

transmit to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the United States House of Representatives a revised map that depicts—

[(A) the Federal land and non-Federal land exchanged under this Act; and

[(B) the easement described in section 3(b).]

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pecos National Historical Park Land Exchange Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) **MAP.**—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) **PARK.**—The term “Park” means the Pecos National Historical Park in the State.

(6) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) **STATE.**—The term “State” means the State of New Mexico.

#### SEC. 3. LAND EXCHANGE.

(a) **IN GENERAL.**—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) **EASEMENT.**—

(1) **IN GENERAL.**—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) **ROUTE.**—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) **TERMS AND CONDITIONS.**—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) **APPLICABLE LAW.**—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) **REQUIREMENTS.**—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) **APPROVAL.**—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) **EQUALIZATION OF VALUES.**—

(A) **IN GENERAL.**—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) **CASH EQUALIZATION PAYMENTS.**—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) **COSTS.**—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) **APPLICABLE LAW.**—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) **COMPLETION OF THE EXCHANGE.**—

(1) **IN GENERAL.**—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) **NOTICE.**—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

#### SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(b) **MAPS.**—

(1) **IN GENERAL.**—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) **TRANSMITTAL OF REVISED MAP TO CONGRESS.**—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2622) as amended, was read the third time and passed.

#### LAND EXCHANGE AT FORT FREDERICA NATIONAL MONUMENT

The Senate proceeded to consider the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 1113

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

#### SECTION 1. EXCHANGE OF LANDS.

(a) **IN GENERAL.**—Notwithstanding [any other provision of law] section 5(b) of Public Law 90-401 (16 U.S.C. 460l-22(b)), the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as “NPS Lands for Exchange” on the map entitled “Fort Frederica National Monument 2003 Boundary Revision” numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as “Private Lands for Addition” on the same map.

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

#### SEC. 2. BOUNDARY ADJUSTMENT.

Upon completion of the land exchange under subsection (a) of section 1, the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.

The committee amendment was agreed to.

The bill (H.R. 1113), as amended, was read the third time and passed.

#### CALIFORNIA MISSIONS PRESERVATION ACT

The Senate proceeded to consider 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, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 1446

*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 “California Missions Preservation Act”.]

**[SEC. 2. FINDINGS.]**

[Congress finds the following:]

[(1) The California missions represent some of our Nation’s oldest historical treasures.

[(2) The first of the California missions was founded in 1769, and eventually a chain of 21 missions and various sub-missions extended along the coast of California on El Camino Real.

[(3) The California missions contribute greatly to the rich historical, cultural, and architectural heritage of California and the American West.

[(4) The knowledge and cultural influence of native California Indians made a lasting contribution to the early settlement of California and the development of the California missions.

[(5) More than 5,300,000 people visit the California missions annually, and the historical importance of the California missions extends worldwide as they have become a frequent destination for foreign visitors to the United States.

[(6) The history of the California missions is an important educational component in California schools, and the study of the California missions is part of the Statewide fourth grade curricula on California history.

[(7) Restoration and repair of the California missions, and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions, for the public enjoyment will ensure that future generations also have the benefit of experiencing and appreciating these great symbols of the spirit of exploration and discovery in the American West.

**[SEC. 3. SUPPORT FOR THE RESTORATION AND PRESERVATION OF THE CALIFORNIA MISSIONS.]**

[(a) DEFINITIONS.—In this section:]

[(1) CALIFORNIA MISSIONS.—The term “California missions” means the following historic Spanish missions located in the State of California and designated as California Registered Historical Landmarks:

[(A) Mission La Purisima Concepcion, Lompoc.

[(B) Mission La Soledad, Soledad.

[(C) Mission San Antonio de Padua, Jolon.

[(D) Mission San Buenaventura, Ventura.

[(E) Mission San Carlos Borromeo del Rio Carmelo, Carmel.

[(F) Mission San Diego Alcalá, San Diego.

[(G) Mission San Fernando Rey de España, Mission Hills.

[(H) Mission San Francisco de Asís, San Francisco.

[(I) Mission San Francisco Solano, Sonoma.

[(J) Mission San Gabriel Arcangel, San Gabriel.

[(K) Mission San Jose, Fremont.

[(L) Mission San Juan Bautista, San Juan Bautista.

[(M) Mission San Juan Capistrano, San Juan Capistrano.

[(N) Mission San Luis Obispo de Tolosa and its Asistencia (sub-mission) of Santa Margarita de Cortona, San Luis Obispo.

[(O) Mission San Luis Rey de Francia and its Asistencia (sub-mission), Oceanside.

[(P) Mission San Miguel Arcangel, San Miguel.

[(Q) Mission San Rafael Arcangel, San Rafael.

[(R) Mission Santa Barbara Virgen y Martir, Santa Barbara.

[(S) Mission Santa Clara de Asís, Santa Clara.

[(T) Mission Santa Cruz, Santa Cruz.

[(U) Mission Santa Ines Virgen y Martir, Solvang.

[(V) Asistencia San Antonio de Pala, Pala.

[(2) CALIFORNIA MISSIONS FOUNDATION.—The term “California Missions Foundation” means the charitable corporation established in the State of California in 1998 to fund the restoration and repair of the California missions and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions. The Foundation is exempt from State franchise and income tax and is organized and 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.

[(b) GRANTS AUTHORIZED.—The Secretary of the Interior may make grants to the California Missions Foundation to support the efforts of the California Missions Foundation to restore and repair the California missions and to preserve the artworks and artifacts associated with the California missions. As provided in 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 a grant under this section is secular, does not promote religion, and seeks to protect those qualities that are historically significant.

[(c) APPLICATION.—In order to receive a grant under this section for the preservation of the California missions, the California Missions Foundation shall submit to the Secretary an application that includes—

[(1) a status report on the condition of the infrastructure and artifacts for each of the California missions; and

[(2) a comprehensive program for restoration, repair, and preservation of such infrastructure and artifacts, including prioritized preservation efforts to be conducted over a 5-year period and the estimated costs of such preservation efforts.

[(d) MATCHING FUND REQUIREMENT.—The Secretary shall require the California Missions Foundation to match grant funds provided under this section.

[(e) REPORT.—As a condition of a grant under this section, the California Missions Foundation shall submit to the Secretary an annual report on the status of the preservation efforts undertaken using grant funds provided under this section. The Secretary shall submit a copy of each report to Congress.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary a total of \$10,000,000 during the five-fiscal year period beginning October 1, 2003, to make grants under this section. Funds appropriated pursuant to the authorization of appropriations in this section shall be in addition to any funds made available for preservation efforts in the State of California under the National Historic Preservation Act.]

**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 under paragraph (1) does not violate the establishment clause of the first amendment of the Constitution.

(d) REPORT.—As a condition of receiving financial assistance under this Act, the Foundation shall annually submit to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the status of the preservation activities carried out using amounts made available under this Act.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000 for the period of fiscal years 2004 through 2009.

(b) MATCHING REQUIREMENT.—Any amounts made available to carry out this Act shall be matched on not less than a 1-to-1 basis by the Foundation.

(c) OTHER AMOUNTS.—Any amounts made available to carry out this Act shall be in addition to any amounts made available for preservation activities in the State under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 1446), as amended, was read the third time and passed.