

113TH CONGRESS
1ST SESSION

H. R. 2200

To improve the administration of programs in the insular areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2013

Mr. SABLAN (for himself, Mr. FALDOMAVEGA, Mrs. CHRISTENSEN, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Education and the Workforce, Financial Services, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the administration of programs in the insular areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Territorial Omnibus
5 Act of 2013”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 3. Territorial sea.
- Sec. 4. Adjustment of scheduled wage increases in the Commonwealth of the Northern Mariana Islands.
- Sec. 5. Amendments to the Consolidated Natural Resources Act.
- Sec. 6. Empowering insular communities.
- Sec. 7. Chief financial officer of the Virgin Islands.
- Sec. 8. Low-income home energy assistance program.
- Sec. 9. Castle Nugent National Historic Site Establishment.
- Sec. 10. St. Croix National Heritage area.
- Sec. 11. Guam World War II Loyalty Recognition Act.
- Sec. 12. Improvements in HUD assisted programs.
- Sec. 13. Formula for projects in American Samoa.
- Sec. 14. Waiver of local matching requirements.
- Sec. 15. Fishery endorsements.
- Sec. 16. Effects of Minimum Wage differentials in American Samoa.
- Sec. 17. American Samoa Citizenship Plebiscite Act.
- Sec. 18. Use of certain expenditures as in-kind contributions.

1 **SEC. 3. TERRITORIAL SEA.**

2 (a) IN GENERAL.—The first section and section 2 of
 3 Public Law 93–435 (48 U.S.C. 1705, 1706) are amended
 4 by inserting “the Commonwealth of the Northern Mariana
 5 Islands,” after “Guam,” each place it appears.

6 (b) REFERENCES TO DATE OF ENACTMENT.—For
 7 the purposes of the amendment made by subsection (a),
 8 each reference in Public Law 93–435 to the “date of en-
 9 actment” shall be considered to be a reference to the date
 10 of the enactment of this section.

11 **SEC. 4. ADJUSTMENT OF SCHEDULED WAGE INCREASES IN**
 12 **THE COMMONWEALTH OF THE NORTHERN**
 13 **MARIANA ISLANDS.**

14 Section 8103(b)(1)(B) of the U.S. Troop Readiness,
 15 Veterans’ Care, Katrina Recovery, and Iraq Accountability
 16 Appropriations Act, 2007 (as amended by section 2 of

1 Public Law 111–244) is amended by striking “2011” and
2 inserting “2011, 2013, and 2015”.

3 **SEC. 5. AMENDMENTS TO THE CONSOLIDATED NATURAL**
4 **RESOURCES ACT.**

5 Section 6 of the Joint Resolution entitled “A Joint
6 Resolution to approve the ‘Covenant To Establish a Com-
7 monwealth of the Northern Mariana Islands in Political
8 Union with the United States of America’, and for other
9 purposes”, approved March 24, 1976 (Public Law 94–
10 241; 90 Stat. 263), is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2), by inserting after
13 “subsections (b)” the following: “, (c),”; and

14 (B) by striking paragraph (6), and insert-
15 ing the following:

16 “(6) CERTAIN EDUCATION FUNDING.—

17 “(A) IN GENERAL.—In addition to fees
18 charged pursuant to section 286(m) of the Im-
19 migration and Nationality Act (8 U.S.C. 1356
20 (m)) to recover the full costs of providing adju-
21 dication services, the Secretary of Homeland
22 Security shall charge an annual supplemental
23 fee of \$150 per nonimmigrant worker to each
24 prospective employer who is issued a permit
25 under subsection (d) of this section during the

1 transition program. Such supplemental fee shall
2 be paid into the Treasury of the Commonwealth
3 government for the purpose of funding ongoing
4 vocational educational curricula and program
5 development by Commonwealth educational en-
6 tities.

7 “(B) PLAN FOR THE EXPENDITURE OF
8 FUNDS.—At the beginning of each fiscal year,
9 and prior to the payment of the supplemental
10 fee into the Treasury of the Commonwealth
11 government in that fiscal year, the Common-
12 wealth government must provide to the Sec-
13 retary of Homeland Security, a plan for the ex-
14 penditure of funds and a projection of the effec-
15 tiveness of these expenditures in the placement
16 of United States workers into jobs.

17 “(C) GAO REPORT.—The Comptroller
18 General of the United States shall report to the
19 Congress every 2 years on the effectiveness of
20 meeting the goals set out by the Commonwealth
21 government in its annual plan for the expendi-
22 ture of funds.”;

23 (2) in subsection (c)—

24 (A) in paragraph (1), by striking “during
25 the transition period,”; and

1 (B) by adding at the end the following:

2 “(3) DURATION.—Notwithstanding any other
3 provision of this Act, the Secretary may classify
4 aliens pursuant to paragraph (1) until the date on
5 which the transition program terminates. If the
6 transition period is extended, the Secretary may con-
7 tinue to classify aliens pursuant to paragraph (1)
8 until the date on which all extensions are termi-
9 nated.”; and

10 (3) in subsection (d)(2), by striking “December
11 31, 2014” and inserting “December 31, 2019”.

12 **SEC. 6. EMPOWERING INSULAR COMMUNITIES.**

13 (a) DEFINITIONS.—In this section:

14 (1) COMPREHENSIVE ENERGY PLAN.—The term
15 “comprehensive energy plan” means a comprehen-
16 sive energy plan prepared and updated under sub-
17 sections (c) and (e) of section 604 of the Act entitled
18 “An Act to authorize appropriations for certain in-
19 sular areas of the United States, and for other pur-
20 poses”, approved December 24, 1980 (48 U.S.C.
21 1492).

22 (2) ENERGY ACTION PLAN.—The term “energy
23 action plan” means the plan required by subsection
24 (d).

1 (3) FREELY ASSOCIATED STATES.—The term
2 “Freely Associated States” means the Federated
3 States of Micronesia, the Republic of the Marshall
4 Islands, and the Republic of Palau.

5 (4) INSULAR AREAS.—The term “insular areas”
6 means American Samoa, the Commonwealth of the
7 Northern Mariana Islands, the Commonwealth of
8 Puerto Rico, Guam, and the Virgin Islands.

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

11 (6) TEAM.—The term “team” means the team
12 established by the Secretary under subsection (b).

13 (b) ESTABLISHMENT.—Not later than 180 days after
14 the date of enactment of this Act, the Secretary shall es-
15 tablish a team of technical, policy, and financial experts—

16 (1) to develop an energy action plan addressing
17 the energy needs of each of the insular areas and
18 Freely Associated States; and

19 (2) to assist each of the insular areas and Free-
20 ly Associated States in implementing such plan.

