

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FORT FREDERICA NATIONAL MONUMENT LAND EXCHANGE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, line 2 strike out "any other provision of law" and insert "section 5(b) of Public Law 90-401 (16 U.S.C. 4601-22(b))".

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

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

Mr. Speaker, H.R. 1113, as amended, was introduced by the gentleman from Georgia (Mr. KINGSTON) and would authorize the Secretary of the Interior to convey 6 acres of land within the boundaries of the Fort Frederica National Monument on St. Simons Island, Georgia, to the Christ Church, also located on St. Simons Island. In return, the National Park Service would receive 8.7 acres of nearby property that would be acquired by the church from the Sea Island Company and then exchanged with the Park Service. The exchange is viewed by all parties as a win-win.

Christ Church has doubled in size in the last 9 years, and the additional land is needed for its expansion. In return, the monument would receive lands that are known to contain valuable archaeological remains from the colonial period.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

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. 1113, which authorizes a land ex-

change at Fort Frederica National Monument in Georgia, has been amended by the Senate to clarify that the proposed land exchange is only exempt from a narrow and specific provision of law.

Even with the passage of this legislation, there is much work left to be done with this proposed exchange. Appraisals and archaeological surveys of the lands in question have not been completed. As such, the value and historic significance of the proposed lands have not been established.

Furthermore, the National Park Service testified that the noncontiguous parcel that would be acquired through the exchange will likely increase the administrative and operational costs of the national monument necessitating an evaluation of this question as well.

It is important to note that H.R. 1113 authorizes but does not require a land exchange at Fort Frederica National Monument. Before any exchange could occur, the National Park Service would be required to complete appraisals and historical surveys, as well as comply with the requirements of NEPA and the National Park Service management standards. These legal and administrative procedures are in place to ensure that the exchange, if it does go forward, is in the public interest.

Mr. Speaker, that being the case, we do not object to consideration of H.R. 1113, as amended.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

HIGHLANDS CONSERVATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1964) 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.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highlands Conservation Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) **HIGHLANDS STATE.**—The term "Highlands State" means—

- (A) the State of Connecticut;
- (B) the State of New Jersey;
- (C) the State of New York; and
- (D) the State of Pennsylvania.

(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term "land conservation partnership project" means a land conservation project—

- (A) located in the Highlands region;
- (B) identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and
- (C) in which a non-Federal entity acquires land or an interest in land from a willing seller to permanently protect, conserve, or preserve the land through a partnership with the Federal Government.

(4) **NON-FEDERAL ENTITY.**—The term "non-Federal entity" means—

- (A) any Highlands State; or
- (B) any agency or department of any Highlands State with authority to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(5) **STUDY.**—The term "Study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

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

(7) **PENNSYLVANIA AND CONNECTICUT UPDATE.**—The term "Pennsylvania and Connecticut Update" means a report to be completed by the Forest Service that identifies areas having high conservation values in the States of Connecticut and Pennsylvania in a manner similar to that utilized in the Study and Update.

SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

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

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

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

(c) **ELIGIBILITY CONDITIONS.**—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

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

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

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

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

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

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

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

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

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

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

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

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

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

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

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

(a) **IN GENERAL.**—To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

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

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

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

(3) assist the Highlands States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

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

SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

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

(1) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

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

(b) **LIABILITY.**—Nothing in this Act creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

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

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

(e) **PURCHASE OF LAND OR INTERESTS IN LAND FROM WILLING SELLERS ONLY.**—Funds appropriated to carry out this Act shall be used to purchase land or interests in land only from willing sellers.

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

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

H.R. 1964, introduced by the gentleman from New Jersey (Mr. FRELINGHUYSEN), our friend and colleague, passed this House on November 11, 2003. It was subsequently amended and passed by the Senate.

