

protecting American heritage will be sorely missed. From his military service to this great Nation to his public service in the Virginia House of Delegates and his extensive community service, Carrington was a respected civic leader and visionary.

I appreciate the historic value and significance of Cedar Creek and Belle Grove. During my weekly drives through the Valley on my way to D.C. or back home to Roanoke, I am reminded almost every stretch of mile of the historic role the Shenandoah Valley has played during the events of the Civil War. I believe it is important to preserve this battlefield so it will continue to provide a historical lesson and glimpse into our nation's past for future generations.

Mr. Speaker, I urge the adoption of this measure and yield back the remainder of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

□ 1815

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4944, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes."

A motion to reconsider was laid on the table.

EDUCATION LAND GRANT CONVEYANCE REVIEW COST ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act, as amended.

The Clerk read as follows:

H.R. 3802

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

SECTION 1. COSTS OF REVIEWS FOR CONVEYANCES UNDER EDUCATION LAND GRANT ACT.

Section 202 of the Education Land Grant Act (16 U.S.C. 479a) is amended by adding at the end the following:

"(f) COSTS OF REVIEW.—The Secretary shall pay the costs of all action required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to any conveyance under this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, the bill, H.R. 3802, was introduced by the gentleman from Arizona (Mr. HAYWORTH), and I yield such time as he may consume to the gentleman to explain this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. He has done an outstanding job as chairman of the Committee on Resources and we shall miss him very much in that capacity.

Mr. Speaker, the Education Land Grant Act set up a national mechanism to convey small parcels of U.S. Forest Service land to local educational agencies for the purpose of renovation, expansion, or construction of school facilities. Mr. Speaker, the good news is that this bill was signed into law on December 28 of the year 2000.

Here is where the difficulty has arisen, Mr. Speaker. In implementing this law, Forest Service staff have administratively determined that schools that apply for a conveyance under this act would need to pay various administrative costs, analyses, and environmental compliance assessments. In fact, the interim directive that has now finally been distributed states various costs to be borne by the school districts. I quote: "Nominal costs includes the nominal fee of \$10 per acre conveyed, plus all costs directly associated with the project that the Forest Service may incur to evaluate and process at the school district's request to acquire national Forest Service lands under the Education Land Grant Act, such as costs associated with National Environmental Policy Act compliance, document preparations, surveys, posting of property monuments, markers, or posts, and recordation."

In fact, another memo mentioned that even staff time, even staff time used to process requests will need to be paid by school districts.

Mr. Speaker, here we have an example of bureaucrats trying to reinterpret what was very clear in the law. That is why we come to the floor today with H.R. 3802.

This bill simply requires the Forest Service to bear the cost of environmental assessments and administrative costs associated with an exchange under the Education Land Grant Act. The purpose of the act in the first place was to help those cash-strapped districts to make sure their funds were going to help teachers teach and help children learn. Now we have a situation, through bureaucratic extrapolation, where the unelected are trying to reinterpret the will of the Congress.

So, Mr. Speaker, we come here today to speak unequivocally to say that the Congress makes it very clear. Here are the instruments that will be utilized to help these cash-strapped districts realize the benefits of the Education Land Grant Act, and this legislation is the last step toward making school construction and expansion a reality for many rural schools across our country.

So it is in that spirit, Mr. Speaker, that I urge this House to adopt H.R. 3802.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3802 would require the Secretary of Agriculture to pay the costs of environmental reviews conducted pursuant to the Education Land Grant Act. The majority, in the person of the gentleman from Arizona (Mr. HAYWORTH), has very clearly and passionately explained the bill. We have no objection, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RED ROCK CANYON NATIONAL CONSERVATION AREA PROTECTION AND ENHANCEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4141) to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4141

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) CORPORATION.—The term "Corporation" means The Howard Hughes Corporation, an affiliate of the Rouse Company, with its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.

(2) RED ROCK.—The term "Red Rock" means the Red Rock Canyon National Conservation Area, consisting of approximately 195,780 acres of public lands in Clark County, Nevada, specially designated for protection in the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), as depicted on the Red Rock Map.

