

**H.R. 919, H.R. 938, H.R. 1278,  
H.R. 2240, H.R. 2489, H.R. 3411,  
AND H.R. 3440**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

—  
Tuesday, January 24, 2012  
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**LEGISLATIVE HEARING ON H.R. 919, TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LAND IN MOHAVE VALLEY, MOHAVE COUNTY, ARIZONA, ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT TO THE ARIZONA GAME AND FISH COMMISSION, FOR USE AS A PUBLIC SHOOTING RANGE. "MOHAVE VALLEY LAND CONVEYANCE ACT OF 2011"; H.R. 938, TO ESTABLISH A COMMISSION TO ENSURE A SUITABLE OBSERVANCE OF THE CENTENNIAL OF WORLD WAR I AND TO DESIGNATE MEMORIALS TO THE SERVICE OF MEN AND WOMEN OF THE UNITED STATES IN WORLD WAR I. "FRANK BUCKLES WORLD WAR I MEMORIAL ACT"; H.R. 1278, TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A SPECIAL RESOURCES STUDY REGARDING THE SUITABILITY AND FEASIBILITY OF DESIGNATING THE JOHN HOPE FRANKLIN RECONCILIATION PARK AND OTHER SITES IN TULSA, OKLAHOMA, RELATING TO THE 1921 TULSA RACE RIOT AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES; H.R. 2240, TO AUTHORIZE THE EXCHANGE OF LAND OR INTEREST IN LAND BETWEEN LOWELL NATIONAL HISTORICAL PARK AND THE CITY OF LOWELL IN THE COMMONWEALTH OF MASSACHUSETTS, AND FOR OTHER PURPOSES. "LOWELL NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2011"; H.R. 2489, TO AUTHORIZE THE ACQUISITION AND PROTECTION OF NATIONALLY SIGNIFICANT BATTLEFIELDS AND ASSOCIATED SITES OF THE REVOLUTIONARY WAR AND THE WAR OF 1812 UNDER THE AMERICAN BATTLEFIELD PROTECTION PROGRAM. "AMERICAN BATTLEFIELD PROTECTION PROGRAM AMENDMENTS ACT OF 2011"; H.R. 3411, TO MODIFY A LAND GRANT PATENT ISSUED BY THE SECRETARY OF THE INTERIOR; AND H.R. 3440, TO PROVIDE FOR CERTAIN OVERSIGHT AND APPROVAL ON ANY DECISIONS TO CLOSE NATIONAL MONUMENT LAND UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT TO RECREATIONAL SHOOTING, AND FOR OTHER PURPOSES. "RECREATIONAL SHOOTING PROTECTION ACT."**

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**Tuesday, January 24, 2012  
U.S. House of Representatives  
Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 10:07 a.m., in Room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Tipton, Amodei, Grijalva, Holt, Tsongas, and Garamendi.

Also Present: Representative Benishek

Mr. BISHOP. All right. The hearing will come to order. The Chair notes the presence of a quorum. The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on seven bills. Under the rules, the opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any Member's opening statement in the hearing record if submitted to the clerk by the close of business today.

[No response.]

Mr. BISHOP. So, hearing no objection, it will be so ordered.

I also want to thank our colleagues and the other witnesses who have agreed to testify today on these seven bills that will be before us.

Today we are going to review bills that address unique land management issues with the Bureau of Land Management, as well as the Park Service. I understand we have a few Members with scheduling conflicts, so we will do our best to try and accommodate those. Any of the Members that need to leave after they provide their testimony are welcome to do so, but you are also welcome to join us here on the dais afterwards to participate. So I ask unanimous consent at this time to allow them to stay and participate with us on the dais.

[No response.]

Mr. BISHOP. And, without objection, so ordered.

In order to accommodate those Members with the tight schedules, I am going to not make a lengthy opening statement. But I do want to make one comment about one of the bills of which I am a cosponsor, the "Recreational Shooting Protection Act."

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. This bill is another in a series of our trust-but-verify approaches when dealing with the Administration.

It is no secret to me and many of my colleagues that this Administration shows itself hostile to the individual rights guaranteed in the Second Amendment. From tactics from the Justice Department's Fast and Furious calamity to the State Department's prevention of the re-importation of surplus M-1 to the appointment of the anti-gun advocates to our judiciary, BLM now is looking for reasons to prevent target shooting on public lands. We have seen what this Administration thinks of the Second Amendment.

It is an election year. It appears the Administration wants to put off a lot of decisions until after votes are in. They know that the wider scale of closure of public lands for recreational shooting would not sit well with Western electorate who enjoy this historic and traditional and legitimate activity on our public lands.

The trouble is I am not sure the Obama Administration would have backed down and abandoned their anti-sportsman policy were it not an election year. And there appears to be a real penchant by this Administration to manage the use of public lands based on personal preference, rather than multiple use, which is mandated by the law.

Well, I am glad that the BLM will now abandon—for now will abandon—this ill-conceived policy. My colleagues and I want to make sure it is not revisited at a later date. If it is not a good time to do it in an election year, it is not a good time to do it at all.

With that—and again, in an effort to keep this as short as possible for the sake of my colleagues—I am going to stop right now, and will recognize the Ranking Member for any opening remarks he would like to make at this time.

[The prepared statement of Mr. Bishop follows:]

**Statement of The Honorable Rob Bishop, Chairman,  
Subcommittee on National Parks, Forests and Public Lands**

Today we are reviewing three bills that address unique land management issues with the Bureau of Land Management (BLM) and four with the Park Service. I understand we have a few Members with scheduling conflicts so we'll do our best to accommodate those folks. Any of the Members that need to leave after they provide their testimony are welcome to do so. They are also welcome to join us here on the dais afterwards to participate. I ask Unanimous Consent at this time to allow it. Without objection, so ordered.

In order to accommodate those Members with tight schedules, I will forego a lengthy opening statement and just make a couple brief comments about one of the bills of which I am cosponsor, H.R. 3440—The Recreational Shooting Protection Act.

This bill is another in a series of our trust but verify approaches when dealing with this administration. It is no secret to me and many of my colleagues that this administration is hostile to the individual right guaranteed in the Second Amendment. From the tactics and leadership at DOJ that brought us the “Fast and Furious” calamity and the State Department’s prevention of the re-importation of old surplus M-1 Garands to the appointment of anti-gun advocates to our judiciary and now BLM looking for reasons to prevent target shooting on our public lands, we have seen what this administration thinks of the Second Amendment.

This is an election year and it appears that the Administration wants to put off a lot of decisions until after the votes are in. They know that the wide scale closure of our public lands for recreational shooting would not sit well with a Western electorate that enjoys this historic, traditional and legitimate activity on our public lands. The trouble is, I am not sure the Obama administration would have backed down and abandoned their anti-sportsmen policy were it not an election year. There appears to be a real penchant by this administration to manage the use of our public lands based on personal preference rather than the multiple uses mandated by law. While I am glad that the BLM will for now abandon their ill-conceived policy, my colleagues and I want to make sure it is not revisited at a later date. If it’s not a good time to do it in an election year, it’s not a good time to do it at all.

Again, in an effort to keep this short for the sake of my colleagues, I will stop there and I now recognize the Ranking Member for any opening remarks he would like to make at this time.

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**STATEMENT OF THE HON. RAÚL GRIJALVA, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you, Mr. Chairman. And I won’t be as courteous as yours; I have a rather lengthy opening statement. But I will try to run through it quickly. Let me first thank our witnesses and our colleagues today who have taken the time to testify on these seven bills.

Before we begin I want to take a moment to honor the life of Margaret Anderson, the Park Service ranger who recently lost her life at Mount Rainier National Park. It is a tragedy and a reminder of the risk to our law enforcement officers and the bravery in which they serve us.

Today the Subcommittee will consider seven bills. I am pleased that we are considering my colleague, Congressman Holt’s, battle-field protection legislation, along with Congresswoman Tsongas’s

legislation related to the Lowell Historic Park. I am eager to learn more from the Bureau of Land Management about the need for Congressman Frank's bill to complete a land conveyance in Mohave County, and look forward to better understanding the motivation behind Congressman Flake's legislation dealing with recreation shooting in national monuments.

And I am confused, quite frankly, by the approach Congressman Flake takes to address the long-standing debate over recreational shooting in Arizona. I can't count the number of times I have heard from my colleagues on the other side of the dais to praise the wisdom of local land managers and celebrate local involvement in land management decisions. Now we have a bill to centralize that decision-making in Washington, D.C.

The issue of recreational shooting in Arizona is not a new one. In 2002, the BLM engaged the Mo Udall Institute for Environmental Conflict Resolution in an effort to find common ground on the issue of recreational shooting in the Tucson Basin. A final report was issued in 2006 that included nearly 4 years of public engagement on behalf of all local Federal land management agencies and Arizona Game and Fish. As this broader conversation was concluding, the Ironwood National Forest initiated the formal resource management plan process.

In response to a number of comments received on the draft resource management plan, the BLM went the extra effort to re-examine where there might be areas for shooting activities. The 22-page analysis evaluated a range of topics through the use of GIS analysis and on-site visits. In the end they decided that no area existed that could safely support recreational shooting in the monument.

What we need to do is keep in mind that the Ironwood National Forest Monument isn't the only place in Tucson that can access recreational shooting. Based on the information provided by Arizona Game and Fish, there are nine shooting ranges in the Tucson area, including the Pima County Southeast Regional Park shooting range and the Three Points Shooting Range. Further, U.S. Forest Service has worked with the Tucson Rod and Gun Club to identify a new shooting range in the Redington Pass area.

The point I am making here is that Congressman Flake's bill would ignore all of these local discussions, and instead give one person within the Department of the Interior the ability to make local closures for six months. Congress would have to enact laws to make them longer.

Changing gears now is, I believe—I want to—changing those gears now—and I want to look forward also to Congressman Poe's legislation on the World War I Memorial, and hearing from Mr. Rimensnyder, who is opposed to this legislation.

Finally, Congresswoman Eleanor Holmes Norton of the District of Columbia is attending another hearing affecting her district and has asked me to submit her written testimony for the record. I note that Congresswoman Norton strongly opposes H.R. 938 because the bill would confiscate the District of Columbia's war memorial which was authorized by Congress to honor more than 26,000 District of Columbia World War I veterans, including the 499 men and women who lost their lives, and was built by public subscription of



District residents and school children. These veterans served without a vote in Congress that sent them to war.