H.R. 1964 would authorize the Secretaries of the Interior and Agriculture to provide financial assistance to the States of New York, New Jersey, Connecticut and Pennsylvania to preserve and protect high-priority conservation lands in the Highlands region. This geographic region encompasses over 3 million acres of land stretching from western Connecticut across the lower Hudson River Valley and northern New Jersey into northeastern Pennsylvania.

Not only has the U.S. Forest Service documented the national significance

of the Highlands area in two extensive studies in 1990 and 2002, but the administration in its 2004 budget recognized the New York-New Jersey Highlands forest area as one of nine priority forest areas in the country that are currently threatened by urbanization.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

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. 1964 originally passed the House last November and has been returned to the House with amendments by the Senate to clarify the scope of the legislation. Even with the Senate changes, the legislation remains a sweeping conservation and preservation mandate for a large area across four States.

Mr. Speaker, we support the goals of H.R. 1964 and do not object to its consideration by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Nevada and all members of the House Committee on Resources for their support and guidance on this bill, particularly the gentleman from California (Chairman POMBO) who has been with me every step of the way over the last couple of years, and this has been a work in progress for over 4 years.

I would also like to take this opportunity to thank the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, for his support of this legislation, as well as the staffs of both committees and the many cosponsors from the four mentioned States for their hard work and, particularly, the gentleman from California (Mr. RADANOVICH), the chairman of the Subcommittee on National Parks, Recreation and Public Lands, as well.

A special kudos to my colleague from New Jersey (Mr. SAXTON) who is a member of the Committee on Resources, for his particular guidance and support and his ability to articulate with his committee colleagues the case for this bill.

The leadership of all of these individuals has been extremely invaluable.

The Highlands Conservation Act represents a major Federal commitment to preserve more open space and protect water supplies in the northeastern part of these United States. While remaining mindful of property rights, this bill compliments ongoing State, local and private partnerships to preserve open space.

Federal support and the passage of this Act this afternoon presents a unique substantive and symbolic opportunity for our government once again to express its commitment to preserving our natural resources.

Mr. Speaker, the Highlands, as was said earlier, is one of last open space treasures in the most densely populated area of the United States. In New Jersey alone, my home State, it includes more than a million acres of forest, farms, streams, wetlands, lakes, reservoirs and historic sites.

Mr. Speaker, the Highlands Conservation Act is a national priority, as has been mentioned, and a major imperative. Passage of this Act will give the people of New Jersey, New York, Connecticut and Pennsylvania more of the tools they need to preserve and protect these remarkable resources and assets.

I thank the gentleman from California (Mr. POMBO), the chairman, and the gentleman from Nevada (Mr. GIBBONS) for their support and the work of their committee and staff and urge adoption of the bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 1964. I thank the chairs and ranking members of the Committee on Resources who ushered this bill through the process, and I want to thank the author of this bill, the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his stalwart support.

The Highlands is a vast area of land which stretches from Connecticut to Pennsylvania, and my district is smack in the middle of it in New York. The Highlands run through Rockland County, which is home to some of New York's great history, scenic areas and wildlife, too. In fact, 1.4 million people live within the Highlands area. The Highlands adjoin a metropolitan area with a population of more than 20 million people, and more than 11 million people rely on the Highlands drinking water resources, which serves at least half of New York City's water supply.

More than 14 million people visit the Highlands each year for recreational opportunities as well. Over 240 species of birds, mammals, amphibians, and reptiles depend on Highlands habitat. More than 160 historical and cultural sites have been identified in the region. Thus, I thank my colleagues for their support in preserving this important resource for our constituents and visitors as well.

Mr. HOLT. Mr. Speaker, I rise today in support of the Highlands Conservation Act.

My constituents, like most people around the state of New Jersey, have seen the ills of sprawl and the consequences of poor planning and meager preservation efforts. Most of us are surrounded by rampant commercial and industrial development in New Jersey.

Despite the overdevelopment of our state, unique areas of beauty and open space re-

main. One such tract of land, the Highlands Region, will be saved through today's legislation.

