

In the Senate of the United States,

October 10, 2004.

Resolved, That the bill from the House of Representatives (H.R. 1964) entitled “An Act to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Highlands Conservation*
3 *Act”.*

1 **SEC. 2. PURPOSES.**

2 *The purposes of this Act are—*

3 *(1) to recognize the importance of the water, for-*
4 *est, agricultural, wildlife, recreational, and cultural*
5 *resources of the Highlands region, and the national*
6 *significance of the Highlands region to the United*
7 *States;*

8 *(2) to authorize the Secretary of the Interior to*
9 *work in partnership with the Secretary of Agriculture*
10 *to provide financial assistance to the Highlands*
11 *States to preserve and protect high priority conserva-*
12 *tion land in the Highlands region; and*

13 *(3) to continue the ongoing Forest Service pro-*
14 *grams in the Highlands region to assist the High-*
15 *lands States, local units of government, and private*
16 *forest and farm landowners in the conservation of*
17 *land and natural resources in the Highlands region.*

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 *(1) HIGHLANDS REGION.—The term “Highlands*
21 *region” means the area depicted on the map entitled*
22 *“The Highlands Region”, dated June 2004, including*
23 *the list of municipalities included in the Highlands*
24 *region, and maintained in the headquarters of the*
25 *Forest Service in Washington, District of Columbia.*

1 (2) *HIGHLANDS STATE*.—The term “*Highlands*
2 *State*” means—

3 (A) *the State of Connecticut;*

4 (B) *the State of New Jersey;*

5 (C) *the State of New York; and*

6 (D) *the State of Pennsylvania.*

7 (3) *LAND CONSERVATION PARTNERSHIP*
8 *PROJECT*.—The term “*land conservation partnership*
9 *project*” means a land conservation project—

10 (A) *located in the Highlands region;*

11 (B) *identified by the Forest Service in the*
12 *Study, the Update, or any subsequent Pennsyl-*
13 *vania and Connecticut Update as having high*
14 *conservation value; and*

15 (C) *in which a non-Federal entity acquires*
16 *land or an interest in land from a willing seller*
17 *to permanently protect, conserve, or preserve the*
18 *land through a partnership with the Federal*
19 *Government.*

20 (4) *NON-FEDERAL ENTITY*.—The term “*non-Fed-*
21 *eral entity*” means—

22 (A) *any Highlands State; or*

23 (B) *any agency or department of any High-*
24 *lands State with authority to own and manage*

1 *land for conservation purposes, including the*
 2 *Palisades Interstate Park Commission.*

3 (5) *STUDY.*—*The term “Study” means the New*
 4 *York-New Jersey Highlands Regional Study con-*
 5 *ducted by the Forest Service in 1990.*

6 (6) *UPDATE.*—*The term “Update” means the*
 7 *New York-New Jersey Highlands Regional Study:*
 8 *2002 Update conducted by the Forest Service.*

9 (7) *PENNSYLVANIA AND CONNECTICUT UP-*
 10 *DATE.*—*The term “Pennsylvania and Connecticut*
 11 *Update” means a report to be completed by the Forest*
 12 *Service that identifies areas having high conservation*
 13 *values in the States of Connecticut and Pennsylvania*
 14 *in a manner similar to that utilized in the Study*
 15 *and Update.*

16 **SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN**
 17 **THE HIGHLANDS REGION.**

18 (a) *SUBMISSION OF PROPOSED PROJECTS.*—*Each*
 19 *year, the governors of the Highlands States, with input*
 20 *from pertinent units of local government and the public,*
 21 *may—*

22 (1) *jointly identify land conservation partner-*
 23 *ship projects in the Highlands region from land iden-*
 24 *tified as having high conservation values in the*
 25 *Study, the Update, or the Pennsylvania and Con-*

1 *necticut Update that shall be proposed for Federal fi-*
 2 *nancial assistance; and*

3 *(2) submit a list of those projects to the Sec-*
 4 *retary of the Interior.*

5 *(b) CONSIDERATION OF PROJECTS.—Each year, the*
 6 *Secretary of the Interior, in consultation with the Secretary*
 7 *of Agriculture, shall submit to Congress a list of the land*
 8 *conservation partnership projects submitted under sub-*
 9 *section (a)(2) that are eligible to receive financial assistance*
 10 *under this section.*

11 *(c) ELIGIBILITY CONDITIONS.—To be eligible for fi-*
 12 *nancial assistance under this section for a land conserva-*
 13 *tion partnership project, a non-Federal entity shall enter*
 14 *into an agreement with the Secretary of the Interior that—*

15 *(1) identifies the non-Federal entity that shall*
 16 *own or hold and manage the land or interest in land;*

17 *(2) identifies the source of funds to provide the*
 18 *non-Federal share under subsection (d);*