Again, I want to thank the witnesses. I look forward to their testimony. And with that I yield back, Mr. Chairman.

Mr. BISHOP. Thank you, Mr. Grijalva. I appreciate it. At this time we will turn to our first panel, who will be the Members, our colleagues here, who are going to testify on the bills that they have. We will simply go down the row, if that is OK with you.

Once again, after you are done, if you would like to join us on the dais please feel free to do so. If you need to go to some other meeting, have at it.

So, Mr. Franks, if we can start with you on H.R. 919, the conveyance of public lands in the Mohave Valley.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Ranking Member,  
Subcommittee on National Parks, Forests and Public Lands**

Thank you, to our witnesses today who have taken the time to testify on these seven bills. Before we begin that, I want to take a moment to honor the life of Margaret Anderson, the Park Service ranger who recently lost her life at Mount Rainier National Park. It is a tragedy and a reminder of the risks taken by our law enforcement offices and the bravery with which they serve.

Today the subcommittee will consider seven bills. I am pleased that we are considering my colleague Congressman Holt's Battlefield Protection legislation along with Congresswoman Tsongas' legislation related to Lowell National Historical Park.

I am eager to learn more from the Bureau of Land Management about the need for Congressman Franks' bill to complete a land conveyance in Mohave County and look forward to better understanding the motivation behind Congressman Flake's legislation dealing with recreational shooting in national monuments and.

I'm confused by the approach Congressman Flake takes to address the long-standing debate over recreational shooting in Arizona.

I can't count the number of times I have heard my colleagues on the other side of the dais praise the wisdom of local land managers and celebrate local involvement in land management decisions.

Now we have a bill to centralize decision-making to Washington, D.C.

The issue of recreational shooting in Arizona is not a new one. In 2002, the BLM engaged the Mo Udall Institute for Environmental Conflict Resolution in an effort to find common ground on the issue of recreational shooting in the Tucson Basin.

A final report was issued in 2006 that included nearly four years of public engagement on behalf of all local federal land management agencies and Arizona Game and Fish.

As this broader conversation was concluding, the Ironwood Forest National initiated their formal resource management plan process. In response to the number of comments received on the Draft Resource Management plan, the BLM went to the extra effort to re-examine where there might be areas for shooting activities.

The 22-page analysis evaluated a range of topics through the use of GIS analysis and on-site visits. In the end, they decided that no areas existed that could safely support recreation shooting in the monument.

What we need to keep in mind is that the Ironwood Forest National Monument isn't the only place people in Tucson can access for recreational shooting.

Based on information provided by the Arizona Game and Fish, there are nine shooting ranges in the Tucson area including the Pima County Southeast Regional Park Shooting Range and the Three Points Shooting Range. Further, the U.S Forest Service has worked with the Tucson Rod and Gun Club to identify a new shooting range in the Redington Pass area.

The point I am making here is that Congressman Flake's bill would ignore all of these local discussions and instead give one person within the Department of the Interior the ability to make local closures for six months. Congress would have to enact laws to make them longer.

Changing gears now, I look forward to learning more about Congressman Poe's legislation on World War I Memorials and hearing from Mr. Rimensnyder who is opposed to this legislation.

Finally, Congresswoman Eleanor Holmes Norton of the District of Columbia is attending another hearing affecting her district and has asked me to submit her written testimony for the record.

I note that Congresswoman Norton strongly opposes H.R. 938, because the bill would confiscate the District of Columbia War Memorial, which was authorized by the Congress to honor the more than 26,000 District of Columbia World War I veterans, including the 499 men and women who lost their lives, and was built by public subscription of District residents and school children. These veterans served without a vote in the Congress that sent them to war.

Again, thank you to our witnesses.

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**STATEMENT OF THE HON. TRENT FRANKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. FRANKS. Well, thank you, Mr. Chairman and Members of this Committee. I happen to be one of those that will have to leave after the testimony for a mark-up in the Judiciary Committee, and I am just grateful to be able to testify on H.R. 919 this morning, the "Mohave Valley Land Conveyance Act."

I introduced this legislation, Mr. Chairman, on behalf of constituents in Mohave Valley, Arizona. My bill provides for the conveyance of 315 acres of public land to the Arizona Game and Fish Department for use as a public shooting range. The Mohave County shooting range proposal has been under consideration now and evaluation for more than 13 years. Arizona's Mohave County has experienced rapid growth over the last few years, and traditional locations for target shooting are now too close to populated areas for safety.

Mr. Chairman, there is a need to designate a centralized, multi-purpose shooting range location in Mohave County to promote safe hunting and shooting practices, to provide the public with safe shooting areas, to support the hunter education program, and encourage hunters to become more proficient with their equipment.

Mr. Chairman, perhaps even more importantly, there is also a major need for a central facility for persons training in the use of firearms such as local law enforcement and security personnel to achieve and maintain firearms qualifications. Some of these officers are forced to travel long distances now in order to practice and improve their marksmanship skills, which are central and a major component of their job requirements.

Mr. Chairman, the shooting range project would consist of seven different types of ranges, including a trap and skeet range, sports clay range, a police rifle range, pistol bays and range, a public range, and an archery range.

Throughout the evaluation process I, along with the Arizona Game and Fish Department and the Bureau of Land Management, have taken the concerns of the neighboring Hualapai and Fort Mohave tribes very seriously. The Mohave shooting range proposal contains a rigorous set of standards and criteria that would apply to any facility that would be built. And it would address and significantly reduce the visual and sound issues raised by the tribes.

The final BLM record of decision specifically states that any plan of development shall include mitigation measures to limit the footprint or the area of ground disturbance, optimize noise reduction, restrict operating hours to coincide with tribal practice of tradi-

tional cultural activities and coordinate with tribes to educate the public about the cultural significance of the nearby tribal land.

The BLM used an alternative dispute resolution process facilitated by the U.S. Institute for Environmental Conflict Resolution in an effort to resolve differences over boundary and the effect of the proposed shooting range. During the ADR process 18 possible locations, alternative locations, were considered. After several years of effort, no viable alternative was identified, and the consulted tribes were unable to accept any alternative shooting range location within the entire Mohave Valley as suitable.

Mr. Chairman, the BLM is tasked with weighing all concerns from all groups in making decisions affecting resources on public lands. The BLM has indeed accomplished this during years of tribal consultation and the subsequent release of the record of decision approving the land transfer. Therefore, some may question whether this legislation is even necessary. However, I would submit to you that it has been two full years now since the final record of decision was released. Furthermore, the process may continue to be held up because of the frivolous lawsuits.

Mr. Chairman, this legislation is needed to move the process to completion and get shovels in the ground. And so, I would just thank you again for this opportunity to testify before you on H.R. 919, and I would also ask that a letter of support from the Game and Fish Department be submitted for the record. And I trust the Members of this Committee will recognize the need for this range and provide support for this long-overdue legislation. And I thank you all very much, sir.

Mr. BISHOP. Thank you, Congressman. The letter will be submitted to the record, without objection.

[The letter from the Arizona Game and Fish Department follows:]



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January 20, 2012

The Honorable Trent Franks  
 United States House of Representatives  
 2435 Rayburn House Office Building  
 Washington, D.C. 20515

Dear Congressman Franks,

I would like to thank you for the opportunity for the Arizona Game and Fish Department (Department) to provide this letter of support regarding H.R. 919 which would provide the much needed land for the establishment of a public shooting facility in Mohave County, Arizona. The Department supports H.R. 919 and its committed goal of providing safe recreational shooting in Arizona.

Recreational shooting and sport hunting have always been a family-oriented outdoor activity in Arizona. As the population of the state continues to grow, the number of citizens engaging in recreational shooting at formal and informal shooting ranges or dispersed shooting areas has increased significantly. The population of Arizona has more than doubled from 2.5 million in 1997 to over six million today. Studies show that 20% of Arizona residents participate in recreational shooting activities. Outdoor recreationists with multiple interests are competing to use public lands adjacent to large metropolitan areas, as well as expanding rural communities. As a result of this increased use, unresolved conflicts have arisen between public agencies, landowners, recreational shooters and other recreationists. There are population centers in Arizona that currently do not have reasonable access to a public shooting range. As a result, the impact of dispersed shooting and associated issues such as littering, shared use of increasingly scarce public lands and resource damage continue to represent challenges.

The Department promotes and supports the development of safe, accessible target and sport-shooting facilities by taking a leadership role in partnering with ranges, industry, and communities. Additionally, the Department provides statewide range development assistance through a variety of technical, educational and financial resources consistent with its goal to preserve shooting opportunities for present and future generations.

The Arizona Game and Fish Commission (Commission) currently own seven shooting ranges in Arizona and through the Department have supported countless others with development grants, and technical and engineering support. The Department is committed to its continued support for shooting range development in Arizona.

H.R. 919: Mohave Valley Land Conveyance Act of 2011  
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With the major population increase in the Tri-State area (Arizona, Nevada and California), members of the sport shooting community have expressed a strong interest in developing a new multi-purpose shooting facility to replace the one that was closed in 1998 due in large part to encroachment. At present, due to the lack of a formal shooting facility, shooters have been forced to utilize makeshift shooting locations, which, has become a significant source of concern for public and private landowners, as well as, other outdoor recreationists. H.R. 919 would help mitigate these issues.

To accommodate the needs of the shooting community including various shooting disciplines, hunter education and law enforcement training needs, the Department proposed the development of a formal shooting complex in the Tri-State area. The complex would include various rifle, pistol and shotgun ranges, a hunter education range and a law enforcement training area.

Since the closure of the only public shooting range in the area, the Department has worked with the Bureau of Land Management (BLM) and the local shooting community for the past 13 years to identify a new site for a range. The Department is encouraged by the BLM's issued Record of Decision (ROD) authorizing the range, however; questions remain regarding some of the stipulations included. The main questions are the range foot print, noise monitoring and future range expansion. The Commission looks forward to working with the BLM to address these concerns. If this legislation is passed, the Department has the financial resources available to begin range development immediately.

HR 919 is also environmentally and culturally responsible. Provisions under this measure provide for compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHP). The Environmental Assessment/Plan Amendment Record of Decision dated February 8, 2010 has been determined to be legally sufficient to meet these purposes.

