

## HIGHLANDS CONSERVATION ACT

The Senate proceeded to consider 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, 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. 1964

*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 “Highlands Conservation Act”].

**SEC. 2. FINDINGS.**

[Congress finds the following—

[(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

[(2) The Highlands region is an environmentally unique area that—

[(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

[(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

[(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

[(D) contains recreational resources for 14 million visitors annually;

[(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

[(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy.

[(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

[(4) More than 1,400,000 residents live in the Highlands region.

[(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

[(6) Continued population growth and land use patterns in the Highlands region—

[(A) reduce the availability and quality of water;

[(B) reduce air quality;

[(C) fragment the forests;

[(D) destroy critical migration corridors and forest habitat; and

[(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources.

[(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

[(8) The national significance of the Highlands region has been documented in—

[(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

[(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

[(C) the bi-State Skylands Greenway Task Force Report;

[(D) the New Jersey State Development and Redevelopment Plan;

[(E) the New York State Open Space Conservation Plan;

[(F) the Connecticut Green Plan: Open Space Acquisition FY 2001-2006;

[(G) the open space plans of the State of Pennsylvania; and

[(H) other open space conservation plans for States in the Highlands region.

[(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

[(A) the Wallkill River National Wildlife Refuge;

[(B) the Shawanagunk Grasslands Wildlife Refuge;

[(C) the Morristown National Historical Park;

[(D) the Delaware and Lehigh Canal Corridors;

[(E) the Hudson River Valley National Heritage Area;

[(F) the Delaware River Basin;

[(G) the Delaware Water Gap National Recreation Area;

[(H) the Upper Delaware Scenic and Recreational River;

[(I) the Appalachian National Scenic Trail;

[(J) the United States Military Academy at West Point, New York;

[(K) the Highlands National Millennium Trail;

[(L) the Great Swamp National Wildlife Refuge;

[(M) the proposed Crossroads of the Revolution National Heritage Area;

[(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

[(O) the Farmington River Wild and Scenic Area in Connecticut.

[(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

[(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

[(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

**SEC. 3. PURPOSES.**

[The purposes of this Act are as follows:

[(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, 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 as-

sistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

[(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 lands and natural resources in the Highlands region.

**SEC. 4. DEFINITIONS.**

[In this Act:

[(1) **HIGHLANDS REGION.**—The term “Highlands region” means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

[(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;

[(D) the State of Pennsylvania; and

[(E) any agency or department of any Highlands State.

[(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term “land conservation project” means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

[(4) **NON-FEDERAL ENTITY.**—The term “non-Federal entity” means any Highlands State, or 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.

**SEC. 5. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.**

[(a) **SUBMISSION OF PROPOSED PROJECTS.**—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

[(b) **CONSIDERATION OF PROJECTS.**—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) 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 required under subsection (d);

[(3) describes the management objectives for the land that will assure 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 may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and 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—

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

[(B) 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 the following:

[(A) Important Areas portion of the Forest Service study.

[(B) Conservation Focal Areas portion of the Forest Service update.

[(C) Conservation Priorities portion of the update.

[(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the 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 from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section \$10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

#### **[SEC. 6. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.]**

[(a) IN GENERAL.—In order 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 lands 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 as appropriate in the Highlands region consistent with the purposes of this Act;

[(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 Highland 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 the fiscal years 2005 through 2014.

#### **[SEC. 7. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.]**

[(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

[(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

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

[(b) LIABILITY.—Nothing in this Act shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

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

[(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require 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 LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this Act shall be used to purchase lands or interests in lands only from willing sellers.]

#### **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 highest 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 Highland 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 committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 1964), as amended, was read the third time and passed.

**VOTING RIGHTS OF MEMBERS OF THE ARMED SERVICES FOR THE DELEGATE REPRESENTING AMERICAN SAMOA**

The bill (H.R. 2010) to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the

United States House of Representatives, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2010

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

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) It is in the national interest that qualifying members of the Armed Forces on active duty and other overseas voters be allowed to vote in Federal elections.

(2) Since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and runoff elections have been held 2 weeks later.

(3) This practice of holding a run-off election 2 weeks after a general election deprives members of the Armed Forces on active duty and other overseas voters of the opportunity to participate in the Federal election process in American Samoa.

(4) Prior to and since September 11, 2001, and due to limited air service, mail delays, and other considerations, it has been and remains impossible for absentee ballots to be prepared and returned within a 2-week period.

(5) American Samoa law requiring members of the Armed Forces on active duty and other overseas voters to register in person also prevents participation in the Federal election process and is contrary to the Uniformed and Overseas Citizens Absentee Voting Act.

(6) Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the American Samoa Legislature establishes primary elections and declares null and void the local practice of requiring members of the Armed Forces on active duty and other overseas voters to register in person which is contrary to the federal Uniformed and Overseas Citizens Absentee Voting Act.

**SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION OF DELEGATE.**

Section 2 of the Act entitled “An Act to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the United States House of Representatives, and for other purposes”, approved October 31, 1978 (48 U.S.C. 1732; Public Law 95-556) is amended—

(1) in subsection (a)—

(A) by striking “majority” and inserting “plurality” the first place it appears; and

(B) by striking “If no candidate” and all that follows through “office of Delegate.”; and

(2) by adding at the end the following new subsections:

“(c) **ESTABLISHMENT OF PRIMARY ELECTIONS.**—The legislature of American Samoa may, but is not required to, provide for primary elections for the election of Delegate.

“(d) **EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.**—Notwithstanding subsection (a), if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.”.

**SEC. 3. EFFECTIVE DATES.**

The amendments made by paragraph (1) of section 2 shall take effect on January 1, 2006. The amendment made by paragraph (2) of section 2 shall take effect on January 1, 2005.

**JOHN MUIR NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT**

The bill (H.R. 3706) to adjust the boundary of the John Muir National Historic Site, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 3706

*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 “John Muir National Historic Site Boundary Adjustment Act”.

**SEC. 2. BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY.**—The boundary of the John Muir National Historic Site is adjusted to include the lands generally depicted on the map entitled “Boundary Map, John Muir National Historic Site” numbered PWR-OL 426-80,044a and dated August 2001.

(b) **LAND ACQUISITION.**—The Secretary of the Interior is authorized to acquire the lands and interests in lands identified as the “Boundary Adjustment Area” on the map referred to in subsection (a) by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(c) **ADMINISTRATION.**—The lands and interests in lands described in subsection (b) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

**DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004**

The Senate proceeded to consider the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing, 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. 4516

*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 “Department of Energy High-End Computing Revitalization Act of 2004”.

**[SEC. 2. DEFINITIONS.**

][For purposes of this Act:

[(1) **HIGH-END COMPUTING SYSTEM.**—The term “high-end computing system” means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

[(2) **LEADERSHIP SYSTEM.**—The term “Leadership System” means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

[(3) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

[(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.