21 (c) PARTICIPATION OF REGIONAL UTILITY ORGANI-
22 ZATIONS.—In establishing the team, the Secretary shall
23 consider including regional utility organizations.

24 (d) ENERGY ACTION PLAN.—In accordance with sub-
25 section (b), the energy action plan shall include—

1 (1) recommendations, based on the comprehen-
2 sive energy plan where applicable, to—

3 (A) reduce reliance and expenditures on
4 imported fossil fuels;

5 (B) develop indigenous, nonfossil fuel en-
6 ergy sources; and

7 (C) improve performance of energy infra-
8 structure and overall energy efficiency;

9 (2) a schedule for implementation of such rec-
10 ommendations and identification and prioritization
11 of specific projects;

12 (3) a financial and engineering plan for imple-
13 menting and sustaining projects; and

14 (4) benchmarks for measuring progress toward
15 implementation.

16 (e) REPORTS TO SECRETARY.—Not later than 1 year
17 after the date on which the Secretary establishes the team
18 and annually thereafter, the team shall submit to the Sec-
19 retary a report detailing progress made in fulfilling its
20 charge and in implementing the energy action plan.

21 (f) ANNUAL REPORTS TO CONGRESS.—Not later
22 than 30 days after the date on which the Secretary re-
23 ceives a report submitted by the team under subsection
24 (e), the Secretary shall submit to the appropriate commit-
25 tees of Congress a summary of the report of the team.

1 **SEC. 7. CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-**
2 **LANDS.**

3 (a) REFERENDUM.—As part of the next regularly
4 scheduled, islands-wide election in the Virgin Islands after
5 the date of enactment of this Act, the Board of Elections
6 of the Virgin Islands shall hold a referendum to seek the
7 approval of the people of the Virgin Islands regarding
8 whether the position of Chief Financial Officer of the Gov-
9 ernment of the Virgin Islands shall be established as a
10 part of the executive branch of the Government of the Vir-
11 gin Islands. The referendum shall be binding and con-
12 ducted according to the laws of the Virgin Islands, except
13 that the results shall be determined by a majority of the
14 ballots cast.

15 (b) CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-
16 LANDS.—

17 (1) APPOINTMENT OF CHIEF FINANCIAL OFFI-
18 CER.—

19 (A) IN GENERAL.—The Governor of the
20 Virgin Islands shall appoint a Chief Financial
21 Officer, with the advice and consent of the Leg-
22 islature of the Virgin Islands, from the names
23 on the list required under subsection (b)(4). If
24 the Governor has nominated a person for Chief
25 Financial Officer but the Legislature of the Vir-
26 gin Islands has not confirmed a nominee within

1 90 days after receiving the list pursuant to sub-
2 section (b)(4), the Governor shall appoint from
3 such list a Chief Financial Officer on an acting
4 basis until the Legislature consents to a Chief
5 Financial Officer.

6 (B) ACTING CHIEF FINANCIAL OFFICER.—
7 If a Chief Financial Officer has not been ap-
8 pointed under subparagraph (A) within 180
9 days after the date of the enactment of this
10 Act, the Virgin Islands Chief Financial Officer
11 Search Commission, by majority vote, shall ap-
12 point from the names on the list submitted
13 under subsection (b)(4), an Acting Chief Finan-
14 cial Officer to serve in that capacity until a
15 Chief Financial Officer is appointed under the
16 first sentence of subparagraph (A). In either
17 case, if the Acting Chief Financial Officer
18 serves in an acting capacity for 180 consecutive
19 days, without further action the Acting Chief
20 Financial Officer shall become the Chief Finan-
21 cial Officer.

22 (2) DUTIES OF CHIEF FINANCIAL OFFICER.—
23 The duties of the Chief Financial Officer shall in-
24 clude the following:

1 (A) Develop and report on the financial
2 status of the Government of the Virgin Islands
3 not later than 6 months after appointment and
4 quarterly thereafter. Such reports shall be
5 available to the public.

6 (B) Each year prepare and certify spend-
7 ing limits of the annual budget, including an-
8 nual estimates of all revenues of the territory
9 without regard to sources, and whether or not
10 the annual budget is balanced.

11 (C) Revise and update standards for finan-
12 cial management, including inventory and con-
13 tracting, for the Government of the Virgin Is-
14 lands in general and for each agency in con-
15 junction with the agency head.

16 (3) DOCUMENTS PROVIDED.—The heads of
17 each department of the Government of the Virgin Is-
18 lands, in particular the head of the Department of
19 Finance of the Virgin Islands and the head of the
20 Internal Revenue Bureau of the Virgin Islands shall
21 provide all documents and information under the ju-
22 risdiction of that head that the Chief Financial Offi-
23 cer considers required to carry out his or her func-
24 tions to the Chief Financial Officer.

1 (4) CONDITIONS RELATED TO CHIEF FINANCIAL
2 OFFICER.—

3 (A) TERM.—The Chief Financial Officer
4 shall be appointed for a term of 5 years.

5 (B) REMOVAL.—The Chief Financial Offi-
6 cer shall not be removed except for cause. An
7 Acting Chief Financial Officer may be removed
8 for cause or by a Chief Financial Officer ap-
9 pointed with the advice and consent of the Leg-
10 islature of the Virgin Islands.

11 (C) REPLACEMENT.—If the Chief Finan-
12 cial Officer is unable to continue acting in that
13 capacity due to removal, illness, death, or other-
14 wise, another Chief Financial Officer shall be
15 selected in accordance with paragraph (1).

16 (D) SALARY.—The Chief Financial Officer
17 shall be paid at a salary to be determined by
18 the Governor of the Virgin Islands, except such
19 rate may not be less than the highest rate of
20 pay for a cabinet officer of the Government of
21 the Virgin Islands or a Chief Financial Officer
22 serving in any government or semiautonomous
23 agency.

24 (e) ESTABLISHMENT OF COMMISSION.—

1 (1) ESTABLISHMENT.—There is established a
2 commission to be known as the “Virgin Islands
3 Chief Financial Officer Search Commission”.

4 (2) DUTY OF COMMISSION.—The Commission
5 shall recommend to the Governor not less than 3
6 candidates for nomination as Chief Financial Officer
7 of the Virgin Islands. Each candidate must have
8 demonstrated ability in general management of,
9 knowledge of, and extensive practical experience at
10 the highest levels of financial management in gov-
11 ernmental or business entities and must have experi-
12 ence in the development, implementation, and oper-
13 ation of financial management systems.

14 (3) MEMBERSHIP.—

15 (A) NUMBER AND APPOINTMENT.—The
16 Commission shall be composed of 8 members
17 appointed not later than 30 days after the date
18 of the enactment of this Act. Persons appointed
19 as members must have recognized business,
20 government, or financial expertise and experi-
21 ence and shall be appointed as follows:

22 (i) 1 individual appointed by the Gov-
23 ernor of the Virgin Islands.