The Commission has participated in the National Historic Preservation Act – Section 106 process, when appropriate, since 2002. The Commission has fully supported BLM's efforts to elicit participant input and cooperation. These efforts have included numerous meetings and field trips with BLM, the Fort Mohave Tribe, State Historic Preservation Office (SHPO) and The Advisory Council on National Historic Preservation. Since the inception of this process, the Fort Mohave Tribe has continually expressed their opposition of the proposed project to BLM and the Commission.

In 2004, the Commission participated in a formal Alternative Dispute Resolution (ADR) process, which was sponsored by the BLM to seek resolution to the Tribes' concerns. During this process, the Commission eliminated its requirement that shooting range development be in close proximity (within thirty minutes) to Bullhead City. The Commission requested that the Tribes identify alternatives to the currently proposed Boundary Cone site. Ultimately, they selected seven alternative sites for evaluation. After evaluation by the BLM and Tribes, all were eventually eliminated because of Tribal concerns and some access issues.

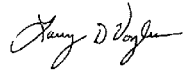
The result of these requisite and good faith efforts failed to produce any alternative sites for development, and the Boundary Cone site remains the only viable option. The Commission believes that all due process requirements under Section 106 and NEPA have been met. The

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Department supports the proposed legislation, regarding the conveyance of the identified BLM lands to the Commission for the development of the Tri-State Shooting Range. If the proposed legislation were passed, the Department would continue to work with all interested parties to develop the range in the most professional manner possible incorporating environmental management, noise abatement and cultural considerations. Department personnel have coordinated with the Fort Mohave Tribe and are in the process of coordinating with the Hualapai Tribe as stipulated in the ROD.

Again, on behalf of the Arizona Game and Fish Department I would like to thank you for the opportunity to provide this letter of support for H.R. 919 and your continued support of responsible recreational shooting in Arizona

Sincerely



Larry D. Voyles  
Arizona Game and Fish Department  
Director

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Mr. BISHOP. We appreciate your testimony. Once again, if you would like to stay, feel free. If you need to go, I understand.

Mr. FRANKS. I do have a mark-up in Judiciary, Mr. Chairman. Thank you very much.

Mr. BISHOP. And you actually think that is more important than us?

[Laughter.]

Mr. FRANKS. I don't know what possessed me here.

Mr. BISHOP. I don't, either. I appreciate it.

Mr. Cleaver, I understand you are here as a substitute witness right now to speak on, I believe—I don't know which one—938? OK. Recognized for five minutes, please.

**STATEMENT OF THE HON. EMANUEL CLEAVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI**

Mr. CLEAVER. Thank you, Mr. Chairman. And to you and Ranking Member Grijalva, I appreciate this. And I will try to do it as quickly as possible.

Judge Poe and I introduced H.R. 938, and I need to explain some things so that the Committee will have a full understanding of what has been done, and what we are trying to do.

In 1920 the City Council of Kansas City, Missouri approved an ordinance to begin the planning for a commemorative structure for World War I. In 1921, November 1, 1921, a site dedication drew 100,000 people, including all of the leaders of the Allied Forces. General John Pershing represented the United States. We had the leaders from France, Great Britain, Belgium, and Italy all there among 100,000 people.

It took a few more years before the money was raised, a substantial amount raised from children who put a project together over

a three-year period to raise money to build this majestic structure. And, as you can see, this is not some little deal. This is a major structure. And if anybody has ever flown into Kansas City, you can't land without seeing this from any direction you fly into Kansas City.

So, when I was mayor of Kansas City, we put forth before the people a measure so that we could repair the museum. This is above the fold, Kansas City Star newspaper. On the night of the election we won the election, put \$45 million into the museum in 1997. The museum and the monument are now in top shape. It is the only museum in the world solely dedicated to World War I.

And so, what we were trying to do, Congressman Poe and I, is to prepare for the commemoration of the war in 2014. We only have two years left. And so we were trying to get this done where we would have a commission that would begin the planning for a duplication of what happened in 1921.

Someone then sent out an email yesterday saying that there was an attempt to place the D.C. memorial under Kansas City. It was not true yesterday. It was not true when we introduced the bill. And it was designed to kill the bill. Kansas City has no interest in controlling the D.C. monument at all. We have had our commitment to maintain this monument without any Federal funds. We haven't asked for any, we don't plan to ask for any. We are asking that we have this bill approved so that we can begin the process of planning for the 100-year commemoration of the war.

Finally, Mr. Chairman, what we hope we can do is to get this bill moving. It has already been approved by the House with only one dissenting vote. And I might add that the person who voted against it on suspension was one of the sponsors. And that was probably the first time that has ever happened in the history of the House of Representatives.

But we think that this is something that is extremely important. It gives us the chance to have the Nation remember what happened in World War I. Thank you.

Mr. BISHOP. Thank you, Congressman Cleaver. I appreciate that. Once again, if you would like to stay with us through the remainder of this hearing, you may. If you have other engagements—

Mr. CLEAVER. I have another engagement. It is not more important.

[Laughter.]

Mr. BISHOP. All right. I will accept that if you check your cosponsors next time here.

Let us turn to Mr. Poe, next on the line, to talk about the same issue. Mr. Poe, you are also recognized for five minutes.

**STATEMENT OF THE HON. TED POE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF TEXAS**

Mr. POE. Thank you, Mr. Chairman, Ranking Member. I appreciate the opportunity to talk about H.R. 928, as amended.

This bill does three things, and I want to give a quick background on the purpose of this bill. It has to do with—it is called the Frank Buckles Bill, World War I bill, because Frank Buckles was the last lone survivor, last doughboy that represented the United States in World War I.

He lied to get into the Army, he was 16. He convinced a recruiter he was 21. He drove an ambulance in France, rescued other dough-boys. Came back to America. When the great World War II started, he was in the Philippines. He was captured by the Japanese, held as a prisoner of war for 3-1/2 years, and finished out the rest of his 110 years in West Virginia, driving a tractor until he was 107.

One of his desires before he died, as he communicated to me, other Members of Congress, and some of our Senators—specifically Roy Blunt and Senator Rockefeller—was to see a memorial for all of the World War I troops that served in that Great War. They are all gone. They have all died, except one, I believe, from Australia. But all the Americans have died. And he is the lone survivor.

On the Mall there is a memorial, the District of Columbia memorial for people who served from the District of Columbia. It is on the National Mall. It is the only memorial on the National Mall that I know of that represents a small or one unique portion of America.

In the last century there were four great wars, and we built memorials to all of them in reverse order: the Vietnam Memorial; the Korean Memorial; the World War II Memorial. But there is no memorial for all that served in the great World War I.

In fact, many people don't even know anything about World War I. I asked a person not too long ago what he knew about World War I and he said, "Is that where Snoopy fought the Red Baron?"

Unfortunately, history is being forgotten. And one way we can remember our heritage is to put the fourth memorial on the Mall, not to dishonor D.C., but to expand D.C.

In fact, the memorial maybe should be added—it is going to be the District of Columbia and National Memorial for World War I. We should mark the fact that it was built by D.C. residents. We should mark the fact that it was built and paid for by school children in the District of Columbia, and not dishonor it, but embolden it to include everyone who served in the great World War I. They are all dead, they don't have any lobbyists, it is just up to Congress to authorize it.

So, this bill will do three things. First of all, it rededicates the D.C. memorial on the Mall as the "District of Columbia National World War I Memorial." Of course D.C. should be left in the name, because it does honor those veterans that served and those that died. There is no reconstruction that needs to be done to it. After all, the Park Service is taking care and maintaining the D.C. memorial here.

The second thing the bill does is dedicates, or rededicates, the Liberty Memorial of Kansas City as the National World War I Museum and Memorial. As Congressman Cleaver pointed out, this memorial is the only public museum that specifically dedicates its history to World War I. And it is great that it does that. It needs the national recognition.

The bill does a third and separate thing. As Congressman Cleaver pointed out, we are coming up on the 100th anniversary of the beginning of the great World War I. The United States basically has done little, if anything, to recognize that Americans fought in World War I; 4 million fought, 114,000 of them died.



Many of them died from the flu that they got in France and came back home.

We need to have the commission set up to honor World War I, not to control the monument and the memorial in D.C., not to control the Liberty Museum in Kansas City, but to make sure America remembers those troops that served, like Frank Buckles, in World War I.

Mr. Chairman, it is one thing to die in battle for your country. But the worst casualty of war is to be forgotten. And we have the obligation to erect this memorial and honor D.C. and national heroes that served almost 100 years ago. I yield back.

Mr. BISHOP. Thank you, Congressman Poe. I appreciate, once again, your testimony, and extend the invitation to stay with us, if you can or desire to do so. But if you have other commitments, we understand that one as well.

Mr. POE. I need to go to Judiciary and offset Franks's vote.

[Laughter.]

Mr. POE. But I would like to submit my entire testimony in writing to the Committee.

Mr. BISHOP. We are going to have a long talk with Lamar Smith here. All right. Thank you, and we will accept your written testimony, as well.

[The prepared statement of Mr. Poe follows:]

**Statement of The Honorable Ted Poe, a Representative  
in Congress from the State of Texas**

Thank you for inviting me here to speak about H.R. 938, the Frank Buckles WWI Memorial Act. I'm glad to be joined by Rep. Cleaver in introducing this bill and thankful for the 42 of my colleagues that have signed onto the bill so far.

Before I get into a summary of the bill, I'd like to talk about its namesake, Mr. Buckles.

Frank Buckles, Jr. was too young to officially enlist when WWI started but that didn't stop him.

He wanted to join the doughboys "over there" as the song by George Cohan put it.

So he told a Marines recruiter at the Kansas State Fair that he was 18, but even that was too young—he had to be 21.

After trying three more recruiting offices and being turned down, he finally went to the Army and gave the recruiter the family Bible to prove his age. The Army accepted it and off to WWI he went.

An old Army sergeant told Mr. Buckles that the Ambulance Service was the quickest way to get to France because the French were begging for ambulance services, so that's what Mr. Buckles did.

After the war, he came back home, although 116,000 of his fellow doughboys didn't. That's 25 times the number of soldiers we lost in Iraq.

He was in the Philippines when World War II started, and was captured by the Japanese and held in a prisoner of war camp for 3½ years. He was rescued, came back home to America and went to his farm in West Virginia, where his forefathers first settled back in 1732. He would ride his tractor until he was 106. On February 27, 2011, at the age of 110, Mr. Buckles passed away.

