of which—

''(A) $2,000,000 may be used for the development of Regional Research and Action Plans and the reports required under section 603B;

''(B) $3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at NOAA research laboratories;

''(C) $8,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

''(D) $5,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

''(E) $1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (MERHAB);

''(F) $5,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

''(G) $5,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

''(H) $1,000,000 may be used to carry out the Event Response Program; and

''(I) $3,000,000 may be used to carry out the Infrastructure Program; and

''(2) to the Administrator to carry out sections 603A(h) and 604, $7,000,000.

''(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.''.

SEC. 11911. DEFINITIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

''SEC. 605A. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the NOAA.

''(2) HARMFUL ALGAL BLOOM.—The term 'harmful algal bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

''(3) HYPOXIA.—The term 'hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

''(4) NOAA.—The term 'NOAA' means the National Oceanic and Atmospheric Administration.

''(5) PROGRAM.—The term 'Program' means the Integrated Harmful Algal Bloom and Hypoxia Program established under section 603A.

''(6) REGIONAL RESEARCH AND ACTION PLAN.—The term 'Regional Research and Action Plan' means a plan established under section 603B.

''(7) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

''(8) TASK FORCE.—The term 'Task Force' means the Interagency Task Force established by section 603(a).

''(9) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

''(10) UNITED STATES COASTAL WATERS.—The term 'United States coastal waters' includes the Great Lakes.''.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking ''Hypoxia (hereinafter referred to as the 'Task force').'' and inserting ''Hypoxia.''.

SEC. 11912. APPLICATION WITH OTHER LAWS.

The Act is amended by inserting after section 606 the following:

''SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

''Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.''.

TITLE CXX—CHESAPEAKE BAY SCIENCE, EDUCATION AND ECOSYSTEM ENHANCEMENT

SEC. 12001. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2010''.

SEC. 12002. REAUTHORIZATION OF CHESAPEAKE BAY OFFICE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(1) The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(ii) by striking ''(in this section referred to as the 'Office')''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Office shall be headed by a Director, who shall be selected by the Secretary of Commerce from among individuals who have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

''(B) DUTIES.—The Director shall be responsible for—

''(i) the administration and operation of the Office; and

''(ii) carrying out the provisions of this section.''; and

(2) in subsection (b)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(b) PURPOSE.—The purpose of this section is to focus the relevant science, research, and resource management capabilities of the National Oceanic and Atmospheric Administration as they apply to the Chesapeake Bay, and to utilize the Office to—'';

(B) in paragraph (2), by striking ''Secretary of Commerce'' and inserting ''Administrator'';

(C) in paragraph (3)—

(i) by striking the matter preceding subparagraph (A) and inserting the following:

''(3) coordinate with the programs and activities of the National Oceanic and Atmospheric Administration in furtherance of its coastal and ocean resource stewardship mission, including—'';

(ii) in subparagraph (A)—

(I) in clauses (vi) and (vii), by striking ''and'' after each semicolon; and

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

''(viii) coastal hazards, resilient coastal communities, and climate change; and

''(ix) research, scientific assessment, and adaptation to climate change; and''; and

(iii) in subparagraph (B)—

(I) in clause (iii), by striking ''and'' after the semicolon;

(II) in clause (iv), by inserting ''and'' after the semicolon; and

(III) by adding at the end the following:

''(v) integrated ecosystem assessments;'';

(D) in paragraph (4), by inserting ''as appropriate to further the purposes of this section'' before the semicolon at the end;

(E) by striking paragraph (5);

(F) by redesignating paragraph (6) as paragraph (5);

(G) by striking paragraph (7); and

(H) by adding at the end the following:

''(6) perform such functions as may be necessary to support the programs referred to in paragraph (3).''; and

(3) by striking subsections (c), (d), and (e) and inserting the following:

''(c) PROGRAM ACTIVITIES.—

''(1) IN GENERAL.—The Director shall implement the program activities required under this subsection—

''(A) to support the activity of the Chesapeake Executive Council; and

''(B) to further the purposes of this section.

''(2) ENSURING SCIENTIFIC AND TECHNICAL MERIT.—The Director shall—

''(A) establish and utilize an effective and transparent mechanism to ensure that projects funded under this section have undergone appropriate peer review, using, to the extent practicable, the capabilities of the Maryland and Virginia Sea Grant Program;

''(B) provide other appropriate means to determine that such projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area; and

''(C) ensure that all data and other products generated by any project funded under this section be provided to the Director.

''(3) CONSULTATION WITH CHESAPEAKE EXECUTIVE COUNCIL.—In implementing the program activities authorized under this section, the Director shall consult with the Chesapeake Executive Council to ensure that the activities of the Office are consistent with the purposes and priorities of the Chesapeake Bay Agreement and plans developed pursuant to the Agreement.

''(4) INTEGRATED COASTAL OBSERVATIONS AND MAPPING.—

''(A) IN GENERAL.—The Director shall collaborate with scientific and academic institutions, Federal and State agencies, nongovernmental organizations, and other constituents in the Chesapeake Bay watershed—

''(i) to incorporate Chesapeake Bay observations into the United States integrated Ocean Observation System; and

''(ii) to coordinate coastal mapping requirements and projects.

''(B) SPECIFIC REQUIREMENTS.—To support the actions described in subparagraph (A) and provide a complete set of environmental information for the Chesapeake Bay, the Director shall—

''(i) coordinate existing monitoring, observing, and mapping activities in the Chesapeake Bay;

''(ii) identify new data collection needs and deploy new technologies, as appropriate;

''(iii) facilitate the collection and analysis of the scientific information necessary for the management of living marine resources and the marine habitat associated with such resources;

''(iv) coordinate with regional partners to manage and interpret the information described in clause (iii); and

''(v) support regional partners to ensure the information described in clause (iii) is organized into products that are useful to policy makers, resource managers, scientists, and the public.

''(C) CHESAPEAKE BAY INTERPRETIVE BUOY SYSTEM.—To further the development and implementation of the Chesapeake Bay Interpretive Buoy System, the Director shall—

''(i) support the establishment and implementation of the Captain John Smith Chesapeake National Historic Trail;

''(ii) delineate key waypoints along the trail and provide appropriate real-time data and information for trail users;

''(iii) interpret data and information for use by educators and students to inspire stewardship of Chesapeake Bay; and

''(iv) incorporate the Chesapeake Bay Interpretive Buoy System into the Integrated Ocean Observing System regional network of observatories, in keeping with the purposes of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).

''(5) CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a Chesapeake Bay watershed education and training program, which shall—

''(i) continue and expand the Chesapeake Bay watershed education programs offered by the Office on the day before the date of the enactment of the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2010;

''(ii) improve the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay;

''(iii) provide community education to improve watershed protection; and

''(iv) meet the educational goals of the most recent Chesapeake Bay Agreement.