1 (ii) 1 individual appointed by the
2 President of the Legislature of the Virgin
3 Islands.

4 (iii) 1 individual, who is an employee
5 of the Government of the Virgin Islands,
6 appointed by the Central Labor Council of
7 the Virgin Islands.

8 (iv) 1 individual appointed by the
9 Chamber of Commerce of St. Thomas-St.
10 John.

11 (v) 1 individual appointed by the
12 Chamber of Commerce of St. Croix.

13 (vi) 1 individual appointed by the
14 President of the University of the Virgin
15 Islands.

16 (vii) 1 individual, who is a resident of
17 St. John, appointed by the At-Large Mem-
18 ber of the Legislature of the Virgin Is-
19 lands.

20 (viii) 1 individual appointed by the
21 President of AARP Virgin islands.

22 (B) TERMS.—

23 (i) IN GENERAL.—Each member shall
24 be appointed for the life of the Commis-
25 sion.

1 (ii) VACANCIES.—A vacancy in the
2 Commission shall be filled in the manner
3 in which the original appointment was
4 made. Any member appointed to fill a va-
5 cancy shall be appointed for the remainder
6 of that term.

7 (C) BASIC PAY.—Members shall serve
8 without pay.

9 (D) QUORUM.—Five members of the Com-
10 mission shall constitute a quorum.

11 (E) CHAIRPERSON.—The Chairperson of
12 the Commission shall be the Chief Justice of
13 the Supreme Court of the United States Virgin
14 Islands or the designee of the Chief Justice.
15 The Chairperson shall serve as an ex officio
16 member of the Commission and shall vote only
17 in the case of a tie.

18 (F) MEETINGS.—The Commission shall
19 meet at the call of the Chairperson. The Com-
20 mission shall meet for the first time not later
21 than 15 days after all members have been ap-
22 pointed under this subsection.

23 (G) GOVERNMENT EMPLOYMENT.—Mem-
24 bers may not be current government employees,

1 except for the member appointed under sub-
2 paragraph (A)(iii).

3 (4) REPORT; RECOMMENDATIONS.—The Com-
4 mission shall transmit a report to the Governor, the
5 Committee on Natural Resources of the House of
6 Representatives and the Committee on Energy and
7 Natural Resources of the Senate not later than 60
8 days after its first meeting. The report shall name
9 the Commission’s recommendations for candidates
10 for nomination as Chief Financial Officer of the Vir-
11 gin Islands.

12 (5) TERMINATION.—The Commission shall ter-
13 minate upon the nomination and confirmation of the
14 Chief Financial Officer.

15 (d) DEFINITIONS.—For the purposes of this section,
16 the following definitions apply:

17 (1) CHIEF FINANCIAL OFFICER.—In sub-
18 sections (a) and (b), the term “Chief Financial Offi-
19 cer” means a Chief Financial Officer or Acting
20 Chief Financial Officer, as the case may be, ap-
21 pointed under subsection (a)(1).

22 (2) COMMISSION.—The term “Commission”
23 means the Virgin Islands Chief Financial Officer
24 Search Commission established pursuant to sub-
25 section (b).

1 (1) HISTORIC SITE.—The term “historic site”
2 means the Castle Nugent National Historic Site es-
3 tablished in subsection (b).

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

6 (b) CASTLE NUGENT NATIONAL HISTORIC SITE.—

7 (1) ESTABLISHMENT.—There is established as
8 a unit of the National Park System the Castle
9 Nugent National Historic Site on the Island of St.
10 Croix, U.S. Virgin Islands, in order to preserve, pro-
11 tect, and interpret, for the benefit of present and fu-
12 ture generations, a Caribbean cultural landscape
13 that spans more than 300 years of agricultural use,
14 significant archeological resources, mangrove forests,
15 endangered sea turtle nesting beaches, an extensive
16 barrier coral reef system, and other outstanding nat-
17 ural features.

18 (2) BOUNDARIES.—The historic site consists of
19 the approximately 2,900 acres of land extending
20 from Lowrys Hill and Laprey Valley to the Carib-
21 bean Sea and from Manchenil Bay to Great Pond,
22 along with associated submerged lands to the three-
23 mile territorial limit, as generally depicted on the
24 map titled “Castle Nugent National Historic Site

1 Proposed Boundary Map”, numbered T22/100,447,
2 and dated October 2009.

3 (3) MAP AVAILABILITY.—The map referred to
4 in paragraph (2) shall be on file and available for
5 public inspection in the appropriate offices of the
6 National Park Service, Department of the Interior.

7 (4) ACQUISITION OF LAND.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Secretary is authorized
10 to acquire lands and interests in lands within
11 the boundaries of the historic site by donation,
12 purchase with donated funds, or exchange.

13 (B) U.S. VIRGIN ISLAND LANDS.—The
14 Secretary is authorized to acquire lands and in-
15 terests in lands owned by the U.S. Virgin Is-
16 lands or any political subdivision thereof only
17 by donation or exchange.

18 (c) ADMINISTRATION.—

19 (1) IN GENERAL.—The Secretary shall admin-
20 ister the historic site in accordance with this Act
21 and with laws generally applicable to units of the
22 National Park System, including—

23 (A) the National Park Service Organic Act
24 (39 Stat. 535; 16 U.S.C. 1 et seq.); and

1 (B) the Act of August 21, 1935 (49 Stat.
2 666; 16 U.S.C. 461 et seq.).

3 (2) SHARED RESOURCES.—To the greatest ex-
4 tent practicable, the Secretary shall use the re-
5 sources of other sites administered by the National
6 Park Service on the Island of St. Croix or other
7 Federal assets on the island of St. Croix to admin-
8 ister the historic site.

9 (3) CONTINUED USE.—In order to maintain an
10 important feature of the cultural landscape of the
11 historic site, the Secretary may lease to the Univer-
12 sity of the Virgin Islands certain lands within the
13 boundary of the historic site for the purpose of con-
14 tinuing the university's operation breeding Senepol
15 cattle, a breed developed on St. Croix. A lease under
16 this subsection shall contain such terms and condi-
17 tions as the Secretary considers appropriate, includ-
18 ing those necessary to protect the values of the his-
19 toric site.

20 (4) MANAGEMENT PLAN.—Not later than three
21 years after funds are made available for this sub-
22 section, the Secretary shall prepare a general man-
23 agement plan for the historic site.

24 **SEC. 10. ST. CROIX NATIONAL HERITAGE AREA.**

25 (a) DEFINITIONS.—In this section:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the St. Croix National Heritage Area
3 established by subsection (b)(1).

