

Calendar No. 231

110TH CONGRESS
1ST SESSION**H. R. 161****[Report No. 110-101]**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

JUNE 26, 2007

Reported by Mr. BINGAMAN, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, 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 “Bainbridge Island Jap-
5 anese American Monument Act of 2007”.

1 **SEC. 2. BOUNDARY ADJUSTMENT.**

2 (a) **IN GENERAL.**—The boundary of the Minidoka In-
3 ternment National Monument, located in the State of
4 Idaho and established by Presidential Proclamation 7395
5 of January 17, 2001, is adjusted to include the Nidoto
6 Nai Yoni (“Let it not happen again”) memorial. That me-
7 morial—

8 (1) commemorates the Japanese Americans of
9 Bainbridge Island, Washington, who were the first
10 to be forcibly removed from their homes and relo-
11 cated to internment camps during World War II
12 under Executive Order No. 9066; and

13 (2) consists of approximately 8 acres of land
14 owned by the City of Bainbridge Island, Wash-
15 ington, as depicted on the map titled “Bainbridge
16 Island Japanese American Memorial”, numbered
17 194/80,003, and dated September, 2006.

18 (b) **MAP.**—The map referred to in subsection (a)
19 shall be kept on file and made available for public inspec-
20 tion in the appropriate offices of the National Parks Serv-
21 ice.

22 **SEC. 3. ADMINISTRATION OF MONUMENT.**

23 (a) **ADMINISTRATION.**—The Secretary of the Interior
24 (hereinafter in this section referred to as the “Secretary”)
25 shall administer the Nidoto Nai Yoni Memorial as part

1 of Minidoka Internment National Monument in accord-
2 ance with—

3 (1) Presidential Proclamation 7395 of January
4 17, 2001;

5 (2) laws and regulations generally applicable to
6 units of the National Park System, including the Act
7 of August 25, 1916 (popularly known as the “Na-
8 tional Park Service Organic Act,”; 16 U.S.C. 1 et
9 seq); and

10 (3) any agreements entered into pursuant to
11 subsection (b).

12 (b) AGREEMENTS.—

13 (1) For the purposes of defining the role of the
14 National Park Service in administering the Nidoto
15 Nai Yoni Memorial owned by the City of Bainbridge
16 Island, the Secretary is authorized to enter into
17 agreements with—

18 (A) the City of Bainbridge Island;

19 (B) the Bainbridge Island Metropolitan
20 Park and Recreational District;

21 (C) the Bainbridge Island Japanese Amer-
22 ican Community Memorial Committee;

23 (D) the Bainbridge Island Historical Soci-
24 ety;

1 ~~(E)~~ successor entities to the entities named
2 in subparagraphs ~~(A)~~ through ~~(D)~~; and

3 ~~(F)~~ other appropriate individuals or enti-
4 ties, at the discretion of the Secretary.

5 ~~(2)~~ In order to implement an agreement pro-
6 vided for in paragraph ~~(1)~~, the Secretary may—

7 ~~(A)~~ make grants to the City of Bainbridge
8 Island for development of an administrative and
9 interpretive facility for the Nidoto Nai Yoni Me-
10 morial;

11 ~~(B)~~ enter into a cooperative management
12 agreement with the City of Bainbridge Island,
13 pursuant to section ~~3~~(1) of Public Law 91-383
14 (16 U.S.C. 1a-2(1); popularly known as the
15 “National Park System General Authorities
16 Act”), for the purpose of providing assistance
17 with operation and maintenance of the memo-
18 rial;

19 ~~(C)~~ make grants to other non-Federal enti-
20 ties for other infrastructure projects at the me-
21 morial, subject to a match of non-Federal fund-
22 ing equal to the amount of a grant made pursu-
23 ant to this paragraph; and

24 ~~(D)~~ make grants or enter into cooperative
25 agreements with non-Federal entities to support

1 development of interpretive media for the me-
2 morial.

3 (c) ~~ADMINISTRATIVE AND VISITOR USE SITE.~~—The
4 Secretary is authorized to operate and maintain a site in
5 Seattle, Washington, for administrative and visitor use
6 purposes associated with Minidoka Internment National
7 Monument, using to the greatest extent practicable the fa-
8 cilities and other services of the Seattle unit of the Klon-
9 dike Gold Rush National Historical Park.

10 (d) ~~COORDINATION OF INTERPRETIVE AND EDU-~~
11 ~~CATIONAL MATERIALS AND PROGRAMS.~~—The Secretary
12 shall coordinate the development of interpretive and edu-
13 cational materials and programs for the Nidoto Nai Yoni
14 Memorial and the Minidoka Internment National Monu-
15 ment site in the State of Idaho with the Manzanar Na-
16 tional Historic Site in the State of California.