The Highlands is an incredible 2 million acre swath across four states—New Jersey, New York, Connecticut, and Pennsylvania. This tract is home to nearly one and a half million people and is still a quick drive away from New York City and other major metropolitan areas.

Even more importantly, the Highlands provides and protects the drinking water supplies for over 15 million people who live in the Philadelphia-New York-Hartford metropolitan area, which cuts right through my central New Jersey district. Protecting these valuable water sources now will save the Federal government untold millions in future costs associated with building more treatment plants for the nation's most densely populated metropolitan area.

The Highlands Conservation Act authorizes the use of federal Land and Water Conservation Fund money to preserve and protect this area. This legislation fosters community involvement in the future of this region by allowing the governors of the four Highlands states to identify which lands are best eligible for conservation efforts. This act also increases local and state investment in this project by requiring that federal funds be matched dollar for dollar by local, state, and private funding sources. I am confident that the governor and the residents of New Jersey are eager to begin identifying and planning for the future of this green space in New Jersey.

In addition to monetary assistance to preserve the Highlands, this bill will provide technical assistance to communities and organizations involved in conservation efforts in the region. So many people have already done so much to help preserve this area, and they will now get the added benefit of assistance and expertise from the federal government.

I would like to take this opportunity to recognize Mr. FRELINGHUYSEN for his leadership on this issue and his hard work in getting this legislation to the floor. His tireless effort will ensure that future generations will have the opportunity to enjoy the beauty of region.

I am pleased that the House of Representatives is considering this legislation today. This bill means a lot to New Jersey, and I urge my colleagues to support it.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1964.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALIFORNIA MISSIONS PRESERVATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R.

1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Missions Preservation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) *CALIFORNIA MISSION.*—The term "California mission" means each of the 21 historic Spanish missions and 1 asistencia that—

(A) *are located in the State;*

(B) *were built between 1769 and 1798; and*

(C) *are designated as California Registered Historic Landmarks.*

(2) *FOUNDATION.*—The term "Foundation" means the California Missions Foundation, a nonsectarian charitable corporation that—

(A) *was established in the State in 1998 to fund the restoration and repair of the California missions; and*

(B) *is operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.*

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

(4) *STATE.*—The term "State" means the State of California.

SEC. 3. COOPERATIVE AGREEMENTS.

(a) *IN GENERAL.*—The Secretary may enter into a cooperative agreement with the Foundation to provide technical and financial assistance to the Foundation to restore and repair—

(1) *the California missions; and*

(2) *the artwork and artifacts associated with the California missions.*

(b) *FINANCIAL ASSISTANCE.*—

(1) *IN GENERAL.*—The cooperative agreement may authorize the Secretary to make grants to the Foundation to carry out the purposes described in subsection (a).

(2) *ELIGIBILITY.*—To be eligible to receive a grant or other form of financial assistance under this Act, a California mission must be listed on the National Register of Historic Places.

(3) *APPLICATION.*—To receive a grant or other form of financial assistance under this Act, the Foundation shall submit to the Secretary an application that—

(A) *includes a status report on the condition of the infrastructure and associated artifacts of each of the California missions for which the Foundation is seeking financial assistance; and*

(B) *describes a comprehensive program for the restoration, repair, and preservation of the infrastructure and artifacts referred to in subparagraph (A), including—*

(i) *a description of the prioritized preservation activities to be conducted over a 5-year period; and*

(ii) *an estimate of the costs of the preservation activities.*

(4) *APPLICABLE LAW.*—Consistent with section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of any grant or other financial assistance provided by the Secretary to the Foundation under this Act—

(A) *is secular;*

(B) *does not promote religion; and*

(C) *seeks to protect qualities that are historically significant.*

(c) *REVIEW AND DETERMINATION.*—

(1) *IN GENERAL.*—The Secretary shall submit a proposed agreement to the Attorney General for review.

(2) *DETERMINATION.*—A cooperative agreement entered into under subsection (a) shall not take effect until the Attorney General issues a finding that the proposed agreement submitted