''(B) GRANT PROGRAM.—The Director shall, subject to the availability of appropriations, award grants to support education and training projects that enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or a goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—

''(i) provide classroom education, including the development and use of distance learning and other innovative technologies, related to the Chesapeake Bay watershed;

''(ii) provide watershed educational experiences in the Chesapeake Bay watershed;

''(iii) provide professional development for teachers related to the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

''(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

''(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems;

''(vi) build the capacity of organizations to deliver high quality environmental education programs; and

''(vii) educate local land use officials and decision makers on the relationship of land use to natural resource and watershed protection.

''(C) COLLABORATION.—The Director shall provide technical assistance to support the education and training program established under subparagraph (A) in collaboration with the heads of other relevant Federal agencies.

''(6) COASTAL AND LIVING RESOURCES MANAGEMENT AND HABITAT PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a Chesapeake Bay coastal living resources management and habitat program to support coordinated management, protection, characterization, and restoration of priority Chesapeake Bay habitats and living resources, including oysters, blue crabs, and submerged aquatic vegetation.

''(B) ACTIVITIES.—Under the program required by subparagraph (A), the Director may, subject to the availability of appropriations, carry out or enter into grants, contracts, and cooperative agreements and provide technical assistance to support—

''(i) native oyster restoration;

''(ii) fish and shellfish aquaculture;

''(iii) establishment of submerged aquatic vegetation propagation programs;

''(iv) the development of programs that protect and restore critical coastal habitats;

''(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor restoration actions;

''(vi) application and transfer of applied scientific research and ecosystem management tools to fisheries and habitat managers;

''(vii) collection, synthesis, and sharing of information to inform and influence coastal and living resource management issues; and

''(viii) such other activities as the Director considers appropriate to carry out the program established under subparagraph (A).

''(d) REPORTS.—

''(1) IN GENERAL.—Not less frequently than once every 2 years, the Director shall submit a report to Congress that describes—

''(A) the activities of the Office; and

''(B) the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay.

''(2) ACTION PLAN.—Each report submitted under paragraph (1) shall include an action plan for the 2-year period following submission of the report, consisting of—

''(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy under subsection (b)(2); and

''(B) recommendations to integrate the activities of the National Oceanic and Atmospheric Administration with the activities of the partners in the Chesapeake Bay Program in order to meet the commitments of the Chesapeake Bay Agreement.

''(e) AGREEMENTS.—

''(1) IN GENERAL.—The Director may, subject to the availability of appropriations, enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the provisions of this section.

''(2) USE OF OTHER RESOURCES.—For purposes of understanding, protecting, and restoring the Chesapeake Bay, the Director may use, with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, or of any political subdivision thereof if the Director receives consent from the Department, agency, instrumentality, State, government, or political subdivision concerned for such use.

''(3) DONATIONS.—The Director may accept donations of funds, other property, and services for use in understanding, protecting, and restoring the Chesapeake Bay. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

''(f) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and are signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the regional Chesapeake Bay restoration partnership that includes Maryland, Pennsylvania, Virginia, the District of Columbia, the Chesapeake Bay Commission, the Environmental Protection Agency, other appropriate Federal agencies, and participating citizen and local elected official advisory groups.

''(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that agreement.

''(5) DIRECTOR.—The term 'Director' means the Director of the Chesapeake Bay Office.

''(6) OFFICE.—The term 'Office' means the Chesapeake Bay Office established under subsection (a).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $17,000,000 for fiscal year 2011;

''(2) $18,700,000 for fiscal year 2012;

''(3) $20,570,000 for fiscal year 2013; and

''(4) $22,627,000 for fiscal year 2014.''.

TITLE CXXI—CORAL REEF CONSERVATION AMENDMENTS

SEC. 12101. SHORT TITLE.

This title may be cited as the ''Coral Reef Conservation Amendments Act of 2010''.

SEC. 12102. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 12103. PURPOSES.

Section 202 (16 U.S.C. 6401) is amended to read as follows:

''SEC. 202. PURPOSES.

''The purposes of this title are—

''(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

''(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities, the Nation, and the world;

''(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

''(4) to assist in the preservation of coral reef ecosystems by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

''(5) to provide financial resources for those programs and projects;

''(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects; and

''(7) to provide mechanisms to prevent and minimize damage to coral reefs.''.

SEC. 12104. NATIONAL CORAL REEF ACTION STRATEGY.

Section 203 (16 U.S.C. 6402) is amended to read as follows:

''SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Coral Reef Conservation Amendments Act of 2010, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives and publish in the Federal Register a national coral reef ecosystem action strategy, consistent with the purposes of this title. The Secretary shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

''(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives and an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

''(1) coastal uses and management, including land-based sources of pollution;

''(2) climate change;

''(3) water and air quality;

''(4) mapping and information management;

''(5) research, monitoring, and assessment;

''(6) international and regional issues;

''(7) outreach and education;

''(8) local strategies developed by the States or Federal agencies, including regional fishery management councils; and

''(9) conservation.''.

SEC. 12105. CORAL REEF CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 204 (16 U.S.C. 6403) is amended—

(1) in subsection (a), by striking ''Secretary, through the Administrator and'' and inserting ''Secretary,'';

(2) by amending subsection (c) to read as follows:

''(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reef ecosystems, or whose activities directly or indirectly affect coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reef ecosystems, may submit a coral conservation proposal to the Secretary under subsection (e).'';

(3) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) PROJECT DIVERSITY.—''; and

(B) by amending paragraph (3) to read as follows:

''(3) Remaining funds shall be awarded for—

''(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Secretary; and

''(B) other appropriate projects, as determined by the Secretary, including monitoring and assessment, research, pollution reduction, education, and technical support.'';

(4) by amending subsection (g) to read as follows:

''(g) CRITERIA FOR APPROVAL.—The Secretary may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reef ecosystems nationally or internationally by—

''(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef ecosystems and biodiversity;

''(2) addressing the conflicts arising from the use of environments near coral reef ecosystems or from the use of corals, species associated with coral reef ecosystems, and coral products;

''(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reef ecosystems or regulate the use and management of coral reef ecosystems;

''(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems and their biodiversity, including factors that cause coral disease, ocean acidification, and bleaching;

''(5) promoting and assisting the implementation of cooperative coral reef ecosystem conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

''(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation, including how they function to protect coastal communities;

''(7) mapping the location, distribution, and biodiversity of coral reef ecosystems;

''(8) developing and implementing techniques to monitor and assess the status and condition of coral reef ecosystems and biodiversity;

''(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems and biodiversity;

''(10) responding to, or taking action to help mitigate the effects of, coral disease, ocean acidification, and bleaching events;

''(11) promoting activities designed to prevent or minimize damage to coral reef ecosystems, including the promotion of ecologically sound navigation and anchorages; or

''(12) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems.''; and

(5) in subsection (j), by striking ''coral reefs'' and inserting ''coral reef ecosystems''.

(b) CONFORMING AMENDMENTS.—Subsections (b), (d), (e), (f), (h), (i), and (j) of section 204 (16 U.S.C. 6403) are each amended by striking ''Administrator'' each place it appears and inserting ''Secretary''.