17 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

18 (a) *SHORT TITLE.*—*This Act may be cited as the*
19 *“Minidoka National Historic Site Act”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL

Sec. 101. Boundary adjustment.

Sec. 102. Administration of memorial.

*TITLE II—ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC
SITE*

- Sec. 201. Definitions.*
Sec. 202. Establishment.
Sec. 203. Boundary of Historic Site.
Sec. 204. Land transfers and acquisition.
Sec. 205. Administration.
Sec. 206. Disclaimer of interest in land.

*TITLE III—CONVEYANCE OF AMERICAN FALLS RESERVOIR
DISTRICT NUMBER 2*

- Sec. 301. Definitions.*
Sec. 302. Authority to convey title.
Sec. 303. Compliance with other laws.
Sec. 304. Revocation of withdrawals.
Sec. 305. Liability.
Sec. 306. Future benefits.
Sec. 307. National Environmental Policy Act.
Sec. 308. Payment.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Authorization of appropriations.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

5 (2) *STATE.*—*The term “State” means the State*
 6 *of Idaho.*

7 **TITLE I—BAINBRIDGE ISLAND**
 8 **JAPANESE AMERICAN MEMO-**
 9 **RIAL**

10 **SEC. 101. BOUNDARY ADJUSTMENT.**

11 (a) *IN GENERAL.*—*The boundary of the Minidoka In-*
 12 *ternment National Monument, located in the State and es-*
 13 *tablished by Presidential Proclamation 7395 of January*
 14 *17, 2001, is adjusted to include the Nidoto Nai Yoni (“Let*

1 *it not happen again”)* memorial (referred to in this title
2 *as the “memorial”), which—*

3 (1) *commemorates the Japanese Americans of*
4 *Bainbridge Island, Washington, who were the first to*
5 *be forcibly removed from their homes and relocated to*
6 *internment camps during World War II under Execu-*
7 *tive Order No. 9066; and*

8 (2) *consists of approximately 8 acres of land*
9 *owned by the City of Bainbridge Island, Washington,*
10 *as depicted on the map entitled “Bainbridge Island*
11 *Japanese American Memorial”, numbered 194/80,003,*
12 *and dated September, 2006.*

13 (b) *MAP.—The map referred to in subsection (a) shall*
14 *be kept on file and made available for public inspection*
15 *in the appropriate offices of the National Park Service.*

16 **SEC. 102. ADMINISTRATION OF MEMORIAL.**

17 (a) *IN GENERAL.—The memorial shall be adminis-*
18 *tered as part of the Minidoka Internment National Monu-*
19 *ment.*

20 (b) *AGREEMENTS.—To carry out this title, the Sec-*
21 *retary may enter into agreements with—*

22 (1) *the City of Bainbridge Island, Washington;*

23 (2) *the Bainbridge Island Metropolitan Park*
24 *and Recreational District;*

1 (3) *the Bainbridge Island Japanese American*
2 *Community Memorial Committee;*

3 (4) *the Bainbridge Island Historical Society;*
4 *and*

5 (5) *other appropriate individuals or entities.*

6 (c) *IMPLEMENTATION.—To implement an agreement*
7 *entered into under subsection (a), the Secretary may—*

8 (1) *enter into a cooperative management agree-*
9 *ment relating to the operation and maintenance of*
10 *the memorial with the City of Bainbridge Island,*
11 *Washington, in accordance with section 3(l) of Public*
12 *law 91–383 (16 U.S.C. 1a–2(l)); and*

13 (2) *enter into cooperative agreements with, or*
14 *make grants to, the City of Bainbridge Island, Wash-*
15 *ington, and other non-Federal entities for the develop-*
16 *ment of facilities, infrastructure, and interpretive*
17 *media at the memorial, if any Federal funds provided*
18 *by a grant or through a cooperative agreement are*
19 *matched with non-Federal funds.*

20 (d) *ADMINISTRATION AND VISITOR USE SITE.—The*
21 *Secretary may operate and maintain a site in the State*
22 *of Washington for administrative and visitor use purposes*
23 *associated with the Minidoka Internment National Monu-*
24 *ment.*

1 **TITLE II—ESTABLISHMENT OF**
2 **MINIDOKA NATIONAL HIS-**
3 **TORIC SITE**

4 **SEC. 201. DEFINITIONS.**

5 *In this title:*

6 (1) *HISTORIC SITE.*—*The term “Historic Site”*
7 *means the Minidoka National Historic Site estab-*
8 *lished by section 202(a).*