19 *(3) describes the management objectives for the*
 20 *land that will ensure permanent protection and use*
 21 *of the land for the purpose for which the assistance*
 22 *will be provided;*

23 *(4) provides that, if the non-Federal entity con-*
 24 *verts, uses, or disposes of the land conservation part-*
 25 *nership project for a purpose inconsistent with the*

1 *purpose for which the assistance was provided, as de-*
 2 *termined by the Secretary of the Interior, the United*
 3 *States—*

4 *(A) may seek specific performance of the*
 5 *conditions of financial assistance in accordance*
 6 *with paragraph (3) in Federal court; and*

7 *(B) shall be entitled to reimbursement from*
 8 *the non-Federal entity in an amount that is, as*
 9 *determined at the time of conversion, use, or dis-*
 10 *posal, the greater of—*

11 *(i) the total amount of the financial*
 12 *assistance provided for the project by the*
 13 *Federal Government under this section; or*

14 *(ii) the amount by which the financial*
 15 *assistance increased the value of the land or*
 16 *interest in land; and*

17 *(5) provides that land conservation partnership*
 18 *projects will be consistent with areas identified as*
 19 *having high conservation value in—*

20 *(A) the Important Areas portion of the*
 21 *Study;*

22 *(B) the Conservation Focal Areas portion of*
 23 *the Update;*

24 *(C) the Conservation Priorities portion of*
 25 *the Update;*

1 (D) land identified as having higher or
 2 highest resource value in the Conservation Values
 3 Assessment portion of the Update; and

4 (E) land identified as having high conserva-
 5 tion value in the Pennsylvania and Connecticut
 6 Update.

7 (d) *NON-FEDERAL SHARE REQUIREMENT.*—The Fed-
 8 eral share of the cost of carrying out a land conservation
 9 partnership project under this section shall not exceed 50
 10 percent of the total cost of the land conservation partnership
 11 project.

12 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 13 authorized to be appropriated to the Secretary of the Inte-
 14 rior \$10,000,000 for each of fiscal years 2005 through 2014,
 15 to remain available until expended.

16 **SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE**
 17 **HIGHLANDS REGION.**

18 (a) *IN GENERAL.*—To meet the land resource goals of,
 19 and the scientific and conservation challenges identified in,
 20 the Study, Update, and any future study that the Forest
 21 Service may undertake in the Highlands region, the Sec-
 22 retary of Agriculture, acting through the Chief of the Forest
 23 Service and in consultation with the Chief of the National
 24 Resources Conservation Service, shall continue to assist the
 25 Highlands States, local units of government, and private

1 *forest and farm landowners in the conservation of land and*
 2 *natural resources in the Highlands region.*

3 *(b) DUTIES.—The Forest Service shall—*

4 *(1) in consultation with the Highlands States,*
 5 *undertake other studies and research in the Highlands*
 6 *region consistent with the purposes of this Act, in-*
 7 *cluding a Pennsylvania and Connecticut Update;*

8 *(2) communicate the findings of the Study and*
 9 *Update and maintain a public dialogue regarding*
 10 *implementation of the Study and Update; and*

11 *(3) assist the Highland States, local units of gov-*
 12 *ernment, individual landowners, and private organi-*
 13 *zations in identifying and using Forest Service and*
 14 *other technical and financial assistance programs of*
 15 *the Department of Agriculture.*

16 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
 17 *authorized to be appropriated to the Secretary of Agri-*
 18 *culture to carry out this section \$1,000,000 for each of fiscal*
 19 *years 2005 through 2014.*

20 **SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF**
 21 **REGULATORY EFFECT.**

22 *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*
 23 *Act—*

1 (1) *requires a private property owner to permit*
 2 *public access (including Federal, State, or local gov-*
 3 *ernment access) to private property; or*

4 (2) *modifies any provision of Federal, State, or*
 5 *local law with regard to public access to, or use of,*
 6 *private land.*

7 (b) *LIABILITY.—Nothing in this Act creates any liabil-*
 8 *ity, or has any effect on liability under any other law, of*
 9 *a private property owner with respect to any persons in-*
 10 *jured on the private property.*

11 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
 12 *USE.—Nothing in this Act modifies any authority of Fed-*
 13 *eral, State, or local governments to regulate land use.*

14 (d) *PARTICIPATION OF PRIVATE PROPERTY OWN-*
 15 *ERS.—Nothing in this Act requires the owner of any private*
 16 *property located in the Highlands region to participate in*
 17 *the land conservation, financial, or technical assistance or*
 18 *any other programs established under this Act.*

19 (e) *PURCHASE OF LAND OR INTERESTS IN LAND FROM*
 20 *WILLING SELLERS ONLY.—Funds appropriated to carry*

- 1 *out this Act shall be used to purchase land or interests in*
- 2 *land only from willing sellers.*

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 1964

AMENDMENT