(3) RED ROCK MAP.—The term "Red Rock Map" means the map entitled "H.R. 4141—Boundary Modifications", dated July 1, 2002.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Red Rock is a natural resource of major significance to the people of Nevada and the

United States. It must be protected in its natural state for the enjoyment of future generations of Nevadans and Americans, and enhanced wherever possible.

(2) In 1998, the Congress enacted the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), which provided among other things for the protection and enhancement of Red Rock.

(3) The Corporation owns much of the private land on Red Rock's eastern boundary, and is engaged in developing a large-scale master-planned community.

(4) Included in the Corporation's land holdings are 1,071 acres of high-ground lands at the eastern edge of Red Rock. These lands were intended to be included in Red Rock, but to date have not been acquired by the United States. The protection of this high-ground acreage would preserve an important element of the western Las Vegas Valley view-shed.

(5) The Corporation has volunteered to forgo development of the high-ground lands, and proposes that the United States acquire title to the lands so that they can be preserved in perpetuity to protect and expand Red Rock.

(b) PURPOSES.—This Act has the following purposes:

(1) To accomplish an exchange of lands between the United States and the Corporation that would transfer certain high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the Corporation.

(2) To protect Red Rock and to expand its boundaries as contemplated by the Bureau of Land Management, as depicted on the Red Rock Map.

(3) To further fulfill the purposes of the Southern Nevada Public Lands Management Act of 1998 and the Red Rock Canyon National Conservation Area Establishment Act of 1990.

SEC. 4. RED ROCK LAND EXCHANGE.

(a) ACQUISITION REQUIREMENT.—If the Corporation offers to convey to the United States all right, title, and interest in and to the approximately 1,082 acres of nonfederal land owned by the Corporation and depicted on the Red Rock Map as "OFFERED LANDS TO BE INCORPORATED INTO NCA", the Secretary shall accept such offer on behalf of the United States, and not later than 90 days after the date of the offer, except as otherwise provided in this Act, shall make the following conveyances:

(1) To the Corporation, the approximately 998 acres of Federal lands depicted on the Red Rock Map as "BLM LANDS SELECTED FOR EXCHANGE".

(2) To Clark County, Nevada, the approximately 1,221 acres of Federal lands depicted on the Red Rock Map as "BLM LANDS FOR CLARK COUNTY PARK".

(b) SIMULTANEOUS CONVEYANCES.—Title to the private property and the Federal property to be conveyed pursuant to this section shall be conveyed at the same time.

(c) MAP.—The Secretary shall keep the Red Rock Map on file and available for public inspection in the Las Vegas District Office of the Bureau of Land Management in Nevada, and the State Office of the Bureau of Land Management, Reno, Nevada.

(d) CONDITIONS—

(1) HAZARDOUS MATERIALS.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that the Corporation be responsible for removal of and remediation related to any hazardous materials that are present on the property conveyed to the United States under subsection (a).

(2) SURVEY.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that not later than 90 days after the date of the offer referred to in subsection (a), the Corporation shall provide a metes and bounds survey, that is acceptable to the Corporation, Clark County, and the Secretary, of

the common boundary between the parcels of land to be conveyed under subsection (a).

(3) LANDS CONVEYED TO CLARK COUNTY.—As a condition of the conveyance under subsection (a)(2), the Secretary shall require that—

(A) the lands transferred to Clark County by the United States must be held in perpetuity by the County for use only as a public park or as part of a public regional trail system; and

(B) if the County attempts to transfer the lands or to undertake a use on the lands that is inconsistent with their preservation and use as described in subparagraph (A), such lands shall revert to the United States.

SEC. 5. STATUS AND MANAGEMENT OF LANDS.

(a) INCLUSION OF BASIN LANDS.—Upon the date of the enactment of this Act, the Secretary shall administer the lands depicted on the Red Rock Map as "Flood Control Detention Basin Lands", exclusive of those lands used for the Corps of Engineers R-4 Detention Basin, as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), and all other applicable laws.