9 (2) *MINIDOKA MAP.*—*The term “Minidoka Map”*
10 *means the map entitled “Minidoka National Historic*
11 *Site, Proposed Boundary Map”, numbered 194/*
12 *80,004, and dated December 2006.*

13 **SEC. 202. ESTABLISHMENT.**

14 (a) *NATIONAL HISTORIC SITE.*—*In order to protect,*
15 *preserve, and interpret the resources associated with the*
16 *former Minidoka Relocation Center where Japanese Ameri-*
17 *cans were incarcerated during World War II, there is estab-*
18 *lished the Minidoka National Historic Site.*

19 (b) *MINIDOKA INTERNMENT NATIONAL MONUMENT.*—

20 (1) *IN GENERAL.*—*The Minidoka Internment*
21 *National Monument (referred to in this title as the*
22 *“Monument”), as described in Presidential Proclama-*
23 *tion 7395 of January 17, 2001, is abolished.*

1 (2) *INCORPORATION.*—*The land and any inter-*
2 *ests in the land at the Monument are incorporated*
3 *within, and made part of, the Historic Site.*

4 (3) *FUNDS.*—*Any funds available for purposes of*
5 *the Monument shall be available for the Historic Site.*

6 (c) *REFERENCES.*—*Any reference in a law (other than*
7 *in this title), map, regulation, document, record, or other*
8 *paper of the United States to the “Minidoka Internment*
9 *National Monument” shall be considered to be a reference*
10 *to the “Minidoka National Historic Site”.*

11 **SEC. 203. BOUNDARY OF HISTORIC SITE.**

12 (a) *BOUNDARY.*—*The boundary of the Historic Site*
13 *shall include—*

14 (1) *approximately 292 acres of land, as depicted*
15 *on the Minidoka Map; and*

16 (2) *approximately 8 acres of land, as described*
17 *in section 101(a)(2).*

18 (b) *AVAILABILITY OF MAP.*—*The Minidoka Map shall*
19 *be on file and available for public inspection in the appro-*
20 *priate offices of the National Park Service.*

21 **SEC. 204. LAND TRANSFERS AND ACQUISITION.**

22 (a) *TRANSFER FROM BUREAU OF RECLAMATION.*—
23 *Administrative jurisdiction over the land identified on the*
24 *Minidoka Map as “BOR parcel 1” and “BOR parcel 2”,*
25 *including any improvements on, and appurtenances to, the*

1 *parcels, is transferred from the Bureau of Reclamation to*
2 *the National Park Service for inclusion in the Historic Site.*

3 (b) *TRANSFER FROM BUREAU OF LAND MANAGE-*
4 *MENT.—Administrative jurisdiction over the land identi-*
5 *fied on the Minidoka Map as “Public Domain Lands” is*
6 *transferred from the Bureau of Land Management to the*
7 *National Park Service for inclusion in the Historic Site,*
8 *and the portions of any prior Secretarial orders with-*
9 *drawing the land are revoked.*

10 (c) *ACQUISITION AUTHORITY.—The Secretary may ac-*
11 *quire any land or interest in land located within the bound-*
12 *ary of the Historic Site, as depicted on the Minidoka Map,*
13 *by—*

14 (1) *donation;*

15 (2) *purchase with donated or appropriated funds*
16 *from a willing seller; or*

17 (3) *exchange.*

18 **SEC. 205. ADMINISTRATION.**

19 (a) *IN GENERAL.—The Historic Site shall be adminis-*
20 *tered in accordance with—*

21 (1) *this Act; and*

22 (2) *laws (including regulations) generally appli-*
23 *cable to units of the National Park System, includ-*
24 *ing—*

1 (A) *the National Park Service Organic Act*
2 *(16 U.S.C. 1 et seq.); and*
3 (B) *the Act of August 21, 1935 (16 U.S.C.*
4 *461 et seq.).*

5 **(b) INTERPRETATION AND EDUCATION.—**

6 (1) *IN GENERAL.—The Secretary shall inter-*
7 *pret—*

8 (A) *the story of the relocation of Japanese*
9 *Americans during World War II to the Minidoka*
10 *Relocation Center and other centers across the*
11 *United States;*

12 (B) *the living conditions of the relocation*
13 *centers;*

14 (C) *the work performed by the internees at*
15 *the relocation centers; and*

16 (D) *the contributions to the United States*
17 *military made by Japanese Americans who had*
18 *been interned.*

19 (2) *ORAL HISTORIES.—To the extent feasible, the*
20 *collection of oral histories and testimonials from Jap-*
21 *anese Americans who were confined shall be a part of*
22 *the interpretive program at the Historic Site.*