SEC. 12106. CORAL REEF CONSERVATION FUND.

Section 205 (16 U.S.C. 6404) is amended—

(1) by amending subsection (a) to read as follows:

''(a) FUND.—The Secretary may enter into agreements with nonprofit organizations promoting coral reef ecosystem conservation by authorizing such organizations to receive, hold, and administer amounts received pursuant to this section. Such organizations shall invest, reinvest, and otherwise administer and maintain such amounts and any interest or revenues earned in a separate interest-bearing account established by such organizations solely to support partnerships between the public and private sectors that further the purposes of this title and are consistent with the national coral reef action strategy under section 203.'';

(2) by striking ''Administrator'' each place such term appears and inserting ''Secretary''; and

(3) in subsection (c), by striking ''the grant program'' and inserting ''any grant program''.

SEC. 12107. AGREEMENTS; REDESIGNATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating section 206 (16 U.S.C. 6405) as section 207;

(2) by redesignating section 207 (16 U.S.C. 6406) as section 208;

(3) by redesignating section 208 (16 U.S.C. 6407) as section 218;

(4) by redesignating section 209 (16 U.S.C. 6408) as section 219;

(5) by redesignating section 210 (16 U.S.C. 6409) as section 221; and

(6) by inserting after section 205 (16 U.S.C. 6404) the following:

''SEC. 206. AGREEMENTS.

''(a) IN GENERAL.—The Secretary may execute and perform such contracts, leases, grants, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title.

''(b) COOPERATIVE AGREEMENTS.—In addition to the general authority provided under subsection (a), the Secretary may enter into, extend, or renegotiate agreements with universities and research centers with national or regional coral reef research institutes to conduct ecological research and monitoring explicitly aimed at building capacity for more effective resource management. Pursuant to any such agreements these institutes shall—

''(1) collaborate directly with governmental resource management agencies, nonprofit organizations, and other research organizations;

''(2) build capacity within resource management agencies to establish research priorities, plan interdisciplinary research projects and make effective use of research results; and

''(3) conduct public education and awareness programs for policy makers, resource managers, and the general public on coral reef ecosystems, best practices for coral reef and ecosystem management and conservation, their value, and threats to their sustainability.

''(c) USE OF OTHER AGENCIES' RESOURCES.—For purposes related to the conservation, preservation, protection, restoration, or replacement of coral reefs or coral reef ecosystems and the enforcement of this title, the Secretary may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization.

''(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs if such funding furthers the purpose of this title.

''(2) EXCEPTION.—The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

''(3) USE OF FUNDS.—Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

''(4) DEPOSIT OF FUNDS.—Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account for the purpose for which the grant was awarded.

''(e) TRANSFER OF FUNDS.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of funds, the Secretary may transfer funds to, and may accept transfers of funds from, Federal agencies, instrumentalities and laboratories, State and local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450(b)), organizations and associations representing Native Americans, native Hawaiians, and Native Pacific Islanders, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities, except that no more than 5 percent of funds appropriated to carry out this section may be transferred. The 5 percent limitation shall not apply to section 204 or 210.''.

SEC. 12108. EMERGENCY ASSISTANCE.

Section 207, as redesignated by section 12107(1) of this title, is amended to read as follows:

''SEC. 207. EMERGENCY ASSISTANCE.

''The Secretary, in cooperation with the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.''.

SEC. 12109. NATIONAL PROGRAM.

Section 208, as redesignated by section 12107(2) of this title, is amended to read as follows:

''SEC. 208. NATIONAL PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities, including activities with local, State, regional, or international programs and partners, as appropriate, to conserve coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

''(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

''(1) mapping, monitoring, assessment, restoration, socioeconomic and scientific research that benefit the understanding, sustainable use, biodiversity, and long-term conservation of coral reef ecosystems;

''(2) enhancing public awareness, education, understanding, and appreciation of coral reef ecosystems;

''(3) removing, and providing assistance to States in removing, abandoned fishing gear, marine debris, and abandoned vessels from coral reef ecosystems to conserve living marine resources;

''(4) responding to incidents and events that threaten and damage coral reef ecosystems;

''(5) conservation and management of coral reef ecosystems;

''(6) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public with local, regional, or international programs and partners; and

''(7) activities designed to prevent or minimize damage to coral reef ecosystems, including those activities described in section 212.

''(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—The Secretary, in coordination with similar efforts at other Departments and agencies shall provide for the long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities pursuant to this title. The Secretary may—

''(1) archive environmental data collected by Federal, State, local agencies, and tribal organizations and federally funded research;

''(2) promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

''(3) develop standards, protocols, and procedures for sharing Federal data with State and local government programs and the private sector or academia; and

''(4) develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.

''(d) EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.—

''(1) ESTABLISHMENT OF ACCOUNT.—The Secretary shall establish an account, to be known as the Emergency Response, Stabilization, and Restoration Account (referred to in this subsection as the 'Account'), in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), for implementation of this subsection for emergency actions. Amounts appropriated for the Account under section 219, and funds authorized by sections 213(d)(1)(C)(ii) and 214(f)(3)(B), shall be deposited into the Account and made available for use by the Secretary as specified in sections 213 and 214.

''(2) DEPOSIT AND INVESTMENT OF CERTAIN FUNDS.—Any amounts received by the United States pursuant to sections 213(d)(1)(C)(ii) and 212(f)(3)(B) shall be deposited into the Account. The Secretary of Commerce may request the Secretary of the Treasury to invest such portion of the Damage Assessment Restoration Revolving Fund that the Secretary of Commerce determines is not required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Fund, as determined by the Secretary of Commerce and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned by such investments shall be available for use by the Secretary without further appropriation and remain available until expended.''.

SEC. 12110. STUDY OF TRADE IN CORALS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of the Interior, shall conduct a study on the economic, social, and environmental values and impacts of the United States market in corals and coral products.

(b) CONTENTS.—The study shall—

(1) assess the economic and other values of the United States market in coral and coral products, including import and export trade;

(2) identify primary coral species used in the coral and coral product trade and locations of wild harvest;

(3) assess the environmental impacts associated with wild harvest of coral;

(4) assess the effectiveness of current public and private programs aimed at promoting conservation in the coral and coral product trade;

(5) identify economic and other incentives for coral reef conservation as part of the coral and coral product trade; and

(6) identify additional actions, if necessary, to ensure that the United States market in coral and coral products does not contribute to the degradation of coral reef ecosystems.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit a report of the study conducted under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000 to the Secretary to carry out this section.

SEC. 12111. INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.

The Act is amended by inserting after section 208, as redesignated by section 12107(2) of this title, the following:

"SEC. 209. INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.

''(a) INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary shall carry out international coral reef conservation activities consistent with the purposes of this title with respect to coral reef ecosystems in waters outside the jurisdiction of the United States. The Secretary shall develop and implement an international coral reef ecosystem strategy pursuant to subsection (b).