(b) INCLUSION OF ACQUIRED LANDS; MAPS REFLECTING BOUNDARY ADJUSTMENTS.—Upon acquisition by the United States of lands under this Act, the Secretary shall—

(1) administer the lands as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), and all other applicable laws; and

(2) create new maps showing the boundaries of Red Rock as modified by or pursuant to this Act, and make such maps available for review at the Las Vegas District Office of the Bureau of Land Management and the State Office of the Bureau of Land Management, Reno, Nevada.

(c) CONFORMING AMENDMENT.—Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended by inserting before the period the following: "and such additional areas as are included in the conservation area pursuant to the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 6. GENERAL PROVISIONS.

(a) REVIEW OF APPRAISAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a review of the appraisal entitled "Complete Self-Contained Appraisal Red Rock Exchange, Las Vegas, Nevada", completed on or about June 3, 2002. The difference in appraisal values shall be reimbursed to the Secretary by the Corporation in accordance with the Southern Nevada Public Lands Management Act of 1998.

(b) VALID EXISTING RIGHTS.—The land exchange under this Act shall be subject to valid existing rights. Each party to which property is conveyed under this Act shall succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the property is subject.

(c) TECHNICAL CORRECTIONS.—Nothing in this Act prohibits the parties to the conveyances under this Act from agreeing to the correction of technical errors or omissions in the Red Rock Map.

(d) WITHDRAWAL OF AFFECTED LANDS.—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from operation of the public land and mining laws, subject to valid existing rights—

(1) those Federal lands acquired by the United States under this Act; and

(2) those Federal lands already owned by the United States on the date of the enactment of this Act but included within the Red Rock Na-

tional Conservation Area boundaries by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) as the author of this bill to explain this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, for yielding me this time to speak on this important piece of legislation.

Mr. Speaker, a previous bill considered by this Congress, the Southern Nevada Public Land Management Act of 1998, was enacted to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State. Pursuant to these goals, and to those of the Recreation and Public Purposes Act, on April 10 of this year I introduced H.R. 4141 to further enhance the Red Rock Canyon National Conservation Area.

This legislation will promulgate the exchange of approximately 1,000 acres of private, environmentally-sensitive, mountainous land on the eastern border of the Red Rock National Conservation Area held by the Howard Hughes Corporation for approximately 1,000 acres of Bureau of Land Management lands. In addition, approximately 1,200 acres of BLM land will be transferred to Clark County to be used as a public park.

The exchange is fully consistent with the objectives of the Southern Nevada Public Land Management Act to dispose developable Federal lands in exchange for those that are environmentally sensitive. The land to be conveyed to the BLM by the Howard Hughes Corporation has archeological, scenic, and recreational values. The public lands to be acquired by the Hughes Corporation in exchange are adjacent to the Hughes Corporate land holdings and lie within the disposable boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Speaker, Congress recognized the benefit of conveying Federal lands to local government without compensation for recreational purposes when it passed the Recreation and Public Purposes Act of 1954. The transfer of approximately 1,200 acres to Clark County to be used as a park or part of the trail system meets with the objectives of the Recreation and Public Purposes Act, as well as the Southern Nevada Public Land Management Act.

Mr. Speaker, H.R. 4141 is a bill that has strong support of both Nevada's

Senators, both of Nevada's Representatives, Clark County, and the city of Las Vegas.

Further, the Southern Nevada Group of the Sierra Club has stated in a communication to the Howard Hughes Corporation that they are not opposed to this bill and that it will be a positive gain for public holdings, which make this bill a bill to celebrate.

The Howard Hughes Corporation deserves praise for its advocacy of an exchange that not only benefits their development interests, but also those of the local public. This sentiment is echoed by longtime southern Nevada environmentalist Jeff van Ea who said, "Never in my history of environmental activism have I seen a developer or corporation that has been more responsive to orderly environmental-conscious development than Howard Hughes Corporation. I often say that they are setting the example for others to follow."