Mr. Buckles was a great American whose life encompassed nearly half our nation's history. But that's not the main reason I bring him up. Mr. Buckles was the last doughboy. This was a role he did not choose, but gracefully accepted. As the sole survivor of the 4 million that served in WWI, he felt it was his duty to make sure they were properly remembered.

His dying wish was for a memorial on the National Mall for all who served in WWI. You see, Mr. Chairman, we have a memorial for Vietnam veterans, we have a memorial for Korean veterans, and we have a memorial for World War II veterans. There is a small memorial for the D.C. troops that served in World War I, but there's no memorial on the Mall for all of the doughboys like Mr. Buckles. And

they have all died, all 4.7 million of them. It's our job to make sure they are not forgotten.

The Amendment in the Nature of a Substitute to H.R. 938 honors all our WWI veterans.

First, the bill rededicates the DC memorial on the Mall as the District of Columbia and National World War I Memorial. DC should be left in the name of the memorial to honor the history of the memorial even while we add to its significance by making it a national memorial. The bill allows for a commemorative work, like a statue, to reflect the national nature of the memorial, but the memorial itself will stay the same. It is a beautiful and fitting memorial—we do not need to do any major reconstruction.

Second, the bill rededicates the Liberty Memorial of Kansas City as the National World War I Museum and Memorial. The Liberty Memorial has the only public museum specifically dedicated to the history of WWI and is important to our national remembrance.

Finally, the bill establishes a commission of 12 members to ensure the WWI centennial is properly observed, much like commissions established for the anniversaries of the Revolutionary and Civil Wars. The members will be appointed by the President and party leaders in the House and Senate.

The United States is already behind the ball in getting commemorating efforts going. Australia and New Zealand have had a full commission set up since 2010. France has already released a dossier of their plans and appointed commemorative chairmen. The UK has appointed a Special Representative of the Prime Minister for the Centennial to take charge of their efforts.

Our WWI veterans are heroes. They faced some of the most horrific weapons of war ever invented by man.

Nations were still experimenting with just how lethal biological weapons could be during WWI. Biological weapons turned out to be so bad that the world would come together to sign the Geneva Protocol in 1925, one of the earliest treaties limiting weapons of war.

Then there were diseases like gang-green that thrived in the dark, wet, and muddy trenches that killed as many Americans in one year than perished in combat.

Despite these terrible sacrifices, the 4.7 million veterans who returned home never got a GI bill, didn't have a Veterans Affairs Department to watch out for them, and didn't get help in going to college or buying a house. But they would fight so that future veterans did.

Our veterans represent some of the greatest Americans. By properly honoring WWI veterans, we show our veterans of the Afghanistan and Iraq wars today that we will never forget them.

To our shame, we did not get this done before Mr. Buckles passed, but we still have an opportunity to honor his and all his compatriots' sacrifice.

It is one thing to die for your country. It is another thing and the worst casualty of war to be forgotten by your country.

Thank you.

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Mr. BISHOP. Mr. Sullivan, I appreciate you sneaking in here. You are next in the line, if you would like to go with your bill, which is H.R. 1278.

**STATEMENT OF THE HON. JOHN SULLIVAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA**

Mr. SULLIVAN. Thank you, Chairman Bishop. And Chairman Bishop, Ranking Member Grijalva, and distinguished Members of the Committee, thank you for the opportunity to testify before you today on my legislation pertaining to the John Hope Franklin Reconciliation Park, located in Tulsa, Oklahoma.

I am pleased to be here among my colleagues to speak in favor of my bill, H.R. 1278, which authorizes the Secretary of the Interior to conduct a special resource study regarding the inclusion of the John Hope Franklin Reconciliation Park and other sites associated with the 1921 Tulsa race riot as a unit of the National Park System.

Prior to the Tulsa race riots, the community of Greenwood in Tulsa was a thriving African American business community and a home to nearly 11,000 citizens. On May 31, 1921, angry mobs invaded Tulsa's Greenwood community and destroyed nearly 40 square blocks of residential area, and virtually the community's entire business district. An estimated 300 people lost their lives. Over 700 people were injured. And approximately 9,000 Greenwood residents were left homeless. And the area was left with almost 1.5 million worth of damages.

In November 2005, the United States National Park Service issued a survey certifying the 1921 race riot as an historically significant event because it possesses exceptional value or quality in illustrating or interpreting the national or cultural themes of our national heritage. The study goes into great depth about the national significance of the riot. And I encourage Members of the Committee and all Americans to read it.

John Hope Franklin Reconciliation Park, dedicated in Tulsa, Oklahoma on October 27, 2010, memorializes the 1921 race riot, and honors the legacy of the late Dr. John Hope Franklin, world-renowned American historian, a 1995 recipient of the Presidential Medal of Freedom, and a native son of Oklahoma. Dr. Franklin attended the ground-breaking ceremony for the park in November 2008. It was his last public appearance before he passed away at the age of 94 in March 2009. H.R. 1278 was introduced in March of this year, in remembrance of the second anniversary of Dr. Franklin's passing.

It is fitting that this park is named after the late Dr. John Hope Franklin for several reasons. First, Dr. Franklin recognized the important role this park would serve in educating Americans of all walks of life, creed, and color about our shared history.

Second, Dr. Franklin's admiration and advocacy for the National Park Service was clear throughout his lifetime. He served as a distinguished tenure as—he served a distinguished tenure as Chairman of the National Park Service Advisory Board. Dr. Franklin took every opportunity to champion the National Park Service's mission to encourage the study of America's past by linking specific places to the narrative of our country's history.

H.R. 1278, with over 30 bipartisan cosponsors, and much community support, including that of the City of Tulsa, authorizes the National Park Service to conduct a special resource study on the suitability and feasibility of designing the John Hope Franklin Reconciliation Park and Greenwood area sites in Tulsa, Oklahoma relating to the 1921 Tulsa race riot as a unit of the National Park System. H.R. 1278 is the next logical step in helping to bring national historical significance to the 1921 Tulsa race riot.

I would like to close with the words from Dr. Franklin, that "our parks are a setting for a celebration, as well as remorse, leading to a determination to do better things in the future."

Mr. Chairman and Ranking Member, I respectfully ask for the Subcommittee's support of H.R. 1278, and thank you for the opportunity to deliver my testimony today. And I would also like to recognize Dr. John Hope Franklin's son, John Franklin, who is here today, that lives in this area.

I thank you, and I appreciate you letting me testify today.

[The prepared statement of Mr. Sullivan follows:]

**Statement of The Honorable John Sullivan, a Representative  
in Congress from the State of Oklahoma, in Support of H.R. 1278**

Chairman Bishop, Ranking Member Grijalva and distinguished Members of the Committee, thank you for the opportunity to testify before you today on my legislation pertaining to the John Hope Franklin Reconciliation Park located in Tulsa, Oklahoma. I am pleased to be here among my colleagues to speak in favor of my bill, H.R. 1278, which authorizes the Secretary of the Interior to conduct a special resource study regarding the inclusion of the John Hope Franklin Reconciliation Park and other sites associated with the 1921 Tulsa Race Riot as a unit of the National Park System.

Prior to the Tulsa Race Riots, the community of Greenwood in Tulsa was a thriving African-American business community and home to nearly 11,000 citizens. On May 31, 1921, angry mobs invaded Tulsa's Greenwood community and destroyed nearly 40 square blocks of residential area and virtually the community's entire business district. An estimated 300 people lost their lives, over 700 people were injured, approximately 9,000 Greenwood residents were left homeless, and the area was left with almost \$1.5 million worth of damages.

In November 2005, the United States National Park Service issued a Reconnaissance Survey, certifying the 1921 Tulsa Race Riot as a historically significant event because it "possesses exceptional value or quality in illustrating or interpreting the national or cultural themes of our national heritage." The study goes into great depth about the national significance of the riot and I encourage Members of the Committee and all Americans to read it.

John Hope Franklin Reconciliation Park, dedicated in Tulsa, Oklahoma on October 27, 2010, memorializes the 1921 race riot and honors the legacy of the late Dr. John Hope Franklin, world renowned American historian, 1995 recipient of the Presidential Medal of Freedom, and a native son of Oklahoma. Dr. Franklin attended the groundbreaking ceremony for the Park in November 2008. It was his last public appearance before he passed away at the age of 94 in March 2009. H.R. 1278 was introduced in March of this year, in remembrance of the second anniversary of Dr. Franklin's passing.

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H.R. 1278, with over 30 bipartisan cosponsors, and much community support including that of the City of Tulsa, authorizes the National Park Service to conduct a special resource study on the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and Greenwood area sites in Tulsa, Oklahoma, relating to the 1921 Tulsa Race Riot as a unit of the National Park System. H.R. 1278 is the next logical step in helping to bring national historical significance to the 1921 Tulsa Race Riot.

I would like to close with words from Dr. Franklin, that "our parks are settings for celebration as well as remorse, leading to a determination to do better things in the future."

Mr. Chairman and Ranking Member Grijalva, I respectfully ask for the Subcommittee's support for H.R. 1278, and I thank you for the opportunity to deliver my testimony today.

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Mr. BISHOP. Thank you, Congressman Sullivan. We appreciate that, as well as the guest who is with us today. We appreciate both of you being here. Thank you for your testimony.

Once again, same offer as the others. No one has taken me up on it yet, but if you would like to stay you may.

Mr. SULLIVAN. Well, Chairman Bishop, I would love to stay.

Mr. BISHOP. But?

Mr. SULLIVAN. I do have another event I have to go to. Fred Upton wants me in Energy and Commerce. We are having a retreat today, so I apologize.

Mr. BISHOP. Yes, I am taking this all personally. All right.

Representative Flake, we welcome you back to the Committee, and we would like to ask you if you wish to testify or introduce your bill, which is 3440. Recognized for five minutes.

**STATEMENT OF THE HON. JEFF FLAKE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. FLAKE. Great. Thank you. And I want to apologize in advance. I do have to leave, as well, afterwards. But I appreciate the opportunity, and thank you for allowing me here, and to Ranking Member Grijalva, as well.

This is the Recreational Shooting Protection Act. And Representative Grijalva mentioned that there is a lot of collaboration, there is a lot of discussion that goes on at the local level when these shooting bans are put into effect. I think that that is only right and proper, as there should be.