''(2) COORDINATION.—In carrying out this subsection, the Secretary—

''(A) shall consult with the Secretary of State, the Administrator of the Agency for International Development, the Secretary of the Interior, and other relevant Federal agencies, and relevant United States stakeholders;

''(B) shall take into account coral reef ecosystem conservation initiatives of other nations, international agreements, and intergovernmental and nongovernmental organizations so as to provide effective cooperation and efficiencies in international coral reef conservation; and

''(C) may consult with the Coral Reef Task Force.

''(b) INTERNATIONAL CORAL REEF ECOSYSTEM STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Coral Reef Conservation Amendments Act of 2010, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Foreign Affairs of the House of Representatives, and publish in the Federal Register, an international coral reef ecosystem strategy, consistent with the purposes of this title and the national strategy required under section 203(a). The Secretary shall periodically review and revise this strategy as necessary.

''(2) CONTENTS.—The strategy developed by the Secretary under paragraph (1) shall—

''(A) identify coral reef ecosystems throughout the world that are of high value for United States marine resources, that support high-seas resources of importance to the United States such as fisheries, or that support other interests of the United States;

''(B) summarize existing activities by Federal agencies and entities described in subsection (a)(2) to address the conservation of coral reef ecosystems identified pursuant to subparagraph (A);

''(C) establish goals, objectives, and specific targets for conservation of priority international coral reef ecosystems;

''(D) describe appropriate activities to achieve the goals and targets for international coral reef conservation, in particular those that leverage activities already conducted under this title;

''(E) develop a plan to coordinate implementation of the strategy with entities described in subsection (a)(2) in order to leverage current activities under this title and other conservation efforts globally;

''(F) identify appropriate partnerships, grants, or other funding and technical assistance mechanisms to carry out the strategy; and

''(G) develop criteria for prioritizing partnerships under subsection (c).

''(c) INTERNATIONAL CORAL REEF ECOSYSTEM PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary shall establish an international coral reef ecosystem partnership program to provide support, including funding and technical assistance, for activities that implement the strategy developed pursuant to subsection (b).

''(2) MECHANISMS.—The Secretary shall provide the support described in paragraph (1) through existing authorities, working in collaboration with the entities described in subsection (a)(2).

''(3) AGREEMENTS.—The Secretary may execute and perform such contracts, leases, grants, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this section.

''(4) TRANSFER OF FUNDS.—To implement this section and subject to the availability of funds, the Secretary may—

''(A) transfer funds to a foreign government or international organization; and

''(B) accept transfers of funds from entities described in subparagraph (A), except that not more than 5 percent of the funds appropriated to carry out this section may be transferred.

''(5) CRITERIA FOR APPROVAL.—The Secretary may not approve a partnership proposal under this section unless the partnership—

''(A) is consistent with the international coral reef conservation strategy developed pursuant to subsection (b); and

''(B) meets the criteria specified in such strategy.''.

SEC. 12112. COMMUNITY-BASED PLANNING GRANTS.

The Act is amended by inserting after section 209, as added by section 12111 of this title, the following:

"SEC. 210. COMMUNITY-BASED PLANNING GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to entities that have received grants under section 204 to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. These plans shall—

''(1) support the attainment of 1 or more of the criteria described in section 204(g);

''(2) be developed at the community level;

''(3) utilize watershed-based approaches;

''(4) provide for coordination with Federal and State experts and managers; and

''(5) build upon local approaches, strategies, or models, including traditional or island-based resource management concepts.

''(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants awarded under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.''.

SEC. 12113. VESSEL GROUNDING INVENTORY.

The Act is amended by inserting after section 210, as added by section 12112 of this title, the following:

"SEC. 211. VESSEL GROUNDING INVENTORY.

''(a) IN GENERAL.—The Secretary may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

''(1) the impacts to affected coral reef ecosystems;

''(2) vessel and ownership information, if available;

''(3) the estimated cost of removal, mitigation, or restoration;

''(4) the response action taken by the owner, the Secretary, the Commandant of the Coast Guard, or other Federal or State agency representatives;

''(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

''(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''(b) IDENTIFICATION OF AT-RISK REEFS.—The Secretary may—

''(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef ecosystems that have a high incidence of vessel impacts, including groundings and anchor damage;

''(2) identify appropriate measures, including the acquisition and placement of aids to navigation, moorings, designated anchorage areas, fixed anchors and other devices, to reduce the likelihood of such impacts; and

''(3) develop a strategy and timetable to implement such measures, including cooperative actions with other government agencies and nongovernmental partners.''.

SEC. 12114. PROHIBITED ACTIVITIES.

(a) IN GENERAL.—The Act is amended by inserting after section 211, as added by section 12113 of this title, the following:

"SEC. 212. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

''(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

''(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

''(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

''(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

''(B) was caused by an activity that is authorized or allowed by Federal or State law (including lawful discharges from vessels, such as graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor

damage, excavation not authorized by Federal or State permit, or other similar activities;

''(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

''(D) could not be reasonably avoided and was caused by a Federal Government agency during—

''(i) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

''(ii) an emergency that posed a threat to national security; or

''(iii) an activity necessary for law enforcement or search and rescue; or

''(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.

''(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

''(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

''(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

''(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

''(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.''.

(b) EMERGENCY ACTION REGULATIONS.—

(1) RULEMAKING.—The Secretary of Commerce shall—

(A) initiate a rulemaking proceeding to prescribe the circumstances and conditions under which the exception in section 212(b)(2)(E) of the Coral Reef Conservation Act of 2000, as added by subsection (a), applies; and

(B) issue a final rule pursuant to that rulemaking as soon as practicable but not later than 1 year after the date of enactment of this Act.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed to require the issuance of the regulations described in paragraph (1) before the exception provided by section 212(b)(2)(E) of the Coral Reef Conservation Act of 2000 is in effect.

SEC. 12115. DESTRUCTION OF CORAL REEFS.

The Act is amended by inserting after section 212, as added by section 12114 of this title, the following:

''SEC. 213. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

''(a) LIABILITY.—

''(1) LIABILITY TO THE UNITED STATES.—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsection (b) or (d) of section 212, or create an imminent risk of such prohibited activity, are jointly and severally liable to the United States for an amount equal to the sum of—

''(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(2) LIABILITY IN REM.—

''(A) IN GENERAL.—Any vessel used in an activity that is prohibited under subsection (b) or (d) of section 212, or creates an imminent risk of such prohibited activity, shall be liable in rem to the United States for an amount equal to the sum of—

''(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(B) MARITIME LIEN.—The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

''(3) DEFENSES.—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

''(4) NO LIMIT TO LIABILITY.—Nothing in sections 30501 through 30512 of title 46, United States Code, or section 30706 of such title shall limit liability to any person under this title.

''(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

''(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

''(2) DAMAGE ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall—

''(i) assess damages (as defined in section 221(8)) to coral reefs; and

''(ii) consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

''(B) NO DOUBLE RECOVERY.—There shall be no double recovery under this chapter for coral reef damages, including the cost of damage assessment, for the same incident.

''(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

''(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person or vessel may be liable for such costs or damages.