4 (2) LOCAL COORDINATING ENTITY.—The term
5 “local coordinating entity” means the local coordi-
6 nating entity for the Heritage Area designated by
7 subsection (b)(4).

8 (3) MANAGEMENT PLAN.—The term “manage-
9 ment plan” means the management plan for the
10 Heritage Area required under subsection (d).

11 (4) MAP.—The term “map” means the map en-
12 titled “Proposed St. Croix National Heritage Area”
13 and dated XXXXXXXXX.

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

16 (6) STATE.—The term “State” means St.
17 Croix, U.S. Virgin Islands.

18 (b) ST. CROIX NATIONAL HERITAGE AREA.—

19 (1) ESTABLISHMENT.—There is established in
20 the State the St. Croix National Heritage Area.

21 (2) CONCEPTUAL BOUNDARIES.—The Heritage
22 Area shall consist of the entire island.

23 (3) MAP.—A map of the Heritage Area shall
24 be—

25 (A) included in the management plan; and

1 (B) on file and available for public inspec-
2 tion in the appropriate offices of the National
3 Park Service.

4 (4) LOCAL COORDINATING ENTITY.—

5 (A) IN GENERAL.—The local coordinating
6 entity for the Heritage Area shall be known as
7 St. Croix United for Community, Culture, Envi-
8 ronment, and Economic Development (SUC-
9 CEED) Inc.

10 (B) MEMBERSHIP REQUIREMENTS.—Mem-
11 bership in SUCCEED, Inc. shall be open to a
12 broad cross-section of public, private, and non-
13 governmental sectors including businesses, indi-
14 viduals, agencies, and organizations that were
15 involved in the planning and development of the
16 Heritage Area prior to the enactment of this
17 Act.

18 (c) ADMINISTRATION.—

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

23 (A) make grants to the State or a political
24 subdivision of the State, nonprofit organiza-
25 tions, and other persons;

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

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

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

13 (E) contract for goods or services; and

14 (F) undertake to be a catalyst for any
15 other activity that furthers the Heritage Area
16 and is consistent with the approved manage-
17 ment plan.

18 (2) DUTIES.—The local coordinating entity
19 shall—

20 (A) in accordance with subsection (d), pre-
21 pare and submit a management plan for the
22 Heritage Area to the Secretary;

23 (B) assist units of local government, re-
24 gional planning organizations, and nonprofit or-

1 organizations in carrying out the approved man-
2 agement plan by—

3 (i) carrying out programs and projects
4 that recognize, protect, and enhance im-
5 portant resource values in the Heritage
6 Area;

7 (ii) establishing and maintaining in-
8 terpretive exhibits and programs in the
9 Heritage Area;

10 (iii) developing recreational and edu-
11 cational opportunities in the Heritage
12 Area;

13 (iv) increasing public awareness of,
14 and appreciation for, natural, historical,
15 scenic, and cultural resources of the Herit-
16 age Area;

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

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

1 (vii) promoting a wide range of part-
2 nerships among governments, organiza-
3 tions, and individuals to further the Herit-
4 age Area;

5 (C) consider the interests of diverse units
6 of government, businesses, organizations, and
7 individuals in the Heritage Area in the prepara-
8 tion and implementation of the management
9 plan;

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

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

15 (i) submit an annual report to the
16 Secretary that describes the activities, ex-
17 penses, and income of the local coordi-
18 nating entity (including grants to any
19 other entities during the year that the re-
20 port is made);

21 (ii) make available to the Secretary
22 for audit all records relating to the expend-
23 iture of the funds and any matching funds;
24 and

1 (iii) require, with respect to all agree-
2 ments authorizing expenditure of Federal
3 funds by other organizations, that the or-
4 ganizations receiving the funds make avail-
5 able to the Secretary for audit all records
6 concerning the expenditure of the funds;
7 and

8 (F) encourage by appropriate means eco-
9 nomic viability that is consistent with the Herit-
10 age Area.

11 (3) PROHIBITION ON THE ACQUISITION OF
12 REAL PROPERTY.—The local coordinating entity
13 shall not use Federal funds made available under
14 this section to acquire real property or any interest
15 in real property.

16 (4) COST-SHARING REQUIREMENT.—The Fed-
17 eral share of the total cost of any activity under this
18 Act shall be not more than 50 percent; the non-Fed-
19 eral contribution may be in the form of in-kind con-
20 tributions of goods or services fairly valued.

21 (d) MANAGEMENT PLAN.—

22 (1) IN GENERAL.—Not later than 3 years after
23 the date of enactment of this Act, the local coordi-
24 nating entity shall submit to the Secretary for ap-

1 proval a proposed management plan for the Heritage
2 Area.

3 (2) REQUIREMENTS.—The management plan
4 shall—

5 (A) incorporate an integrated and coopera-
6 tive approach for the protection, enhancement,
7 and interpretation of the natural, cultural, his-
8 toric, scenic, and recreational resources of the
9 Heritage Area;

10 (B) take into consideration State and local
11 plans;

12 (C) include—

13 (i) an inventory of—

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

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

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

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

1 (ii) describe comprehensive policies,
2 goals, strategies and recommendations for
3 telling the story of the heritage of the area
4 covered by the designation and encour-
5 aging long-term resource protection, en-
6 hancement, interpretation, funding, man-
7 agement, and development;

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

13 (iv) a program of implementation for
14 the management plan by the local coordi-
15 nating entity that includes a description
16 of—

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

21 (II) specific commitments for im-
22 plementation that have been made by
23 the local coordinating entity or any
24 government, organization, or indi-

1 vidual for the first 5 years of oper-
2 ation;

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

6 (vi) analysis and recommendations for
7 means by which local, State, and Federal
8 programs, may best be coordinated to
9 carry out this section; and

10 (vii) a business plan that describes the
11 role, operation, financing, and functions of
12 the local coordinating entity and of each of
13 the major activities contained in the man-
14 agement plan and provides adequate assur-
15 ances that the local coordinating entity has
16 the partnerships and financial and other
17 resources necessary to implement the man-
18 agement plan for the National Heritage
19 Area; and

20 (D) recommend policies and strategies for
21 resource management that consider and detail
22 the application of appropriate land and water
23 management techniques, including the develop-
24 ment of intergovernmental and interagency co-
25 operative agreements to protect the natural,

1 historical, cultural, educational, scenic, and rec-
2 reational resources of the Heritage Area.