23 (3) *COORDINATION.—The Secretary shall coordi-*
24 *nate the development of interpretive and educational*
25 *materials and programs for the Historic Site with the*

1 *Manzanar National Historic Site in the State of*
2 *California.*

3 (c) *BAINBRIDGE ISLAND JAPANESE AMERICAN MEMO-*
4 *RIAL.—The Bainbridge Island Japanese American Memo-*
5 *rial shall be administered in accordance with section 102.*

6 (d) *CONTINUED AGRICULTURAL USE.—In keeping*
7 *with the historical use of the land following the decommis-*
8 *sion of the Minidoka Relocation Center, the Secretary may*
9 *issue a special use permit or enter into a lease to allow*
10 *agricultural uses within the Historic Site under appro-*
11 *priate terms and conditions, as determined by the Sec-*
12 *retary.*

13 **SEC. 206. DISCLAIMER OF INTEREST IN LAND.**

14 (a) *IN GENERAL.—The Secretary may issue to Jerome*
15 *County, Idaho, a document of disclaimer of interest in land*
16 *for the parcel identified as “Tract No. 2”—*

17 (1) *in the final order of condemnation, for the*
18 *case numbered 2479, filed on January 31, 1947, in*
19 *the District Court of the United States, in and for the*
20 *District of Idaho, Southern Division; and*

21 (2) *on the Minidoka Map.*

22 (b) *PROCESS.—The Secretary shall issue the document*
23 *of disclaimer of interest in land under subsection (a) in*
24 *accordance with section 315(b) of Federal Land Policy and*
25 *Management Act of 1976 (43 U.S.C. 1745(b)).*

1 (c) *EFFECT.*—*The issuance by the Secretary of the doc-*
 2 *ument of disclaimer of interest in land under subsection*
 3 *(a) shall have the same effect as a quit-claim deed issued*
 4 *by the United States.*

5 **TITLE III—CONVEYANCE OF**
 6 **AMERICAN FALLS RESERVOIR**
 7 **DISTRICT NUMBER 2**

8 **SEC. 301. DEFINITIONS.**

9 *In this title:*

10 (1) *AGREEMENT.*—*The term “Agreement” means*
 11 *Agreement No. 5–07–10–L1688 between the United*
 12 *States and the District, entitled “Agreement Between*
 13 *the United States and the American Falls Reservoir*
 14 *District No. 2 to Transfer Title to the Federally*
 15 *Owned Milner-Gooding Canal and Certain Property*
 16 *Rights, Title and Interest to the American Falls Res-*
 17 *ervoir District No. 2”.*

18 (2) *DISTRICT.*—*The term “District” means the*
 19 *American Falls Reservoir District No. 2, located in*
 20 *Jerome, Lincoln, and Gooding Counties, of the State.*

21 **SEC. 302. AUTHORITY TO CONVEY TITLE.**

22 (a) *IN GENERAL.*—*In accordance with all applicable*
 23 *law and the terms and conditions set forth in the Agree-*
 24 *ment, the Secretary may convey—*

1 (1) to the District all right, title, and interest in
2 and to the land and improvements described in Ap-
3 pendix A of the Agreement, subject to valid existing
4 rights;

5 (2) to the city of Gooding, located in Gooding
6 County, of the State, all right, title, and interest in
7 and to the 5.0 acres of land and improvements de-
8 scribed in Appendix D of the Agreement; and

9 (3) to the Idaho Department of Fish and Game
10 all right, title, and interest in and to the 39.72 acres
11 of land and improvements described in Appendix D
12 of the Agreement.

13 (b) *COMPLIANCE WITH AGREEMENT.*—All parties to
14 the conveyance under subsection (a) shall comply with the
15 terms and conditions of the Agreement, to the extent con-
16 sistent with this Act.

17 **SEC. 303. COMPLIANCE WITH OTHER LAWS.**

18 (a) *IN GENERAL.*—On conveyance of the land and im-
19 provements under section 302(a)(1), the District shall com-
20 ply with all applicable Federal, State, and local laws (in-
21 cluding regulations) in the operation of each facility trans-
22 ferred.