''(2) VENUE IN CIVIL ACTIONS.—

''(A) IN GENERAL.—A civil action under this title may be brought in the United States district court for any district in which—

''(i) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(ii) the vessel is located, in the case of an action against a vessel; or

''(iii) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury.

''(B) OUTSIDE UNITED STATES JURISDICTION.—If some or all of the coral reef or component thereof that is the subject of a civil action under this title is not within the territory covered by any United States district court, such action may be brought in—

''(i) the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred; or

''(ii) the United States District Court for the District of Columbia.

''(d) USE OF RECOVERED AMOUNTS.—

''(1) IN GENERAL.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

''(A) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

''(B) be available for use by the Secretary without further appropriation and remain available until expended; and

''(C) be available, as the Secretary considers appropriate—

''(i) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) for costs incurred in conducting the activity;

''(ii) to reimburse the Emergency Response, Stabilization, and Restoration Account established under section 208(d)(1) for amounts used for authorized emergency actions; and

''(iii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

''(2) RESTORATION CONSIDERATIONS.—In the development of restoration alternatives under paragraph (1)(C), the Secretary shall consider State and territorial preferences and, if appropriate, shall prioritize restoration projects with geographic and ecological linkages to the injured resources.

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed not later than 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

''(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.''.

SEC. 12116. ENFORCEMENT.

The Act is amended by inserting after section 213, as added by section 12115 of this title, the following:

"SEC. 214. ENFORCEMENT.

''(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this title.

''(b) POWERS OF AUTHORIZED OFFICERS.—

''(1) IN GENERAL.—Any person who is authorized to enforce this title may—

''(A) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any permit issued under this title, and any equipment, stores, and cargo of such vessel, except that such authority shall not exist with respect to vessels owned or time chartered by a uniformed service (as defined in section 101 of title 10, United States Code) as warships or naval auxiliaries;

''(B) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(C) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(D) execute any warrant or other process issued by any court of competent jurisdiction;

''(E) exercise any other lawful authority; and

''(F) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited under section 212.

''(2) NAVAL AUXILIARY DEFINED.—In this subsection, the term 'naval auxiliary' means a vessel, other than a warship, that is owned by or under the exclusive control of a uniformed service and used at the time of the destruction, take, loss or injury for government, noncommercial service, including combat logistics force vessels, pre-positioned vessels, special mission vessels, or vessels exclusively used to transport military supplies and materials.

''(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

''(1) CIVIL ADMINISTRATIVE PENALTY.—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued under this title, shall be liable to the United States for a civil administrative penalty of not more than $200,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation. In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require. In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

''(2) PERMIT SANCTIONS.—The Secretary may deny, suspend, amend, or revoke, in whole or in part, any permit issued or applied for under this title by—

''(A) any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title; or

''(B) any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary.

''(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this title or any regulation promulgated or permit issued under this title, shall be subject to a civil judicial penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

''(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

''(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

''(6) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

''(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

''(8) JURISIDICTION.—

''(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section.

''(B) OFFENSES.—Each violation shall be a separate offense and the offense shall be deemed to have been committed—

''(i) in the district in which the violation first occurred; and

''(ii) in any other district, as authorized by law.

''(C) AMERICAN SAMOA.—For the purpose of this paragraph, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(d) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—

''(A) IN GENERAL.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

''(i) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(ii) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(B) APPLICABILITY OF CONTROLLED SUBSTANCES ACT.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of subsections (a), (b), (c), and (e) through (q) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to criminal forfeitures under this section.

''(2) CIVIL FORFEITURE.—Property subject to forfeiture to the United States, in accordance with the provisions of chapter 46 of title 18, United States Code, and to which no private property rights exist, includes—

''(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(B) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this title, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(3) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale of such property, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions of this section. For seizures and forfeitures of property under this section by the Secretary, the duties imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by officers designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

''(4) PRESUMPTION.—For the purposes of this section, there is a rebuttable presumption that all coral reefs, or components thereof, found onboard a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

''(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

''(f) EXPENDITURES.—

''(1) DISPOSITION OF RECEIPTS.—Notwithstanding section 3302 of title 31, United

States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

''(A) be placed into an account;

''(B) be available for use by the Secretary without further appropriation; and

''(C) remain available until expended.

''(2) USE OF FORFEITURES AND STORAGE REIMBURSEMENTS.—Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

''(3) USE OF CIVIL PENALTIES.—Amounts received under this section as civil penalties under subsection (c) and any amounts remaining after the operation of paragraph (2) of this subsection shall be—

''(A) used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

''(B) transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) or an account described in section 213(d)(1), to reimburse such account for amounts used for authorized emergency actions;

''(C) used to conduct monitoring and enforcement activities;

''(D) used to conduct research on techniques to stabilize and restore coral reefs;

''(E) used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

''(F) used to stabilize, restore or otherwise manage any other coral reef; or

''(G) used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

''(g) CRIMINAL ENFORCEMENT.—

''(1) INTERFERENCE WITH ENFORCEMENT.—Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited under section 212(c)—

''(A) shall be imprisoned for not more than 5 years;

''(B) shall be fined not more than $500,000 (for an individual) or $1,000,000 (for an organization); and

''(C) if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, shall be imprisoned for not more than 10 years.

''(2) INTENTIONAL VIOLATION.—Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (b), (d), or (e) of section 212 shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''(3) NEGLIGENT VIOLATION.—Any person (other than a foreign government or any entity of such government) who violates subsection (b), (d), or (e) of section 212, and who, in the exercise of due care should know that such person's conduct violates subsection (b), (d), or (e) of section 212, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

''(4) JURISDICTION.—The district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code. For the purpose of this paragraph, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

''(i) PRESERVATION OF COAST GUARD AUTHORITY.—Nothing in this section may be construed to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

''(j) INJUNCTIVE RELIEF.—

''(1) ACTUAL OR IMMINENT RISK OF DESTRUCTION.—If the Secretary determines that there is an imminent risk of destruction or loss of, or injury to, a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 213 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

''(2) VIOLATION OF TITLE.—Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

''(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(m) VENUE IN CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under this title may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel; or

''(C) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury.

''(2) EXTRATERRITORIAL JURISDICTION.—If some or all of the coral reef or a component of the coral reef that is the subject of the action is not within the territory covered by any United States district court, such action may be brought in—

''(A) the United States district court for the district closest to the location in which the destruction, loss, injury, or risk of injury occurred; or

''(B) the United States District Court for the District of Columbia.''.

SEC. 12117. PERMITS.

The Act is amended by inserting after section 214, as added by section 12116 of this title, the following:

''SEC. 215. PERMITS.

''(a) IN GENERAL.—The Secretary may issue coral reef conservation permits, in accordance with regulations issued under this title, to allow for the conduct of—

''(1) bona fide research; and

''(2) activities that would otherwise be prohibited under this title or the regulations issued under this title.