What this legislation seeks to do, it would simply direct the BLM to manage monument lands among the public lands. And Arizona, as we all know, is largely public land. More than 80 percent of the state is public land, either state, Federal, or tribal. And so, to have opportunities to actually engage in recreational shooting, you need to be on public lands. And a lot of those lands are monument lands, as well.

So, it would simply direct the BLM to manage national monument lands in a manner that enhances recreational shooting opportunities. And I know that some of the folks at the Federal level and the BLM and other management agencies try to do that. But at times—sometimes I think they act precipitously.

Right now, there are more than a million acres across the country that are being looked at, in terms of a ban for recreational shooting, a million acres. Keep in mind that more than half of that is in Arizona. And when you think of all that land that would be put aside and prohibited, in terms of recreational shooting, I think that it behooves Congress to step in and make sure that it is done in the most deliberative way possible.

So, this legislation would simply direct the BLM, when it authorizes certain lands to be prohibited from recreational shooting, that that decision come before Congress and Congress has six months to approve that, to ensure that it's proper.

We have seen, unfortunately, a lot of overreach by the agencies recently, with regard to public lands. In Arizona we have just endured a million acres being set aside in northern Arizona from economic activity, specifically mining in the Arizona strip. And so, we do know—I think it is recognized by everyone—that there is substantial overreach that can occur.

And this simply brings the Congress, the representative body, where people who want to go and have recreational shooting, they have—they can't go and appeal to the agencies, they have no recourse there. But they do have recourse with us. That is why we are here. We represent our constituents in that way.

And so, this gives Congress a role in ensuring that those areas where shooting needs to be prohibited—and there are some areas, certainly—that Congress has a role. And so that is all this legislation does.

I appreciate having the opportunity to be here. And thank you for your forbearance.

[The prepared statement of Mr. Flake follows:]

**Statement of The Honorable Jeff Flake, a Representative  
in Congress from the State of Arizona**

Mr. Chairman, thank you for the opportunity to provide comments in support of H.R. 3440, the Recreational Shooting Protection Act, which I have introduced this Congress.

This legislation is endorsed by both the National Rifle Association and the National Shooting Sports Foundation and has two necessary goals.

The bill would direct the BLM to manage national monument lands in a manner that enhances recreational shooting opportunities; and it would require Congressional approval for existing and future recreational shooting restrictions on BLM-managed national monument lands.

On November 22nd of last year, Interior Secretary Ken Salazar issued a memorandum to the Director of the Bureau Land Management.

Titled “Protecting Recreational Shooting on Public Lands,” the directive walked back a controversial draft proposal that sought to expand BLM’s authority to ban recreational shooting on public lands.

When exposed to a nation wary of this Administration’s many overreaches, Secretary Salazar abandoned the draft policy. It survived public scrutiny for just six days.

In the memo he ultimately finalized and released, Secretary Salazar declared that “[i]t is a priority of the Department of the Interior to support opportunities for hunting, fishing and recreational shooting on America’s public lands,” and indicated that “the Bureau of Land Management helps ensure that the vast majority of the 245 million acres it oversees are open and remain open to recreational shooting.”

Here we have a crystal clear show of support for recreational shooting on public lands from the Administration, and—to their credit—they waited a whole two days to contradict it.

On November 25, two thousand miles away, the BLM moved a proposal to ban recreational shooting across the entire 470,000 acre Sonoran Desert National Monument in Arizona one step closer to approval.

How could this possibly be consistent? Unfortunately, that same memo directed the BLM to “continue to manage recreational shooting on public lands under the status quo. . .”

The status quo is what most threatens the rights of recreational shooters today—it is under the status quo that the BLM has already allowed 616,000 acres of national monument land to be closed to recreational shooting since 2010.

It is the status quo that compelled me to introduce the Recreational Shooting Protection Act. This Administration could use a little oversight when it comes to land management decisions.

This Administration’s BLM has closed or begun to ban recreational shooting on more than one million acres of national monument lands and more than half of that acreage is in Arizona.

Sadly, critics are quick to ignore the many recreational enthusiasts that responsibly use their federal lands as well as the existing laws on the books that already make disreputable actions illegal. They instead point to the actions of some bad actors as a reason to restrict access.

Based on its actions, one could easily reach the conclusion that this Administration is not intent on simply restricting recreational shooting where appropriate, but instead is trying to end the sport outright.

In Arizona, where two monument closures are currently being pursued, the BLM has purportedly been unable to find any suitable area worth recommending for recreational shooters to enjoy in an area equivalent of nearly half a million football fields.

I say Congress ought to have the ability to tell BLM to look harder. That’s all this bill provides. It does not prevent the closure of BLM lands to recreational shooting; it simply adds an additional layer of supervision and oversight to the process.

Mr. Chairman, I appreciate the opportunity to offer testimony in support of the Recreational Shooting Protection Act. I look forward to this bill moving through the legislative process.

Mr. BISHOP. Thank you again, Representative Flake. I appreciate your time. Welcome back to our Committee, as well.

We also have three bills that are before us in this hearing with Members who are Members of the Committee or the Subcommittee. So, with that, I would like to give them the opportunity to introduce their bill at the same time.

Ms. Tsongas, the gentlelady from Massachusetts, you have 2240. If you would like to introduce your bill at this time, we would be happy to hear that.

**STATEMENT OF THE HON. NIKI TSONGAS, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF MASSACHUSETTS**

Ms. TSONGAS. Thank you, Chairman Bishop and thank you, Ranking Member Grijalva, for holding this hearing today, and for providing me the opportunity to share my remarks on H.R. 2240, the Lowell National Historical Park Land Exchange Act.

And I would also like to thank Dr. Peter May of the National Park Service and Adam Baacke of the City of Lowell, who will be testifying today in support of this bill. And I want to recognize Michael Creasey, Superintendent of the Lowell National Historical Park, who is in attendance today, for his support.

In 1978 legislation was passed establishing the Lowell National Historical Park. It was championed by my late husband, as well as two Republican Members of Congress who preceded him. We should take bipartisan pride in its great success.

This national park was given a unique mandate to not only preserve and interpret the resources representing Lowell's central role in our 19th century Industrial Revolution, but also to serve as a catalyst in revitalizing the city's physical, economic, and cultural environments, all outgrowths of the city's industrial history. Working together with the City of Lowell, the Commonwealth of Massachusetts, and many other public and private partners, the Lowell National Historical Park has played a vital role in rehabilitating over 400 structures, and has since 1978 helped spur an estimated \$1 billion in private investment in the city.

And all of this has been done while the park has developed a compelling array of programs, exhibits, guided tours, and other interpretive programs. H.R. 2240 would allow the park and its partners to continue working to advance the park's mission to preserve the city's historic industrial architecture, while creating jobs and continuing to partner with the City of Lowell to advance a critical economic development project: the Hamilton Canal District. This legislation would most immediately allow the park to exchange a current surface parking lot for an equivalent number of spaces in a new garage that will be built by the City of Lowell adjacent to the present parking lot, guaranteeing necessary parking spaces for park visitors while freeing the surface parking lot for incorporation into the Hamilton Canal District redevelopment.

On the space of the current parking lot, an adjacent vacant property, the city, working with private partners, plans to construct

over 400,000 square feet of commercial and R&D space, generating as many as 1,600 jobs. As such, it is a critical piece in the master redevelopment plan for the area.

The land exchange is supported by the Lowell National Park, the City of Lowell, and all local stakeholders, and has received all major state permits and local zoning allowances. However, the enabling law for the park only provides for the park to receive additional funds. It is not allowed to exchange land. This legislation and similar legislation introduced by Senator Kerry in the Senate would allow this mutually agreed-upon exchange.

I want to stress that this legislation costs nothing. There will be absolutely no cost to the taxpayers.

It will also extend the preservation loan program for another 25 years. This program was designed as an innovative way to leverage development funds to preserve and rehabilitate nationally significant buildings that are part of the city's historic industrial architecture. Funds from the program are loaned at favorably low rates to private developers who complete redevelopment projects in Lowell that are consistent with historic preservation guidelines developed by the City of Lowell and the National Park Service.

This program has been an incredibly successful tool in facilitating partnerships with private developers to advance the park's mission. Since its creation, the program has funded 21 redevelopment projects of structures that otherwise might have been demolished or languished in disrepair. But there is still much work to be done. This bill would extend the program for another 25 years at no cost to taxpayers.

In closing, I would like to again thank you, Chairman Bishop and Ranking Member Grijalva, as well as all the Members of the Subcommittee, for holding this hearing on H.R. 2240. Thank you, and I yield back.

Mr. BISHOP. Thank you. I appreciate that.

I will turn to the representative from Michigan, Mr. Benishek, if you would like to introduce 3411 to us.

**STATEMENT OF THE HON. DAN BENISHEK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN**

Dr. BENISHEK. Thank you, Mr. Chairman. Thanks for holding this hearing. This bill is simply a straightforward technical correction to a land patent granted to the Great Lakes Shipwrecks Historical Society, which is located in my district. Located in the Upper Peninsula of Michigan along Lake Superior, the Great Lakes Shipwreck Museum presents a firsthand look at the history of those who have navigated the Great Lakes over the years, and it attracts about 60,000 visitors a year.

The bill ensures that visitors will continue to learn this maritime history by modifying the patent to reflect a 2002 consensus agreement that allows for the development and expansion of new facilities.

Senator Levin successfully passed this legislation in the Senate without objection.

And Mr. Chairman, I appreciate you holding the hearing, and ask for your support in reporting this bill favorably to the Floor.

[The prepared statement of Dr. Benishek follows:]



**Statement of The Honorable Dan Benishek, a Representative  
in Congress from the State of Michigan**

Mr. Chairman, thank you for holding this hearing and for your leadership on this Committee. My bill is a simple and straightforward technical correction to a land patent granted to the Great Lakes Shipwreck Historical Society, located in my district.

Located in the Upper Peninsula of Michigan along Lake Superior, the Great Lakes Shipwreck Museum presents a firsthand look at the history of those who bravely navigated the Great Lakes, attracting roughly 60,000 visitors a year.

My bill ensures that visitors will continue to learn this maritime history by modifying the patent to reflect a 2002 consensus agreement that allows for the development and expansion of new facilities.

Senator Levin successfully passed this legislation in the Senate without objection.

Mr. Chairman, I thank you again for holding this hearing and ask for your support in reporting this bill favorably to the floor.

Mr. BISHOP. That is it?

Dr. BENISHEK. That is it.