23 (b) *APPLICABLE AUTHORITY.*—Nothing in this title
24 modifies or otherwise affects the applicability of Federal
25 reclamation law (the Act of June 17, 1902 (32 Stat. 388,

1 *chapter 1093), and Acts supplemental to and amendatory*
2 *of that Act (43 U.S.C. 371 et seq.) to project water provided*
3 *to the District.*

4 **SEC. 304. REVOCATION OF WITHDRAWALS.**

5 (a) *IN GENERAL.*—*The portions of the Secretarial Or-*
6 *ders dated March 18, 1908, October 7, 1908, September 29,*
7 *1919, October 22, 1925, March 29, 1927, July 23, 1927,*
8 *and May 7, 1963, withdrawing the approximately 6,900*
9 *acres described in Appendix E of the Agreement for the pur-*
10 *pose of the Gooding Division of the Minidoka Project, are*
11 *revoked.*

12 (b) *MANAGEMENT OF WITHDRAWN LAND.*—*The Sec-*
13 *retary, acting through the Director of the Bureau of Land*
14 *Management, shall manage the withdrawn land described*
15 *in subsection (a) subject to valid existing rights.*

16 **SEC. 305. LIABILITY.**

17 (a) *IN GENERAL.*—*Subject to subsection (b), upon*
18 *completion of a conveyance under section 302, the United*
19 *States shall not be liable for damages of any kind for any*
20 *injury arising out of an act, omission, or occurrence relat-*
21 *ing to the land (including any improvements to the land)*
22 *conveyed under the conveyance.*

23 (b) *EXCEPTION.*—*Subsection (a) shall not apply to li-*
24 *ability for damages resulting from an injury caused by any*
25 *act of negligence committed by the United States (or by any*

1 officer, employee, or agent of the United States) before the
2 date of completion of the conveyance.

3 (c) *FEDERAL TORT CLAIMS ACT.*—Nothing in this sec-
4 tion increases the liability of the United States beyond that
5 provided in chapter 171 of title 28, United States Code.

6 **SEC. 306. FUTURE BENEFITS.**

7 (a) *RESPONSIBILITY OF THE DISTRICT.*—After com-
8 pletion of the conveyance of land and improvements to the
9 District under section 302(a)(1), and consistent with the
10 Agreement, the District shall assume responsibility for all
11 duties and costs associated with the operation, replacement,
12 maintenance, enhancement, and betterment of the trans-
13 ferred land (including any improvements to the land).

14 (b) *ELIGIBILITY FOR FEDERAL FUNDING.*—

15 (1) *IN GENERAL.*—Except as provided in para-
16 graph (2), the District shall not be eligible to receive
17 Federal funding to assist in any activity described in
18 subsection (a) relating to land and improvements
19 transferred under section 302(a)(1).

20 (2) *EXCEPTION.*—Paragraph (1) shall not apply
21 to any funding that would be available to a similarly
22 situated nonreclamation district, as determined by the
23 Secretary.

1 **SEC. 307. NATIONAL ENVIRONMENTAL POLICY ACT.**

2 *Before completing any conveyance under this title, the*
3 *Secretary shall complete all actions required under—*

4 *(1) the National Environmental Policy Act of*
5 *1969 (42 U.S.C. 4321 et seq.);*

6 *(2) the Endangered Species Act of 1973 (16*
7 *U.S.C. 1531 et seq.);*

8 *(3) the National Historic Preservation Act (16*
9 *U.S.C. 470 et seq.); and*

10 *(4) all other applicable laws (including regula-*
11 *tions).*

12 **SEC. 308. PAYMENT.**

13 *(a) FAIR MARKET VALUE REQUIREMENT.—As a con-*
14 *dition of the conveyance under section 302(a)(1), the Dis-*
15 *trict shall pay the fair market value for the withdrawn*
16 *lands to be acquired by them, in accordance with the terms*
17 *of the Agreement.*

18 *(b) GRANT FOR BUILDING REPLACEMENT.—As soon as*
19 *practicable after the date of enactment of this Act, and in*
20 *full satisfaction of the Federal obligation to the District for*
21 *the replacement of the structure in existence on that date*
22 *of enactment that is to be transferred to the National Park*
23 *Service for inclusion in the Minidoka National Historic*
24 *Site, the Secretary, acting through the Commissioner of*
25 *Reclamation, shall provide to the District a grant in the*

1 *amount of \$52,996, in accordance with the terms of the*
2 *Agreement.*

3 ***TITLE IV—AUTHORIZATION OF***
4 ***APPROPRIATIONS***

5 ***SEC. 401. AUTHORIZATION OF APPROPRIATIONS.***

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

Amend the title so as to read: “To include the Japanese American Memorial in Bainbridge Island, Washington, in the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to convey the Gooding Division of the Minidoka Project, and for other purposes.”.

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110TH CONGRESS
1ST Session

H. R. 161

[Report No. 110-101]

AN ACT

To adjust the boundary of the Mindoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes.

JUNE 26, 2007

Reported with an amendment and an amendment to the
title