''(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—The Secretary may not issue a permit under this section for activities other than for bona fide research unless the Secretary determines that—

''(1) the activity proposed to be conducted is compatible with 1 or more of the purposes set forth in section 202(b);

''(2) the activity conforms to the provisions of all other laws and regulations applicable to the area for which such permit is to be issued; and

''(3) there is no practicable alternative to conducting the activity in a manner that destroys, causes the loss of, or injures any coral reef or any component of a coral reef.

''(c) TERMS AND CONDITIONS.—The Secretary may place any terms and conditions on a permit issued under this section that the Secretary considers to be reasonable.

''(d) FEES.—

''(1) ASSESSMENT AND COLLECTION.—Subject to regulations issued under this title, the Secretary may assess and collect fees as specified in this subsection.

''(2) AMOUNT.—Any fee assessed for a permit issued under this section shall be equal to the sum of—

''(A) all costs incurred, or expected to be incurred, by the Secretary in processing the permit application, including indirect costs; and

''(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity and educating the public about the activity and coral reef resources related to the activity.

''(3) COLLECTION AND USE OF FEES.—Fees collected by the Secretary under this subsection—

''(A) shall be available for use only to the extent provided in advance in appropriations Acts; and

''(B) may be used by the Secretary for issuing and administering permits under this section.

''(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Secretary may—

''(A) accept in-kind contributions in lieu of a fee; or

''(B) waive or reduce the fee.

''(e) FISHING.—Nothing in this section may be considered to require a person to obtain a permit under this section for the conduct of any fishing activities not prohibited by this title or regulations issued under this title.''.

SEC. 12118. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

The Act is amended by inserting after section 215, as added by section 12117 of this title, the following:

"SEC. 216. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

''(a) REGIONAL COORDINATION.—The Secretary and other Federal members of the Coral Reef Task Force shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems.

''(b) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall enter into written agreements with any States in which coral reefs are located regarding the manner in which response and restoration activities will be conducted within the affected State's waters. Nothing in this subsection may be construed to limit Federal response and restoration activity authority before any such agreement is final.

''(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement agreements in place between the Secretary and States affected by this title shall be updated to include enforcement of this title where appropriate.''.

SEC. 12119. REGULATIONS.

The Act is amended by inserting after section 216, as added by section 12118, the following:

"SEC. 217. REGULATIONS.

''(a) IN GENERAL.—The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title.

''(b) APPLICATION.—This title and any regulations promulgated under this title shall be applied in accordance with international law.

''(c) LIMITATION.—No restrictions under this title shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 12120. EFFECTIVENESS AND ASSESSMENT REPORT.

Section 218, as redesignated by section 12107(3) of this title, is amended to read as follows:

"SEC. 218. EFFECTIVENESS AND ASSESSMENT REPORT.

''(a) EFFECTIVENESS REPORT.—Not later than March 1, 2011, and every 3 years thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives that describes all activities undertaken to implement the strategy, including—

''(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years after the fiscal year in which the report is submitted;

''(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of the Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

''(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels; and

''(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems.

''(b) ASSESSMENT REPORT.—Not later than March 1, 2014, and every 5 years thereafter, the Secretary will submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives that contains an assessment of the conditions of United States coral reefs, accomplishments under this title, and the effectiveness of management actions to address threats to coral reefs.''.

SEC. 12121. AUTHORIZATION OF APPROPRIATIONS.

Section 219, as redesignated by section 12107(4) of this title, is amended—

(1) by amending subsection (a) to read as follows:

''(a) AMOUNTS AUTHORIZED.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $34,000,000 for fiscal year 2011;

''(B) $36,000,000 for fiscal year 2012;

''(C) $38,000,000 for fiscal year 2013; and

''(D) $40,000,000 for each of the fiscal years 2014 through 2015.

''(2) ALLOCATIONS.—Of the amounts authorized in each fiscal year pursuant to paragraph (1)—

''(A) not less than 24 percent shall be used for the coral reef conservation grant program authorized under section 204;

''(B) not less than 6 percent shall be used for Fishery Management Councils; and

''(C) up to 10 percent shall be used for the account referred to in section 205(a).'';

(2) in subsection (b), by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(3) by striking subsections (c) and (d) and inserting the following:

''(c) COMMUNITY-BASED PLANNING GRANTS.—There are authorized to be appropriated to the Secretary for the 5-year period ending on September 30, 2015, $10,000,000, which shall be used to carry out the grant program authorized under section 210 and shall remain available until expended.

''(d) INTERNATIONAL CORAL REEF CONSERVATION PROGRAM.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 through 2015, $8,000,000, which shall be used to carry out international coral reef conservation activities authorized under section 209 and shall remain available until expended.''.

SEC. 12122. JUDICIAL REVIEW.

The Act is amended by inserting after section 219, as redesignated by section 12107(4) of this title, the following:

"SEC. 220. JUDICIAL REVIEW.

''(a) IN GENERAL.—Chapter 7 of title 5, United States Code, shall not apply to any action taken by the Secretary under this title, except that—

''(1) a final agency action taken by the Secretary pursuant to paragraph (1) or (2) of sections 214(c) may not be reviewed unless an interested person files a complaint, not later than 30 days after the date of such action, in the United States District Court for the appropriate district; and

''(2) a final agency action taken by the Secretary pursuant to section 215 may not be reviewed unless an interested person files a petition for review, not later than 120 days after the date of such action, in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business that is directly affected by such action.

''(b) NO REVIEW IN ENFORCEMENT PROCEEDINGS.—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

''(c) COST OF LITIGATION.—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party if the court determines that such award is appropriate.''.

SEC. 12123. DEFINITIONS.

Section 221, as redesignated by section 12107(5) of this title, is amended to read as follows:

"SEC. 221. DEFINITIONS.

''In this title:

''(1) BIODIVERSITY.—The term 'biodiversity' means the variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, and diversity within species, between species, and of ecosystems.

''(2) BONA FIDE RESEARCH.—The term 'bona fide research' means scientific research on corals, the results of which are likely—

''(A) to be eligible for publication in a refereed scientific journal;

''(B) to contribute to the basic knowledge of coral biology or ecology; or

''(C) to identify, evaluate, or resolve conservation problems.

''(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral) of the class Anthozoa; and

''(B) all species of the families Milleporidea (fire corals) and Stylasteridae (stylasterid hydrocorals) of the class Hydrozoa.

''(4) CORAL REEF.—The term 'coral reef' means limestone structures composed in whole or in part of living corals, as described in paragraph (3), their skeletal remains, or both, and including other corals, associated sessile invertebrates and plants, and associated seagrasses.

''(5) CORAL REEF COMPONENT.—The term 'coral reef component' means any part of a coral reef, including individual living or dead corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

''(6) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means the system of coral reefs and geographically associated species, habitats, and environment, including any adjacent or associated mangroves and seagrass habitats, and the processes that control its dynamics.