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

10 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
11 MENT PLAN.—

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

17 (B) CRITERIA FOR APPROVAL.—In deter-
18 mining whether to approve the management
19 plan, the Secretary shall consider whether—

20 (i) the local coordinating entity is rep-
21 resentative of the diverse interests of the
22 Heritage Area, including governments, nat-
23 ural and historic resource protection orga-
24 nizations, educational institutions, busi-
25 nesses, and recreational organizations;

1 (ii) the local coordinating entity has
2 afforded adequate opportunity, including
3 public hearings, for public and govern-
4 mental involvement in the preparation of
5 the management plan; and

6 (iii) the resource protection and inter-
7 pretation strategies contained in the man-
8 agement plan, if implemented, would ade-
9 quately protect the natural, historical, and
10 cultural resources of the Heritage Area.

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

14 (i) advise the local coordinating entity
15 in writing of the reasons for the dis-
16 approval;

17 (ii) make recommendations for revi-
18 sions to the management plan; and

19 (iii) not later than 180 days after the
20 receipt of any proposed revision of the
21 management plan from the local coordi-
22 nating entity, approve or disapprove the
23 proposed revision.

24 (D) AMENDMENTS.—

1 (i) IN GENERAL.—The Secretary shall
2 approve or disapprove each amendment to
3 the management plan that the Secretary
4 determines make a substantial change to
5 the management plan.

6 (ii) USE OF FUNDS.—The local co-
7 ordinating entity shall not use Federal
8 funds authorized by this section to carry
9 out any amendments to the management
10 plan until the Secretary has approved the
11 amendments.

12 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
13 CIES.—

14 (1) IN GENERAL.—Nothing in this section af-
15 fects the authority of a Federal agency to provide
16 technical or financial assistance under any other law.

17 (2) CONSULTATION AND COORDINATION.—The
18 head of any Federal agency planning to conduct ac-
19 tivities that may have an impact on the Heritage
20 Area is encouraged to consult and coordinate the ac-
21 tivities with the Secretary and the local coordinating
22 entity to the maximum extent practicable.

23 (3) OTHER FEDERAL AGENCIES.—Nothing in
24 this section—

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

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner
15 (whether public or private), including the right to re-
16 frain from participating in any plan, project, pro-
17 gram, or activity conducted within the Heritage
18 Area;

19 (2) requires any property owner to permit pub-
20 lic access (including access by Federal, State, or
21 local agencies) to the property of the property
22 owner, or to modify public access or use of property
23 of the property owner under any other Federal,
24 State, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, or local agency, or conveys
4 any land use or other regulatory authority to the
5 local coordinating entity;

6 (4) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

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

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

15 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area, the Secretary
19 shall—

20 (A) conduct an evaluation of the accom-
21 plishments of the Heritage Area; and

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

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

1 (A) assess the progress of the local coordi-
2 nating entity with respect to—

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

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

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

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

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-
19 tion conducted under paragraph (1)(A), the
20 Secretary shall prepare a report that includes
21 recommendations for the future role of the Na-
22 tional Park Service, if any, with respect to the
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report
25 prepared under subparagraph (A) recommends

1 that Federal funding for the Heritage Area be
2 reauthorized, the report shall include an anal-
3 ysis of—

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

7 (ii) the appropriate time period nec-
8 essary to achieve the recommended reduc-
9 tion or elimination.

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

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

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

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$10,000,000, of which not more than \$1,000,000 may be
20 made available for any fiscal year.

21 (i) TERMINATION OF AUTHORITY.—The authority of
22 the Secretary to provide assistance under this section ter-
23 minates on the date that is 15 years after the date of en-
24 actment of this Act.

1 **SEC. 11. GUAM WORLD WAR II LOYALTY RECOGNITION ACT.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Guam World War II Loyalty Recognition Act”.

4 (b) **RECOGNITION OF THE SUFFERING AND LOYALTY**
5 **OF THE RESIDENTS OF GUAM.**—

6 (1) **RECOGNITION OF THE SUFFERING OF THE**
7 **RESIDENTS OF GUAM.**—The United States recog-
8 nizes that, as described by the Guam War Claims
9 Review Commission, the residents of Guam, on ac-
10 count of their United States nationality, suffered un-
11 speakable harm as a result of the occupation of
12 Guam by Imperial Japanese military forces during
13 World War II, by being subjected to death, rape, se-
14 vere personal injury, personal injury, forced labor,
15 forced march, or internment.

16 (2) **RECOGNITION OF THE LOYALTY OF THE**
17 **RESIDENTS OF GUAM.**—The United States forever
18 will be grateful to the residents of Guam for their
19 steadfast loyalty to the United States, as dem-
20 onstrated by the countless acts of courage they per-
21 formed despite the threat of death or great bodily
22 harm they faced at the hands of the Imperial Japa-
23 nese military forces that occupied Guam during
24 World War II.

25 (c) **GUAM WORLD WAR II CLAIMS FUND.**—

1 (1) ESTABLISHMENT OF FUND.—The Secretary
2 of the Treasury shall establish in the Treasury of
3 the United States a special fund (in this Act re-
4 ferred to as the “Claims Fund”) for the payment of
5 claims submitted by compensable Guam victims and
6 survivors of compensable Guam decedents in accord-
7 ance with subsections (d) and (e).

8 (2) COMPOSITION OF FUND.—The Claims Fund
9 established under paragraph (1) shall be composed
10 of amounts deposited into the Claims Fund under
11 paragraph (3) and any other amounts made avail-
12 able for the payment of claims under this Act.

13 (3) PAYMENT OF CERTAIN DUTIES, TAXES, AND
14 FEES COLLECTED FROM GUAM DEPOSITED INTO
15 FUND.—

16 (A) IN GENERAL.—Notwithstanding sec-
17 tion 30 of the Organic Act of Guam (48 U.S.C.
18 1421h), the excess of—

19 (i) any amount of duties, taxes, and
20 fees collected under such section after fis-
21 cal year 2012; over

22 (ii) the amount of duties, taxes, and
23 fees collected under such section during
24 fiscal year 2012,

25 shall be deposited into the Claims Fund.

1 (B) APPLICATION.—Subparagraph (A)
2 shall not apply after the date for which the Sec-
3 retary of the Treasury determines that all pay-
4 ments required to be made under subsection (d)
5 have been made.

6 (4) LIMITATION ON PAYMENTS MADE FROM
7 FUND.—

8 (A) IN GENERAL.—No payment may be
9 made in a fiscal year under subsection (d) until
10 funds are deposited into the Claims Fund in
11 such fiscal year under paragraph (3).

12 (B) AMOUNTS.—For each fiscal year in
13 which funds are deposited into the Claims Fund
14 under paragraph (3), the total amount of pay-
15 ments made in a fiscal year under subsection
16 (d) may not exceed the amount of funds avail-
17 able in the Claims Fund for such fiscal year.