Mr. BISHOP. You are the fastest one here, so far. Thank you. Thank you for the introduction to that bill.

The final bill that we have in this hearing is 2489 by Representative Holt. Representative Holt, if you are prepared to introduce your bill, I think I can give you one guarantee, that if this bill comes to the Floor we promise that when we take your bill we will at least put your bill back into it before we pass it on again.

Representative Holt, you are recognized to introduce your bill.

**STATEMENT OF THE HON. RUSH HOLT, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HOLT. Thank you, Chairman Bishop and Representative Grjalva, Members of the Committee, and Members of Congress who are still in the room. I am pleased to bring forward again the American Battlefield Protection Act.

From Lexington, where the first shot was heard around the world, to Gettysburg, the site of the brilliantly concise description of the conception and proposition that make up America, the stories of the American Revolution and the Civil War bring to life the ideals of liberty and democracy fostered by our nation's founders.

History is best experienced by those who can touch it and feel it and live it. And the battlefields of the American Revolution, the War of 1812, the Civil War, provide an opportunity for Americans to experience where and how the epic struggle for our nation's independence and identity took place. Preserving these historic treasures is really essential for Americans to remember the sacrifices of our forefathers, and how they secured our freedom and independence and later fought to keep the Nation whole. And it is essential for educating future generations about our rich cultural history.

It can actually help to see—help to ensure that a nation conceived in liberty and dedicated to the proposition that all are created equal can long endure. Unfortunately, urbanization, suburban sprawl, unplanned commercial and residential development are constantly encroaching on many significant battlefields of the American Revolution and the War of 1812. And this encroachment poses a severe and growing risk to the preservation of these historically significant sites.

Now, Congress recognized this danger to our shared history, and in the late 1990s created the American Battlefield Protection Program, a competitive grant program that matches Federal dollars with private money to preserve Civil War sites. Since Congress first appropriated funding to this program more than a dozen years ago, the program has helped save more than 17,000 acres of hallowed ground in 14 states, dozens and dozens of grants averaging about \$35,000, and leveraging far more money in private matching funds.

Congress authorized the National Park Service to study historic sites associated with the War of Independence and the other war with Britain that occurred several decades later. And in September 2007 the Park Service delivered its report to this Committee. This report shows that there is really a desperate need to act, and to act quickly to preserve these sites.

Out of the 825 nationally significant battlefields and associated sites from these 2 early conflicts, 107 of these battlefields have been lost, 245 are in fragmented or poor condition, 222 are in danger of being destroyed soon.

The bill before us today would build on the success of the American Battlefield Protection Program in preserving—that it has had in preserving Civil War battlefield sites, and would re-authorize the program and extend the protection and preservation to battlefields from the Revolutionary War and the War of 1812. It would allow officials in the American Battlefield Protection Program to collaborate with state and local governments and non-profit organizations to preserve and protect the most endangered historical sites, and provide up to 50 percent of the cost of purchasing battlefield land threatened by sprawl and commercial development.

Previously, this legislation has been approved twice by the House with near-unanimous support. This is what the Chairman was referring to. In this Congress the American Battlefield Protection Program Amendments Act is again enjoying bipartisan support. I would like to invite all Members of the Committee to become cosponsors of this legislation. And I do hope that the other body of Congress will get its act together.

I would also like to invite you to become a cosponsor of my legislation, the Revolutionary War and War of 1812 Battlefields Commemorative Coin Act. This legislation would authorize creation and issuance of commemorative coins to raise money for the preservation program, just as a similar Civil War battlefield commemorative coin act has raised nearly \$6 million for preservation.

I look forward to hearing this morning from David Hackett Fischer, who was awarded the Pulitzer Prize for his fine book, "Washington's Crossing," and who will testify today on behalf of the legislation. The works of Professor Fischer, along with others like David McCullough, Richard Ketchum, and numerous other authors, have helped to revive the national interest in American history and the history of the American Revolution and the Civil War.

However, learning history, with all respect to Mr. Fischer, learning history through reading or watching a movie can't compare with the experience of being where the history took place. The Civil War Trust said, in their letter supporting this legislation, "The battlefields of the American Revolutionary War and the War of 1812

and the Civil War provide a unique opportunity for Americans to experience the epic battles that helped define our nation.”

Preserving these historic treasures is essential to remember the sacrifices of our ancestors—that our ancestors made to secure our freedom and independence.

Historical sites once lost are gone forever. And we really must act now to preserve these valuable sites. Mr. Chairman, I would like to ask unanimous consent to enter in the record letters of support for this legislation from the Civil War Trust, the National Parks Conservation Association, and the Crossroads of the American Revolution.

And I thank—with—if you will grant that request, I would appreciate it. And I thank you, Chairman, for bringing forward this legislation.

Mr. BISHOP. Without objection, those will be added to the record.

[The letters from the Civil War Trust, Crossroads of the American Revolution Association, and National Parks Conservation Association follow:]



January 19, 2012

The Honorable Rob Bishop  
Chairman  
Subcommittee on National Parks,  
Forests and Public Lands  
House Committee on Natural Resources  
1324 Longworth Office Building  
Washington, DC 20515

The Honorable Raul Grijalva  
Ranking Member  
Subcommittee on National Parks,  
Forests and Public Lands  
House Committee on Natural Resources  
1324 Longworth Office Building  
Washington, DC 20515

Dear Chairman Bishop and Ranking Member Grijalva:

On behalf of the national nonprofit Civil War Trust, I am writing in strong support of H.R. 2489, legislation to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 through the American Battlefield Protection Program. In addition, this legislation would reauthorize through 2022 the Civil War Battlefield Preservation Program, a highly successful matching grants program that has preserved more than 17,000 acres of hallowed ground in 14 states.

The battlefields of the American Revolutionary War, the War of 1812, and the Civil War provide a unique opportunity for Americans to experience the epic battles that helped define our nation. Preserving these American historic treasures is essential to remember the sacrifices that our ancestors made to secure our freedom and independence and preserve our republic.

In response to a call from Congress, the National Park Service published a report in 2007 on the preservation of Revolutionary War and War of 1812 sites. The report found that the historical integrity of many of these sites was at great risk. In fact, of the 677 historic battlefields and associated sites identified in the report, the Park Service found that 99 have already been lost, 234 are fragmented or in poor condition, and an additional 170 are in danger of being destroyed in the next decade.

We are in a race against time to preserve these battlefield lands. Most battlefields—Civil War, Revolutionary War and War of 1812 included—are located in areas with intense development pressures. We estimate that by the National Park Service Centennial in 2016, most Civil War battlefield lands will either be preserved or paved over. Estimates regarding the loss of Revolutionary War and War of 1812 battlefield lands make clear that they are disappearing rapidly as well.

With the coming centennial commemoration of the War of 1812 and the ongoing sesquicentennial commemoration of the Civil War, now is the opportune time to pass H.R. 2489. It is worth noting that similar legislation has been passed by the House of Representatives in previous Congresses, enjoying broad, bipartisan support. Preservation of these battlefield sites will ensure that our national history may continue as a living presence, educating current and future generations of Americans about these defining moments in our nation's history.

Sincerely,

O. James Lighthizer, President

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**Crossroads of the American Revolution Association**


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January 23, 2012

Representative Rush Holt (NJ-12)  
1214 Longworth House Office Building  
Washington, DC 20005

Dear Rep. Holt:

On behalf of the Board of Directors of the Crossroads of the American Revolution Association I want to express our strong support for the American Battlefield Protection Program Amendments Act (H.R. 2489).

This bill would reauthorize the National Park Service's Civil War battlefield protection competitive grant program and create an identical program focused on preserving battlefields from the Revolutionary War and the War of 1812.

The Crossroads of the American Revolution National Heritage Area is one of 49 federally designated National Heritage Areas. New Jersey's heritage area is a region of thematically related Revolutionary War sites and landscapes that includes all of Mercer and Middlesex Counties and comprises 213 municipalities in 14 counties, extending from Bergen to Gloucester. The Crossroads of the American Revolution Association, founded in 2002, is the federally designated, non-profit management entity of our heritage area. We work to form innovative partnerships that will help secure New Jersey's rare and threatened historic landscapes, create awareness of the state's distinctive Revolutionary War related cultural resources and act as a catalyst for heritage tourism and related economic development.

Sincerely yours,

Kevin Tremble  
President



National Parks Conservation Association\*  
*Protecting Our National Parks for Future Generations\**

January 19, 2012

The Honorable Rush Holt  
 United States House of Representatives  
 Washington, DC 20515

Dear Mr. Holt:

On behalf of our 340,000 members I'm writing to express the strong support of the National Parks Conservation Association (NPCA) for H. R. 2489, the American Battlefield Protection Program Amendments Act of 2011. Every year this nation loses more than 1 million acres of American Revolutionary War, War of 1812, and American Civil War battlefields, mostly to encroaching and incompatible development. A survey conducted by the National Park Service (NPS) identified 677 nationally significant sites associated with the American Revolution and the War of 1812 and determined that 170 face significant threat of irreversible loss of historic integrity over the coming years. H.R. 2489 will slow (and perhaps eliminate) that horrible rate of loss by authorizing the acquisition and protection of nationally significant battlefields and associated sites and the funding required to sustain those efforts.

Managed by the NPS the American Battlefield Protection Program (ABPP) and its grants make it possible for local, state, and tribal entities all across the country to save the places and commemorate the stories that form our shared heritage. ABPP funds have been used to conduct Section 106 process and historic preservation training, support database development, and for the direct acquisition of land, always from willing sellers. An ABPP 2002 grant for \$30,000 to City of Monroe, Michigan, provided enough support to locals to conduct an archeological survey of the War of 1812 River Raisin Battlefield (River Raisin was added as a unit of the National Park System in 2009). A 2011 grant of \$55,000 will enable to Citizens of Fauquier County in Virginia to produce digital maps for nine significant battlefields including Brandy Station, Buckland Mills, and Cedar Mountain. This kind of support empowers communities to more capably protect and interpret their part of the American experience in ways that benefit and enhance public understanding of three critical periods in American history.

H.R. 2489 highlights the critical role the National Park Service plays in helping protect America's most treasured landscapes both inside of and beyond park boundaries. NPCA greatly appreciates your unfailing leadership and support of America's national parks and we urge Congress to pass this bill in the most timely fashion possible.