''(7) CORAL PRODUCTS.—The term 'coral products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

''(8) DAMAGES.—The term 'damages' includes—

''(A) compensation for—

''(i) the cost of replacing, restoring, or acquiring the equivalent of the coral reef, or a component of the coral reef; and

''(ii) the lost services of, or the value of the lost use of, the coral reef or component thereof, or the cost of activities to minimize or prevent threats of, equivalent injury to, or destruction of coral reefs or components thereof, pending restoration or replacement or the acquisition of an equivalent coral reef or a component of the coral reef;

''(B) the reasonable cost of damage assessments under section 213;

''(C) the reasonable costs incurred by the Secretary in implementing section 208(d);

''(D) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

''(E) the reasonable cost of curation, conservation and loss of contextual information of any coral encrusted archaeological, historical, and cultural resource;

''(F) the cost of legal actions under section 213, undertaken by the United States, associated with the destruction or loss of, or injury to, a coral reef or component thereof, including the costs of attorney time and expert witness fees; and

''(G) the indirect costs associated with the costs listed in subparagraphs (A) through (F) of this paragraph.

''(9) EMERGENCY ACTIONS.—The term 'emergency actions' means all necessary actions to prevent or minimize the additional destruction or loss of, or injury to, coral reefs or components of coral reefs, or to minimize the risk of such additional destruction, loss, or injury.

''(10) EXCLUSIVE ECONOMIC ZONE.—The term 'Exclusive Economic Zone' means the waters of the Exclusive Economic Zone of the United States under Presidential Proclamation 5030, dated March 10, 1983.

''(11) PERSON.—The term 'person' means any individual, private or public corporation, partnership, trust, institution, association, or any other public or private entity, whether foreign or domestic, private person or entity, or any officer, employee, agent, Department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

''(12) RESPONSE COSTS.—The term 'response costs' means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, a coral reef, or a component of a coral reef, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 213.

''(13) SECRETARY.—The term 'Secretary' means—

''(A) for purposes of sections 201 through 211, sections 218 through 220 (except as otherwise provided in subparagraph (B)), and this section, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

''(B) for purposes of sections 212 through 218 and 220—

''(i) the Secretary of the Interior for any coral reef or component thereof located in (I) the National Wildlife Refuge System, (II) the National Park System, and (III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851 (September 4, 1962)); or

''(ii) the Secretary of Commerce for any coral reef or component thereof located in any area not described in clause (i).

''(14) SERVICE.—The term 'service' means functions, ecological or otherwise, performed by a coral reef or a component of a coral reef.

''(15) STATE.—The term 'State' means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

''(16) TERRITORIAL SEA.—The term 'Territorial Sea' means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988.''.

DIVISION L—INDIAN HOMELANDS AND TRUST LAND

TITLE CXXX—LEASE AUTHORITY

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Blackfoot River Land Settlement Act of 2010''.

SEC. 13002. FINDING; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) it is the policy of the United States to promote tribal self-determination and economic self-sufficiency and encourage the resolution of disputes over historical claims through mutually agreed upon settlements between Indian tribes and the United States;

(2) the Shoshone-Bannock Tribes, a federally recognized Indian tribe with tribal headquarters at Fort Hall, Idaho—

(A) adopted a tribal constitution and bylaws on March 31, 1936, that were approved by the Secretary of the Interior on April 30, 1936, pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the ''Indian Reorganization Act'');

(B) has entered into various treaties with the United States, including the Second Treaty of Fort Bridger, executed on July 3, 1868; and

(C) has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union;

(3)(A) in 1867, President Andrew Johnson designated by Executive order the Fort Hall Reservation for various bands of Shoshone and Bannock Indians;

(B) the Reservation is located near the cities of Blackfoot and Pocatello in southeastern Idaho; and

(C) article 4 of the Second Treaty of Fort Bridger secured the Reservation as a ''permanent home'' for the Shoshone-Bannock Tribes;

(4)(A) according to the Executive order referred to in paragraph (3)(A), the Blackfoot River, as the river existed in its natural state—

(i) is the northern boundary of the Reservation; and

(ii) flows in a westerly direction along that northern boundary; and

(B) within the Reservation, land use in the River watershed is dominated by—

(i) rangeland;

(ii) dry and irrigated farming; and

(iii) residential development;

(5)(A) in 1964, the Corps of Engineers completed a local flood protection project on the River—

(i) authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 170); and

(ii) sponsored by the Blackfoot River Flood Control District No. 7;

(B) the project consisted of building levees, replacing irrigation diversion structures, replacing bridges, and channel realignment; and

(C) the channel realignment portion of the project severed various parcels of land located contiguous to the River along the boundary of the Reservation, resulting in Indian land being located north of the Realigned River and non-Indian land being located south of the Realigned River;

(6) beginning in 1999, the Cadastral Survey Office of the Bureau of Land Management conducted surveys of—

(A) 25 parcels of Indian land; and

(B) 19 parcels of non-Indian land;

(7) many non-Indian landowners and non-Indians acquiring Indian land have filed claims in the Snake River Basin Adjudication seeking water rights that included a place of use on Indian land; and

(8) the enactment of this Act and the distribution of funds in accordance with section 13012(b) would represent an agreement among—

(A) the Tribes;

(B) the allottees;

(C) the non-Indians acquiring Indian land; and

(D) the non-Indian landowners.

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

(1) to resolve the disputes resulting from realignment of the River by the Corps of Engineers during calendar year 1964 pursuant to the project described in subsection (a)(5)(A); and

(2) to achieve a fair, equitable, and final settlement of all claims and potential claims arising from those disputes.

SEC. 13003. DEFINITIONS.

In this title:

(1) ALLOTTEE.—The term ''allottee'' means an heir of an original allottee of the Reservation who owns an interest in a parcel of land that is—

(A) held in trust by the United States for the benefit of the allottee; and

(B) located north of the Realigned River within the exterior boundaries of the Reservation.

(2) INDIAN LAND.—The term ''Indian land'' means any parcel of land that is—

(A) held in trust by the United States for the benefit of the Tribes or the allottees;

(B) located north of the Realigned River; and

(C) identified in exhibit A of the survey of the Bureau of Land Management entitled ''Survey of the Blackfoot River of 2002 to 2005'', which is located at—

(i) the Fort Hall Indian Agency office of the Bureau of Indian Affairs; and

(ii) the Blackfoot River Flood Control District No. 7, 75 East Judicial, Blackfoot, Idaho.

(3) NON-INDIAN ACQUIRING INDIAN LAND.—The term ''non-Indian acquiring Indian land'' means any individual or entity that—

(A) has acquired or plans to acquire Indian land; and

(B) is included on the list contained in exhibit C of the survey referred to in paragraph (2)(C).

(4) NON-INDIAN LAND.—The term ''non-Indian land'' means any parcel of fee land that is—

(A) located south of the Realigned River; and

(B) identified in exhibit B of the survey referred to in paragraph (2)(C).

(5) NON-INDIAN LANDOWNER.—The term ''non-Indian landowner'' means any individual who holds fee title to non-Indian land.

(6) REALIGNED RIVER.—The term ''Realigned River'' means that portion of the River that was realigned by the Corps of Engineers during calendar year 1964 pursuant to the project described in section 13002(a)(5)(A).