18 (5) DEDUCTIONS FROM FUND FOR ADMINIS-
19 TRATIVE EXPENSES.—The Secretary of the Treasury
20 shall deduct from any amounts deposited into the
21 Claims Fund an amount equal to 5 percent of such
22 amounts as reimbursement to the Federal Govern-
23 ment for expenses incurred by the Foreign Claims
24 Settlement Commission and by the Department of
25 the Treasury in the administration of this Act. The

1 amounts so deducted shall be covered into the
2 Treasury as miscellaneous receipts.

3 (d) PAYMENTS FOR GUAM WORLD WAR II CLAIMS.—

4 (1) PAYMENTS FOR DEATH, PERSONAL INJURY,
5 FORCED LABOR, FORCED MARCH, AND INTERN-
6 MENT.—After the Secretary of the Treasury receives
7 the certification from the Chairman of the Foreign
8 Claims Settlement Commission as required under
9 subsection (e)(2)(H), the Secretary of the Treasury
10 shall make payments to compensable Guam victims
11 and survivors of compensable Guam decedents as
12 follows:

13 (A) COMPENSABLE GUAM VICTIM.—Before
14 making any payments under subparagraph (B),
15 the Secretary shall make payments to compen-
16 sable Guam victims as follows:

17 (i) In the case of a victim who has
18 suffered an injury described in paragraph
19 (3)(B)(i), \$15,000.

20 (ii) In the case of a victim who is not
21 described in subparagraph (A), but who
22 has suffered an injury described in para-
23 graph (3)(B)(ii), \$12,000.

24 (iii) In the case of a victim who is not
25 described in subparagraph (A) or (B), but

1 who has suffered an injury described in
2 paragraph (3)(B)(iii), \$10,000.

3 (B) SURVIVORS OF COMPENSABLE GUAM
4 DECEDENTS.—In the case of a compensable
5 Guam decedent, the Secretary shall pay
6 \$25,000 for distribution to survivors of the de-
7 cedent in accordance with paragraph (2). The
8 Secretary shall make payments under this sub-
9 paragraph only after all payments are made
10 under subparagraph (A).

11 (2) DISTRIBUTION OF SURVIVOR PAYMENTS.—
12 A payment made under paragraph (1)(B) to the sur-
13 vivors of a compensable Guam decedent shall be dis-
14 tributed as follows:

15 (A) In the case of a decedent whose spouse
16 is living as of the date of the enactment of this
17 Act, but who had no living children as of such
18 date, the payment shall be made to such
19 spouse.

20 (B) In the case of a decedent whose spouse
21 is living as of the date of the enactment of this
22 Act and who had one or more living children as
23 of such date, 50 percent of the payment shall
24 be made to the spouse and 50 percent shall be
25 made to such children, to be divided among

1 such children to the greatest extent possible
2 into equal shares.

3 (C) In the case of a decedent whose spouse
4 is not living as of the date of the enactment of
5 this Act and who had one or more living chil-
6 dren as of such date, the payment shall be
7 made to such children, to be divided among
8 such children to the greatest extent possible
9 into equal shares.

10 (D) In the case of a decedent whose spouse
11 is not living as of the date of the enactment of
12 this Act and who had no living children as of
13 such date, but who—

14 (i) had a parent who is living as of
15 such date, the payment shall be made to
16 the parent; or

17 (ii) had two parents who are living as
18 of such date, the payment shall be divided
19 equally between the parents.

20 (E) In the case of a decedent whose spouse
21 is not living as of the date of the enactment of
22 this Act, who had no living children as of such
23 date, and who had no parents who are living as
24 of such date, no payment shall be made.

25 (3) DEFINITIONS.—For purposes of this Act:

1 (A) COMPENSABLE GUAM DECEDENT.—
2 The term “compensable Guam decedent” means
3 an individual determined under subsection (e)
4 to have been a resident of Guam who died as
5 a result of the attack and occupation of Guam
6 by Imperial Japanese military forces during
7 World War II, or incident to the liberation of
8 Guam by United States military forces, and
9 whose death would have been compensable
10 under the Guam Meritorious Claims Act of
11 1945 (Public Law 79–224) if a timely claim
12 had been filed under the terms of such Act.

13 (B) COMPENSABLE GUAM VICTIM.—The
14 term “compensable Guam victim” means an in-
15 dividual who is not deceased as of the date of
16 the enactment of this Act and who is deter-
17 mined under subsection (e) to have suffered, as
18 a result of the attack and occupation of Guam
19 by Imperial Japanese military forces during
20 World War II, or incident to the liberation of
21 Guam by United States military forces, any of
22 the following:

23 (i) Rape or severe personal injury
24 (such as loss of a limb, dismemberment, or
25 paralysis).

1 (ii) Forced labor or a personal injury
2 not under clause (i) (such as disfigure-
3 ment, scarring, or burns).

4 (iii) Forced march, internment, or
5 hiding to evade internment.

6 (C) DEFINITIONS OF SEVERE PERSONAL
7 INJURIES AND PERSONAL INJURIES.—Not later
8 than 180 days after the date of the enactment
9 of this Act, the Foreign Claims Settlement
10 Commission shall promulgate regulations to
11 specify the injuries that constitute a severe per-
12 sonal injury or a personal injury for purposes of
13 clauses (i) and (ii), respectively, of subpara-
14 graph (B).

15 (e) ADJUDICATION.—

16 (1) AUTHORITY OF FOREIGN CLAIMS SETTLE-
17 MENT COMMISSION.—

18 (A) IN GENERAL.—The Foreign Claims
19 Settlement Commission shall adjudicate claims
20 and determine the eligibility of individuals for
21 payments under subsection (d).

22 (B) RULES AND REGULATIONS.—Not later
23 than 180 days after the date of the enactment
24 of this Act, the Chairman of the Foreign
25 Claims Settlement Commission shall publish in

1 the Federal Register such rules and regulations
2 as may be necessary to enable the Commission
3 to carry out the functions of the Commission
4 under this Act.

5 (2) CLAIMS SUBMITTED FOR PAYMENTS.—

6 (A) SUBMITTAL OF CLAIM.—For purposes
7 of paragraph (1)(A) and subject to subpara-
8 graph (B), the Foreign Claims Settlement Com-
9 mission may not determine an individual is eli-
10 gible for a payment under subsection (d) unless
11 the individual submits to the Commission a
12 claim in such manner and form and containing
13 such information as the Commission specifies.

14 (B) FILING PERIOD FOR CLAIMS AND NO-
15 TICE.—

16 (i) FILING PERIOD.—An individual fil-
17 ing a claim for a payment under subsection
18 (d) shall file such claim not later than one
19 year after the date on which the Foreign
20 Claims Settlement Commission publishes
21 the notice described in clause (ii).