Sincerely,

Craig D. Obey  
 Vice President, Government Affairs

Mr. BISHOP. We appreciate your testimony. If you hadn't added that plug for the second bill, you would have been under time, too. Appreciate that.

With that, I am going to try and save some time and combine the second and the third panels together. So I would invite—I think the staff needs to put a couple more chairs up there—I would invite the following to join us up at the dais, as well. Or not the dais, the panel down there.

If I can get Mr. Bob Ratcliffe, who is the deputy assistant director for renewable resources and planning at the BLM; Ms. Susan

Recce, who is the director of conservation, wildlife, and natural resources with the National Rifle Association; Mr. Peter May, who is the associate regional director for the National Park Service; Mr. Adam Baacke, who is the assistant city manager and director of planning in Lowell, Massachusetts; Mr. Edwin Fountain, who is the director of the World War I Memorial Foundation; Mr. Nelson Rimensnyder, who is the historian with The Association of the Oldest Inhabitants of the District of Columbia; and Mr. David Hackett Fischer, who is a university professor at Brandeis University. And I realize I am squishing you together there. Mr. Ratcliffe, if I can have you kind of move down a bit, everyone slide slightly here. This way we have seven people at the table.

We are going to go through these, bill by bill. So, some of you, like Mr. Ratcliffe, Ms. Recce, and Mr. May, I am assuming, are talking about multiple bills. What I would like you to do is try and ferret out that portion of your testimony that deals with each bill as we go through them. We will take that testimony, and then we will allow questions from the panel, if there are any for those particular bills.

So, let us start once again now with the first one from which we heard, which was Mr. Franks's bill, 919. And once again, for all of you who are here, I appreciate your testimony. Whether you are talking about one bill or multiple bills, written testimony has already been included. We ask you to limit everything to a maximum of five minutes. Obviously, if you want to go less than that, you are more than welcome to do that.

You will see the timers in front of you. Please notice that when the light turns yellow you have one minute left. And when it turns red, the time has expired.

May we start with Mr. Ratcliffe? If you would, give us your remarks simply to House bill 919 by Mr. Franks.

**STATEMENT OF BOB RATCLIFFE, DEPUTY ASSISTANT DIRECTOR, RENEWABLE RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT**

Mr. RATCLIFFE. Thank you, Mr. Chairman, Ranking Member Grijalva.

H.R. 919 transfers 315 acres of public lands within Mohave Valley of Arizona to the Arizona Game and Fish Department for use as a public shooting range.

The BLM supports the goals of this bill, but opposes the legislation as currently drafted.

After 10-plus years of negotiation with the Arizona Game and Fish Department, interested tribes, the public, and the BLM are nearing completion of the administrative process to transfer land under the Recreation and Public Purposes Act.

Our decision includes important mitigation measures which are not included in the current legislation.

If the Congress chooses to legislate this conveyance, the BLM looks forward to working with the Subcommittee on improvements to the bill that include changes to section 3(b), mitigation measures to address tribal concerns, protection of valid existing rights, as well as a cause to allow the lands to revert back to the BLM if they are not being used consistent with the R&PP Act.

[The prepared statements of Mr. Ratcliffe follow:]

**Statement of Bob Ratcliffe, Deputy Assistant Director, Renewable Resources & Planning, Bureau of Land Management, U.S. Department of the Interior, on H.R. 919, Mohave Valley Land Conveyance Act of 2011**

Thank you for the opportunity to testify on H.R. 919, the Mohave Valley Land Conveyance Act of 2011, which proposes to transfer 315 acres of public lands managed by the Bureau of Land Management (BLM) to the Arizona Game and Fish Department (AGFD) for use as a public shooting range. The BLM supports the goals of H.R. 919, but opposes the legislation as currently drafted. The BLM notes that the agency is nearing completion of the administrative process to accomplish the transfer, but its decision for the authorization includes important mitigation measures which are not in the current legislation.

For the past ten years, the BLM has been working with the AGFD, the Fort Mojave Indian Tribe, the Hualapai Tribe, and the public to find appropriate lands for a public shooting range within the Mohave Valley in Arizona. On February 10, 2010, the BLM made the decision to authorize the transfer of BLM lands to the AGFD (through the Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 et seq.; R&PP) for use as a public shooting range. The decision, which is consistent with the goals of H.R. 919, provides a safe, designated shooting area for the public, and includes stipulations designed to respect the traditional beliefs of the Fort Mojave and Hualapai Tribes. The BLM will continue working with interested parties as we move forward with authorizing the shooting range.

**Background**

In 1999, the AGFD first submitted an application to the BLM for development of a public shooting range on BLM-managed lands in Mohave County, near Bullhead City in northwestern Arizona. As a result, the BLM began working with the AGFD and other interested parties to assess appropriate lands to transfer to the AGFD for the purposes of a shooting range under the R&PP.

The BLM evaluated the AGFD's application through an environmental assessment (EA) and considered numerous alternative locations throughout the Mohave Valley. The evaluation process was conducted with full public and tribal participation. There is an identified need for a designated public shooting range in this region because of the lack of a nearby facility, the amount of dispersed recreational shooting occurring on public and private lands raising public safety concerns, and the associated natural resource impacts from spent ammunition and associated waste.

In 2002, the BLM began consultations with the Fort Mojave Indian Tribe and the Hualapai Tribe. In 2003, the BLM initiated consultation with the Arizona State Historic Preservation Officer (SHPO); and in 2006, the BLM initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP). These consultations, as required by Section 106 of the National Historic Preservation Act and other authorities, ensure Federal agencies consider the effects of their actions on historic properties, and provide the ACHP and SHPO an opportunity to comment on Federal projects prior to implementation.

In addition to the Section 106 consultation process, the BLM initiated a year-long Alternative Dispute Resolution (ADR) process in 2004 to help identify issues, stakeholder perspectives, and additional alternatives to meet the criteria for a safe and effective public shooting range in the Mohave Valley. However, the ADR process failed to reconcile differences between several consulting parties regarding a proposed location.

In 2006, as part of continued Section 106 consultation with the ACHP, the BLM initiated site visits by the concerned parties and also continued efforts to identify alternative sites. Unfortunately, despite these efforts, the BLM was unable to reach an agreement with the consulted Tribes on any area within the Mohave Valley that the Tribes would find acceptable for a shooting range. The Tribes maintained their position that there is no place suitable within the Mohave Valley, which encompasses approximately 140 square miles between Bullhead City, Arizona, and Needles, California.

Through the EA process, the BLM identified the Boundary Cone Road alternative to be the preferred location. Boundary Cone Butte, a highly visible mountain on the eastern edge of the Mohave Valley, lies approximately 3 miles east of the Boundary Cone Road site, and is of cultural, religious, and traditional importance to both the Fort Mojave Indian Tribe and the Hualapai Tribe. In an effort to address the primary concerns expressed by the Tribes over visual and sound issues, the BLM and AGFD developed a set of potential mitigation measures. Again, there was a failure



to agree between the consulting parties on possible mitigation. In the end, the BLM formally terminated the Section 106 process with the ACHP in September 2008. In November 2008, ACHP provided their final comments in a letter from the Chairman of the ACHP to then-Secretary of the Interior Kempthorne.

Although the Section 106 process was terminated, the BLM continued government-to-government consultations with the Tribes. In May of 2009, the BLM met with the Chairman of the Fort Mojave Indian Tribe, the AGFD, and the Tri-State Shooting Club in a renewed effort to find a solution. On February 3, 2010, after continued efforts to reach a mutually agreeable solution, the BLM presented the decision to approve the shooting range to the Fort Mojave Indian Tribe and the AGFD. The final decision included mitigation measures to address the concerns of the Tribes such as reducing the amount of actual ground disturbance; reducing noise levels with berm construction; monitoring and annual reporting on noise levels; and fencing to avoid culturally sensitive areas. The Secretary has the authority to take action to re-vest title to the land covered by the proposed R&PP patent if the AGFD fails to comply with mitigation measures. The final decision to amend the Kingman Resource Management Plan and dispose of the lands through the R&PP was signed on February 10, 2010.

The BLM decision was appealed to the Interior Board of Land Appeals (IBLA) on February 23, 2010, by a private landowner near the proposed shooting range; and on March 15, 2010, a joint appeal by the Fort Mojave Indian Tribe and Hualapai Tribe was filed. The IBLA dismissed the appeal of the private landowner on July 29, 2010. The IBLA issued a stay of the BLM decision on April 15, 2010, at the request of the Tribes. A final decision by the IBLA on the Tribes' appeal was issued on December 7, 2010 (180 IBLA 158). The IBLA affirmed the BLM's decisions and determined that the BLM had taken a "hard look" at the impacts of conveying public lands to the AGFD for a shooting range. The IBLA decision stated that the EA had an appropriate range of alternatives and the environmental consequences were insignificant or if significant could be reduced or eliminated by mitigation. The IBLA also confirmed that the BLM complied with National Historic Preservation Act obligations. This decision allows the BLM to move forward in conveying the public lands to the AGFD.

On December 21, 2010, the BLM informed the AGFD of the next steps for processing the administrative action of conveying the land for the shooting range. The AGFD is required to: (1) purchase the mineral estate or obtain a non-development agreement for the Santa Fe Railroad mineral estate (390 acres) under the disposal and buffer lands; (2) provide a detailed Plan of Development (POD) that addresses the mitigation measures found in the BLM's Decision Record; (3) develop a Cooperative Management Agreement with the BLM for the 470-acre buffer area; and (4) provide the funds (\$3,150) for purchase of the property. It is the BLM's understanding that the AGFD obtained a non-development agreement with Santa Fe Railroad in December 2011. The BLM has reviewed the detailed POD that addresses the mitigation measures in the decision and is currently reviewing the Cooperative Management Agreement provided by the AGFD. Once the Agreement is signed, the BLM will prepare the conveyance documents and then transfer the property to AGFD. The BLM expects to convey the land to the AGFD in spring 2012.

#### **H.R. 919**

H.R. 919 provides for the conveyance at no cost to the AGFD of all right, title, and interest to the approximately 315 acres of BLM-managed public lands as identified in the final decision signed by the BLM on February 10, 2010, to be used as a public shooting range. Furthermore, the legislation makes a determination that the February 10, 2010, Record of Decision is "final and determined to be legally sufficient" and "not be subject to judicial review."