Mr. Speaker, I want to make it clear that this is probably the last time that this proposal will come before this body. If this legislation fails to pass, it is very possible that the Hughes Corporation will choose a course of planning action that would not be as favorable to the multiple environmental interests that have expressed their support. I encourage my colleagues to pass this legislation which blends development and consideration interests into a wise and sensible solution for Red Rock Canyon and the citizens of Nevada.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, while H.R. 4141 has been explained by the majority, the legislation raises a number of concerns. Land exchanges in Las Vegas have been an ongoing problem. In fact, these land exchanges have been such a problem that in 1998 Congress enacted Public Law 105-263 to basically halt land exchanges in this particular area and, instead, direct that public lands be disposed of by auction with the proceeds earmarked to the acquisition of conservation and recreational lands in Nevada.

Mr. Speaker, H.R. 4141 bypasses that policy and appears to reopen ongoing issues with land exchanges, such as land selection, valuation, and environmental reviews. The lands that are proposed to be exchanged by the bill have been altered several times over the past 2 years. With the high prices being paid for public land sales in Las Vegas, these lands present a significant economic resource.

An amendment was adopted by the Committee on Resources that made a number of changes to alleviate the most serious problems with the bill as introduced. I appreciate the efforts of my colleague, the gentlewoman from Nevada (Ms. BERKLEY), to facilitate these improvements to the bill. It is a better bill today than what was at-

tempted to be passed just 2 months ago.

While the legislation continues to cut corners and avoid the normal review and appraisal requirements of land exchange, we will not object to its passage today. It is our hope that as H.R. 4141 continues through the legislative process, that further improvements can be made to the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY), and I want to thank her for her leadership and her hard work in making this bill the better bill that it is before us today.

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands for being so sensitive about the needs of my community.

Mr. Speaker, I rise in support of this legislation. I would like to thank the gentleman from Nevada for his work on this bill and the members of the committee on both sides of the aisle for coming up with a compromise that serves the people that I represent very well.

Mr. Speaker, the Red Rock Canyon National Conservation Area is one of our Nation's great treasures. Its spectacular views and exciting trails have provided tremendous enjoyment to the people of Nevada and the United States. Everyone who visits agrees that Red Rock Canyon must be protected in its natural state for future generations to come.

Development in Las Vegas now threatens approximately 1,000 acres of high-ground lands at the eastern edge of Red Rock. This land directly connects to some of the mountains surrounding Red Rock Canyon, making protection of this high-ground acreage an important element of the western Las Vegas Valley view-shed.

While these acres appear to be part of the Red Rock Canyon National Conservation Area, they are actually owned by the Howard Hughes Corporation. We are extremely fortunate that the Howard Hughes Corporation never developed this land. In fact, it is the Howard Hughes Corporation who has volunteered to forgo development of the high-ground lands and proposed that the United States acquire title to the land so that they can be preserved in perpetuity to protect and expand Red Rock.

This bill would accomplish that acquisition. It would transfer the high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the corporation. The net effect will be to expand the Red Rock Canyon area.

The bill also contains a provision that will provide Clark County with over 1,000 acres of land for the purpose of developing a nature park. Clark County will construct the trails and the trail heads within this open space with the intent of leaving portions of the Old Mormon/Spanish Trail with the regional trail system.

Mr. Speaker, under this bill, our entire community will benefit. The Federal Government obtains invaluable environmentally-sensitive land, Clark County obtains a nature park that it will care for, and the Howard Hughes Corporation obtains lands that it will be able to develop. As someone that grew up in the southern Nevada area, I cannot emphasize how beautiful this area is and how important this legislation is to protect it. My entire community supports this legislation. Environmental groups, nature lovers, homeowners, and the Howard Hughes Corporation, have been instrumental in our efforts to preserve Red Rock Canyon so that future generations of Nevadans and generations to come, my children and my children's children, and beyond that will all be able to look up and enjoy Red Rock Canyon just as I did as a child.

□ 1830

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4141, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, as amended.

The Clerk read as follows:

H.R. 5125

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Battlefield Preservation Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and