22 (ii) NOTICE OF FILING PERIOD.—Not
23 later than 180 days after the date of the
24 enactment of this Act, the Foreign Claims
25 Settlement Commission shall publish a no-

1 tice of the deadline for filing a claim de-
2 scribed in clause (i)—

3 (I) in the Federal Register; and

4 (II) in newspaper, radio, and tel-
5 evision media in Guam.

6 (C) ADJUDICATORY DECISIONS.—The deci-
7 sion of the Foreign Claims Settlement Commis-
8 sion on each claim filed under this Act shall—

9 (i) be by majority vote;

10 (ii) be in writing;

11 (iii) state the reasons for the approval
12 or denial of the claim; and

13 (iv) if approved, state the amount of
14 the payment awarded and the distribution,
15 if any, to be made of the payment.

16 (D) DEDUCTIONS IN PAYMENT.—The For-
17 eign Claims Settlement Commission shall de-
18 duct, from a payment made to a compensable
19 Guam victim or survivors of a compensable
20 Guam decedent under this subsection, amounts
21 paid to such victim or survivors under the
22 Guam Meritorious Claims Act of 1945 (Public
23 Law 79–224) before the date of the enactment
24 of this Act.

1 (E) INTEREST.—No interest shall be paid
2 on payments made by the Foreign Claims Set-
3 tlement Commission under subsection (d).

4 (F) LIMITED COMPENSATION FOR PROVI-
5 SION OF REPRESENTATIONAL SERVICES.—

6 (i) LIMIT ON COMPENSATION.—Any
7 agreement under which an individual who
8 provided representational services to an in-
9 dividual who filed a claim for a payment
10 under this Act that provides for compensa-
11 tion to the individual who provided such
12 services in an amount that is more than
13 one percent of the total amount of such
14 payment shall be unlawful and void.

15 (ii) PENALTIES.—Whoever demands
16 or receives any compensation in excess of
17 the amount allowed under clause (i) shall
18 be fined not more than \$5,000 or impris-
19 oned not more than one year, or both.

20 (G) APPEALS AND FINALITY.—Objections
21 and appeals of decisions of the Foreign Claims
22 Settlement Commission shall be to the Commis-
23 sion, and upon rehearing, the decision in each
24 claim shall be final, and not subject to further
25 review by any court or agency.

1 (H) CERTIFICATIONS FOR PAYMENT.—
2 After a decision approving a claim becomes
3 final, the Chairman of the Foreign Claims Set-
4 tlement Commission shall certify such decision
5 to the Secretary of the Treasury for authoriza-
6 tion of a payment under subsection (d).

7 (I) TREATMENT OF AFFIDAVITS.—For
8 purposes of subsection (d) and subject to sub-
9 paragraph (B), the Foreign Claims Settlement
10 Commission shall treat a claim that is accom-
11 panied by an affidavit of an individual that at-
12 tests to all of the material facts required for es-
13 tablishing the eligibility of such individual for
14 payment under such subsection as establishing
15 a prima facie case of the eligibility of the indi-
16 vidual for such payment without the need for
17 further documentation, except as the Commis-
18 sion may otherwise require. Such material facts
19 shall include, with respect to a claim for a pay-
20 ment made under subsection (d)(1), a detailed
21 description of the injury or other circumstance
22 supporting the claim involved, including the
23 level of payment sought.

24 (J) RELEASE OF RELATED CLAIMS.—Ac-
25 ceptance of a payment under subsection (d) by

1 an individual for a claim related to a compen-
2 sable Guam decedent or a compensable Guam
3 victim shall be in full satisfaction of all claims
4 related to such decedent or victim, respectively,
5 arising under the Guam Meritorious Claims Act
6 of 1945 (Public Law 79–224), the imple-
7 menting regulations issued by the United States
8 Navy pursuant to such Act (Public Law 79–
9 224), or this Act.

10 **SEC. 12. IMPROVEMENTS IN HUD ASSISTED PROGRAMS.**

11 Section 214(a)(7) of the Housing and Community
12 Development Act of 1980 (42 U.S.C. 1436a(a)(7)) is
13 amended by striking “such alien” and all that follows
14 through the period at the end and inserting “any citizen
15 or national of the United States shall be entitled to a pref-
16 erence or priority in receiving financial assistance before
17 any such alien who is otherwise eligible for such assist-
18 ance.”.

19 **SEC. 13. FORMULA FOR PROJECTS IN AMERICAN SAMOA.**

20 (a) STUDY.—The Comptroller General of the United
21 States shall conduct a study regarding the use of benefit-
22 to-cost ratio formulas by Federal departments and agen-
23 cies for purposes of evaluating projects in American
24 Samoa.

1 (b) CONTENTS.—In conducting the study, the Comp-
2 troller General shall—

3 (1) assess whether the benefit-to-cost ratio for-
4 mulas described in subsection (a) take into consider-
5 ation—

6 (A) the remote locations in, and the cost of
7 transportation to and from, American Samoa;
8 and

9 (B) other significant factors that are not
10 comparable to locations within the 48 contig-
11 uous States; and

12 (2) assess, in particular, the use of benefit-to-
13 cost ratio formulas by—

14 (A) the Secretary of Transportation with
15 respect to airport traffic control tower pro-
16 grams; and

17 (B) the Secretary of the Army, acting
18 through the Corps of Engineers, with respect to
19 a harbor project or other water resources devel-
20 opment project.

21 (c) REPORT TO CONGRESS.—Not later than 90 days
22 after the date of enactment of this Act, the Comptroller
23 General shall submit to Congress a report on the results
24 of the study.

1 **SEC. 14. WAIVER OF LOCAL MATCHING REQUIREMENTS.**

2 (a) WAIVER OF CERTAIN MATCHING REQUIRE-
3 MENTS.—Section 501 of the Act entitled “An Act to au-
4 thorize certain appropriations for the territories of the
5 United States, to amend certain Acts relating thereto, and
6 for other purposes”, approved October 15, 1977 (48
7 U.S.C. 1469a; 91 Stat. 1164) is amended—

8 (1) in the last sentence of subsection (d), by
9 striking “by law”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(e) Notwithstanding any other provision of law, in
13 the case of American Samoa, Guam, the Virgin Islands,
14 and the Northern Mariana Islands, each department or
15 agency of the United States shall waive any requirement
16 for local matching funds (including in-kind contributions)
17 that the insular area would otherwise be required to pro-
18 vide for any grant as follows:

19 “(1) For a grant requiring matching funds (in-
20 cluding in-kind contributions) of \$500,000 or less,
21 the entire matching requirement shall be waived.

22 “(2) For a grant requiring matching funds (in-
23 cluding in-kind contributions) of more than
24 \$500,000, \$500,000 of the matching requirement
25 shall be waived.”.