(7) RESERVATION.—The term ''Reservation'' means the Fort Hall Reservation established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

(8) RIVER.—The term ''River'' means the Blackfoot River located in the State of Idaho.

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

(10) TRIBES.—The term ''Tribes'' means the Shoshone-Bannock Tribes.

SEC. 13004. EXTINGUISHMENT OF CLAIMS AND TITLE.

Except as provided in sections 13005 and 13006, effective beginning on the date on which the amounts appropriated pursuant to section 13012 are distributed in accordance with that section, all claims and all past, present, and future right, title, and interest in and to the Indian land and non-Indian land shall be extinguished.

SEC. 13005. LAND TO BE PLACED IN TRUST FOR TRIBES.

Effective beginning on the date on which the amounts appropriated pursuant to section 13012 are distributed in accordance with that section to the Blackfoot River Flood Control District No. 7, the non-Indian land shall be considered to be held in trust by the United States for the benefit of the Tribes.

SEC. 13006. TRUST LAND TO BE CONVERTED TO FEE LAND.

Effective beginning on the date on which the amounts appropriated pursuant to section 13012 are distributed in accordance with that section to the tribal trust fund account and the allottee trust account, the Indian land shall be transferred to the Blackfoot River Flood Control District No. 7 for conveyance to the non-Indians acquiring Indian land.

SEC. 13007. TRIBAL TRUST FUND ACCOUNT AND ALLOTTEE TRUST ACCOUNT.

(a) TRIBAL TRUST FUND ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the ''tribal trust fund account'', consisting of such amounts as are deposited in the account under section 13012(b)(1).

(2) INVESTMENT.—The Secretary of the Treasury shall invest amounts in the tribal trust fund account for the benefit of the Tribes, in accordance with applicable laws and regulations.

(3) DISTRIBUTION.—The Secretary of the Treasury shall distribute amounts in the tribal trust fund account to the Tribes pursuant to a budget adopted by the Tribes that contains a description of—

(A) the amounts required by the Tribes; and

(B) the intended uses of the amounts, in accordance with paragraph (4).

(4) USE OF FUNDS.—The Tribes may use amounts in the tribal trust fund account (including interest earned on those amounts), without fiscal year limitation, for activities relating to—

(A) construction of a natural resources facility;

(B) water resources needs;

(C) economic development;

(D) land acquisition; and

(E) such other purposes as the Tribes determine to be appropriate.

(b) ALLOTTEE TRUST ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the ''allottee trust account'', consisting of such amounts as are deposited in the account under section 13012(b)(2).

(2) DEPOSIT INTO IIMS.—Not later than 60 days after the date on which amounts are deposited in the allottee trust account under section 13012(b)(2), the Secretary of the Treasury shall deposit the amounts into individual Indian money accounts for the allottees.

(3) INVESTMENT.—The Secretary of the Treasury shall invest amounts in the individual Indian money accounts under paragraph (2) in accordance with applicable laws and regulations.

SEC. 13008. ATTORNEY FEES.

(a) IN GENERAL.—Subject to subsection (b), of the amounts appropriated pursuant to section 13012(a), the Secretary shall pay to the attorneys of the Tribes and the non-Indian landowners such attorneys fees as are approved by the Tribes and the non-Indian landowners.

(b) LIMITATION.—The total amount of attorneys fees paid by the Secretary under subsection (a) shall not exceed 2 percent of the amounts distributed to the Tribes, allottees, and the non-Indian landowners under section 13012(b).

SEC. 13009. EFFECT ON ORIGINAL RESERVATION BOUNDARY.

Nothing in this title affects the original boundary of the Reservation, as established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

SEC. 13010. EFFECT ON TRIBAL WATER RIGHTS.

Nothing in this title extinguishes or conveys any water rights of the Tribes, as established in the agreement entitled ''1990 Fort Hall Indian Water Rights Agreement'' and ratified by section 4 of the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602; 104 Stat. 3060).

SEC. 13011. DISCLAIMERS REGARDING CLAIMS.

Nothing in this title—

(1) affects in any manner the sovereign claim of the State of Idaho to title in and to the beds and banks of the River under the equal footing doctrine of the Constitution of the United States;

(2) affects any action by the State of Idaho to establish that title under section 2409a of title 28, United States Code (commonly known as the ''Quiet Title Act'');

(3) affects the ability of the Tribes or the United States to claim ownership of the beds and banks of the River; or

(4) extinguishes or conveys any water rights of non-Indian landowners or the claims of such landowners to water rights in the Snake River Basin Adjudication.

SEC. 13012. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title $1,000,000.

(b) DISTRIBUTION.—After the date on which all attorneys fees are paid under section 13008, the amount appropriated pursuant to subsection (a) shall be distributed among the Tribes, the allottees, and the Blackfoot River Flood Control District No. 7 as follows:

(1) 28 percent shall be deposited into the tribal trust fund account established by section 13007(a)(1).

(2) 25 percent shall be deposited into the allottee trust account established by section 13007(b)(1).

(3) 47 percent shall be provided to the Blackfoot River Flood Control District No. 7 for—

(A) distribution to the non-Indian landowners on a pro rata, per-acre basis; and

(B) associated administrative expenses.

(c) PER CAPITA PAYMENTS PROHIBITED.—No amount received by the Tribes under this title shall be distributed to a member of the Tribes on a per capita basis.

SEC. 13013. EFFECTIVE DATE.

This title takes effect on the date on which the amount described in section 13012(a) is appropriated.

DIVISION M—BUDGETARY EFFECTS

SEC. 14001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4846. Mr. VITTER (for himself, Mr. RISCH, Mr. INHOFE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In Article V of the Treaty, strike section 3.

SA 4847. Mr. LEMIEUX (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of Article I of the New START Treaty, add the following:

3. The Parties shall enter into negotiations within one year of ratification of this Treaty to address the disparity between the nonstrategic (tactical) nuclear weapons stockpiles of the Parties, in accordance with the September 1991 United States commitments under the Presidential Nuclear Initiatives and Russian Federation commitments made by President Gorbachev in October 1991 and reaffirmed by President Yeltsin in January 1992. The negotiations shall not include discussion of defensive missile systems.

PRIVILEGES OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent, on behalf of Senator MANCHIN, that Sylvia Pletos, a military fellow and New START treaty specialist on his staff, be granted the privilege of the floor during the balance of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed en bloc to Executive Calendar Nos. 937 and 1093; that the nominations be confirmed en bloc and the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD as if read; that the President be immediately notified of the Senate's action; further, that on Saturday, December 18, after the cloture votes with respect to the House messages regarding H.R. 5281 and H.R. 2965, and notwithstanding rule XXII, if applicable, the Senate resume executive session and there be 2 minutes of debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees prior to a vote on confirming Calendar No. 656, Albert Diaz, and Calendar No. 936, Ellen Hollander; that upon the use or yielding back of that time, the Senate proceed to vote on confirmation in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be