1 (b) CONFORMING AMENDMENT.—Section 601 of the
2 Act entitled “An Act to authorize appropriations for cer-
3 tain insular areas of the United States, and for other pur-
4 poses”, approved March 12, 1980 (48 U.S.C. 1469a note;
5 94 Stat. 90), is amended by striking “, and adding the
6 following sentence” and all that follows through “Is-
7 lands’.”.

8 **SEC. 15. FISHERY ENDORSEMENTS.**

9 Section 12113 of title 46, United States Code, is
10 amended by adding at the end the following:

11 “(j) CERTAIN EXEMPTION.—Paragraph (3) of sub-
12 section (a) shall not apply to any vessel that—

13 “(1) offloads in American Samoa; and

14 “(2) was rebuilt outside of the United States
15 before January 1, 2011.”.

16 **SEC. 16. EFFECTS OF MINIMUM WAGE DIFFERENTIALS IN**
17 **AMERICAN SAMOA.**

18 Section 8104 of the Fair Minimum Wage Act of 2007
19 (29 U.S.C. 206 note) is amended by adding at the end
20 the following:

21 “(c) EFFECTS OF MINIMUM WAGE DIFFERENTIALS
22 IN AMERICAN SAMOA.—The reports required under this
23 section shall include an analysis of the economic effects
24 on employees and employers of the differentials in min-
25 imum wage rates among industries and classifications in

1 American Samoa under section 697 of title 29, Code of
2 Federal Regulations, including the potential effects of
3 eliminating such differentials prior to the time when such
4 rates are scheduled to be equal to the minimum wage set
5 forth in section 6(a)(1) of the Fair Labor Standards Act
6 (29 U.S.C. 206(a)(1)).”.

7 **SEC. 17. AMERICAN SAMOA CITIZENSHIP PLEBISCITE ACT.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “American Samoa Citizenship Plebiscite Act”.

10 (b) **FINDINGS AND PURPOSE.**—

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

12 (A) Under the Immigration and Nation-
13 ality Act, persons born in Puerto Rico, Guam,
14 the United States Virgin Islands, and the Com-
15 monwealth of the Northern Mariana Islands are
16 citizens of the United States at birth. Persons
17 born in the United States territory of American
18 Samoa are nationals of the United States, but
19 not citizens, at birth.

20 (B) The term “national of the United
21 States” is defined under the Immigration and
22 Nationality Act to include persons who, though
23 not citizens of the United States, owe perma-
24 nent allegiance to the United States.

1 (C) For more than 100 years, American
2 Samoans who are United States nationals have
3 demonstrated their loyalty and allegiance to the
4 United States. On April 17, 1900, the village
5 chiefs of Tutuila and Aunu'u ceded their is-
6 lands to the United States. On July 16, 1904,
7 his Majesty King Tuimanu'a of the Manu'a Is-
8 lands and his village chiefs did the same. On
9 February 20, 1929, the United States Congress
10 officially ratified the Treaty of Cession of
11 Tutuila and Aunu'u and the Treaty of Cession
12 of Manu'a. On March 4, 1925, by Joint Resolu-
13 tion of the United States Congress, American
14 sovereignty was officially extended over Swains
15 Island and it was placed under the jurisdiction
16 of the government of American Samoa.

17 (D) Since ratification of the Treaties of
18 Cession, many American Samoans who are
19 United States nationals have joined the United
20 States Armed Forces and fought for the United
21 States during World War II, the Korean, Viet-
22 nam, and Persian Gulf wars, and most recently
23 in Iraq and Afghanistan.

24 (E) It is the responsibility of the Secretary
25 of Interior to advance the economic, social and

1 political development of the territories of the
2 United States.

3 (2) PURPOSE.—The purpose of this section is
4 to provide for a federally authorized vote in Amer-
5 ican Samoa on the question of citizenship and if a
6 majority of voters vote for citizenship, to describe
7 the steps that the President and Congress shall take
8 to enable American Samoans to be granted citizen-
9 ship.

10 (c) CITIZENSHIP VOTE.—The Secretary of Interior
11 shall direct the American Samoa Election Office to con-
12 duct a plebiscite on the issue of whether persons born in
13 American Samoa desire United States citizenship.

14 “As United States Citizens:

15 “(A) Individuals born in American Samoa
16 would be United States citizens by Federal law.

17 “(B) All persons living in American Samoa
18 who are United States nationals will become
19 United States citizens. Persons born in Amer-
20 ican Samoa will no longer be United States na-
21 tionals.

22 Do you want persons born in American Samoa to
23 become United States citizens? Yes _____ No _____?”.

1 **SEC. 18. USE OF CERTAIN EXPENDITURES AS IN-KIND CON-**
2 **TRIBUTIONS.**

3 (a) IN GENERAL.—Except as provided under sub-
4 section (c), local matching requirements required of an af-
5 fected jurisdiction for Federal programs may be paid in
6 cash or in-kind services provided by the affected jurisdic-
7 tion pursuant to the following:

8 (1) Section 311 of the Compact of Free Asso-
9 ciation between the Government of the United
10 States and the Government of the Federated States
11 of Micronesia, approved in the Compact of Free As-
12 sociation Amendments Act of 2003 (Public Law
13 108–188; 117 Stat. 2781).

14 (2) Section 311 of the Compact of Free Asso-
15 ciation between the Government of the United
16 States and the Government of the Republic of the
17 Marshall Islands, approved in the Compact of Free
18 Association Amendments Act of 2003 (Public Law
19 108–188; 117 Stat. 2781).

20 (3) The Compact of Free Association between
21 the Government of the United States and the Gov-
22 ernment of the Republic of Palau, approved in the
23 Palau Compact of Free Association Act (Public Law
24 99–658; 100 Stat. 3672).

25 (b) DETERMINATION OF AMOUNTS TO BE CONSID-
26 ERED IN-KIND CONTRIBUTIONS.—The Secretary of the

1 Interior shall determine the amounts that may be consid-
2 ered in-kind contributions for an affected jurisdiction
3 under this section based on a reasonable estimate of the
4 amount of impact expenditures for the Freely Associated
5 States divided by a reasonable estimate of the number of
6 inhabitants from the Freely Associated States living in
7 that affected jurisdiction.

8 (c) COMPETITIVE GRANTS.—Local matching require-
9 ments required of an affected jurisdiction for Federal com-
10 petitive grant programs may not be paid in cash or in-
11 kind services under this section.

12 (d) AFFECTED JURISDICTIONS.—The term “affected
13 jurisdiction” shall have the meaning give that term in sec-
14 tion 104(e) of Public Law 108–188. (117 Stat. 2739).

○