As a matter of policy, the BLM supports working with local governments, tribes, and other stakeholders to resolve land tenure issues that advance worthwhile public policy objectives. The BLM acknowledges the lands proposed for development as a shooting range are of cultural, religious, and traditional significance to the Tribes which is why we support important mitigation measures. The bill as drafted does not include such mitigation measures. In general, the BLM supports the goals of the proposed conveyance, as it is similar to the transfer the BLM has been addressing through its administrative process for the last ten years. As noted, a decision has been made through the BLM administrative process and the IBLA affirmed the BLM decision, thereby dismissing the Tribes appeal that the BLM did not comply with various environmental laws. Under the provisions of H.R. 919, judicial review would be prohibited. The BLM will continue working to complete the conveyance of the lands to the AGFD for a shooting range.

If the Congress chooses to legislate this conveyance, the BLM would recommend some improvements to the bill, including changes to section 3(b), the incorporation of mitigation measures to address Tribal concerns, protection of valid existing rights, as well as a clause to allow the lands to revert back to the BLM at the discretion of the Secretary if the lands are not being used consistent with the purposes allowed in the R&PP Act. The BLM would like to work with the sponsor and the Committee to create an appropriate map that identifies the Federal land to be conveyed to AGFD.

### **Conclusion**

Thank you for the opportunity to testify. Resolution of this conveyance in a manner that is acceptable to all parties has been an important goal of the BLM as evidenced by more than ten years of negotiations and review. The BLM is confident the issued decision addresses the concerns of the interested parties, while providing critical recreational opportunities and benefits to the public.

### **Statement of Bob Ratcliffe, Deputy Assistant Director, Renewable Resources and Planning, Bureau of Land Management, U.S. Department of the Interior, on H.R. 3411, Modification of Patent for Whitefish Point Light Station (Michigan)**

Thank you for the invitation to present testimony on H.R. 3411, legislation to modify a land patent pertaining to the Whitefish Point Light Station (Michigan). Although the Bureau of Land Management's (BLM) role under the legislation is ministerial, preservation of historic lighthouses such as the Whitefish Point Light Station is a priority for the Department of the Interior. The BLM supports H.R. 3411.

### **Background**

In the late 18th and 19th centuries, the United States built a series of lighthouses in and around Lake Michigan, Lake Huron, and Lake Superior to aid in navigation of the Great Lakes. The role played by these lighthouses in the westward expansion and economic growth of the United States is part of our national heritage, with ships and shipwrecks recalled in story and song. The Great Lakes lighthouses—including the Whitefish Point Light Station at issue in H.R. 3411—are listed on the National Register of Historic Properties.

The U.S. Coast Guard retains responsibility for aid to navigation in the Great Lakes, as it (or its predecessor, the Revenue Marine) has since 1790. In the mid-1990s, concerns reached the Congress that the Coast Guard, in carrying out its mission in the Great Lakes, was unable to assure preservation of the historic lighthouses. Interest in preserving the Whitefish Point Light Station led the Congress, in 1996, to convey land adjacent to the Light Station to two non-profit organizations dedicated to conservation and historic preservation—an 8.27 acre parcel to the Great Lakes Shipwreck Historical Society (Historical Society) and a 2.69 acre parcel to the Michigan Audubon Society (Audubon Society) of Chippewa County—and a 33 acre parcel to the U.S. Fish and Wildlife Service (FWS) (Public Law 104-208, Omnibus Consolidated Appropriations Act, Fiscal Year 1997, Section 5505).

This law contains limitations on development at the historic lighthouse, and explicitly requires compliance with the "Whitefish Point Comprehensive Plan of October 1992." The patents the BLM issued under this authority (including the most recent, number 61-2000-0007, issued March 10, 2000, to the Historical Society) contain this reference.

In 1999, the Audubon Society brought suit against the Historical Society and the FWS over plans to develop a museum at the site. The parties reached a settlement agreement under which the three groups developed the "Human Use/Natural Resource Plan for Whitefish Point, December 2002," to supersede the Whitefish Point Comprehensive Plan of 1992.

### **H.R. 3411**

H.R. 3411 directs the Secretary of the Interior to modify patent number 61-2000-0007 by striking reference to the Whitefish Point Comprehensive Plan of October 1992 and inserting the "Human Use/Natural Resource Plan for Whitefish Point, dated December 2002." H.R. 3411 affirms the applicability of the National Historic Preservation Act to the Whitefish Point Light Station. H.R. 3411 requires that the property be used in a manner that does not impair or interfere with its conservation values. The BLM supports this legislation.

### **Conclusion**

Thank you for the opportunity to present testimony in support of H.R. 3411.

**Statement of Bob Ratcliffe, Deputy Assistant Director, Renewable Resources and Planning, Bureau of Land Management, U.S. Department of the Interior, on H.R. 3440**

**Introduction**

Thank you for the opportunity to discuss the Bureau of Land Management's (BLM's) views on H.R. 3440, the Recreational Shooting Protection Act. The Department of the Interior strongly supports the goal of promoting opportunities for outdoor recreation, including recreational shooting on America's public lands. The BLM is responsible for the protection of resources and multiple-use management of our Nation's 245 million acres of public land. The vast majority of these public lands are open to recreational shooting.

H.R. 3440 would replace the BLM's locally driven land-use planning and management with top-down oversight and intervention from Washington, as it relates to placing limits on recreational shooting in National Monuments. The BLM's multiple-use mission is best achieved when land management issues are handled locally through its site-specific land-use planning and public involvement processes. Since H.R. 3440 would overturn this critical local management structure, and because the bill also could potentially jeopardize public safety and our ability to protect resources, the Department of the Interior opposes the measure.

**Background**

The BLM manages the public lands for a variety of uses, including energy development, livestock grazing, recreation, and timber harvesting, while protecting an array of natural, cultural, and historical resources. The Bureau's multiple-use management activities are authorized by the Federal Land Policy and Management Act (FLPMA) and a host of other statutes. Management of specific, local areas is shaped by public input through the land use planning process authorized by FLPMA and through environmental review documents required by the National Environmental Policy Act (NEPA).

Approximately 4.8 million acres of BLM-managed public lands have been designated as 16 National Monuments. These Monuments are managed in accordance with FLPMA and other authorities, and comprise part of the BLM's National Landscape Conservation System (NLCS).

The National Monuments managed by the BLM encompass landscapes of tremendous beauty and diversity, ranging from rugged California coastline to vividly-hued desert canyons. They exemplify not only our landscape, but our character as a nation. They include irreplaceable and fragile national treasures such as Pompey's Pillar in Montana, the site of William Clark's 1806 signature on the face of the 150-foot butte, named for Sacagawea's son and the only tangible evidence left from Lewis and Clark's historic expedition; the Canyon of the Ancients in Colorado, which has the highest known density of archaeological sites in the nation; and Kasha-Katuwe Tent Rocks in New Mexico with its delicate, boulder-capped, tapering volcanic hoodoo formations in banded shades of gray and pink.

The BLM estimates that well over 95 percent of the 245 million acres of BLM-managed public lands are open to recreational shooting. Of the BLM's 4.8 million acres of National Monument lands, currently 88 percent are open to recreational shooting. While the BLM lands are open to hunting virtually everywhere the individual states allow it, the agency must occasionally restrict recreational target shooting in extremely limited circumstances to ensure public safety or protect fragile resources. Restrictions on recreational shooting are determined through extensive analysis as part of the BLM's land-use planning process which is informed by local public input. Typically, recreational shooting closures include: administrative sites, campgrounds, and other developed facilities; certain areas with intensive energy, industrial, or mineral operations; lands near residential or community development; or areas with significant and sensitive natural or cultural resources. When lands are closed to recreational shooting, those restrictions are often implemented to comply with state and local public safety laws and ordinances, or are implemented at the request of local communities or other adjacent private property owners.

Any consideration of closures or restrictions on BLM-managed lands is completed through the BLM's public participation framework for planning and decision making established under FLPMA and NEPA. Through public comments and scoping periods, land use actions are guided and shaped by the public input. This is an open process through which BLM's proposals for managing particular resources are made known to the public before management action is taken, except in certain emergency situations. The BLM responds to substantive comments received from the public and stakeholders on the proposed management action during the NEPA public review process.

**H.R. 3440**

The Department of the Interior opposes H.R. 3440 as it runs counter to the BLM's fundamental and locally-driven land-use planning and management processes, and potentially jeopardizes public safety. H.R. 3440 declares that recreational shooting shall be allowed in National Monuments administered by the BLM, except if the BLM Director determines that restrictions on shooting are necessary for reasons of public safety, national security, or to comply with a Federal statute. The bill requires the BLM Director to publish public notice of all pending closures and provide a detailed report to Congress before, or in certain cases, no later than 30 days after, a closure. Under the bill, closures would be limited to six months unless specifically enacted into law by Congress.

Currently, any determination to close public lands to recreational shooting activities is made by the BLM local or State Office following detailed analysis and extensive public involvement and notification, including contacting over 40 hunting and fishing interest non-government organizations, as specified in the Federal Land Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU). For example, in 2010 the BLM made a decision to close the 70,000-acre Agua Fria National Monument near Phoenix to recreational shooting in order to protect sensitive cultural and biological resources. This was accomplished with the support of the Shooting Sports Roundtable, the Arizona Game and Fish Department, and local recreationists, in conjunction with a decision to enhance opportunities to allow recreational shooting on the adjacent 900,000 acres of public lands outside the Monument. H.R. 3440 strips local BLM managers of their ability to make such closure decisions at a local level, dismisses the time and effort contributed by members of the public who participate in the public planning process, and shifts responsibility thousands of miles away in Washington to the BLM Director and to Congress.

H.R. 3440 also removes all existing recreational shooting restrictions or closures in National Monuments under BLM jurisdiction. Enactment of the bill could result in the automatic repeal of all current closures and restrictions for recreational shooting, even those that are the result of collaborative resource management plans developed with extensive public input. Any such blanket repeal of closures may jeopardize public safety and property. The bill makes no reference or exception to restrictions or closures consistent with State laws or local regulations which may restrict recreational shooting. This could undermine local cooperative relationships in rural areas where BLM Law Enforcement Rangers work closely with Counties.

The effects of the bill are far-reaching, and could potentially jeopardize public safety on the public lands. Consider, for example, a BLM Field Manager who is evaluating whether to establish a restriction or closure to recreational shooting to reduce the risk of wildfire from ammunition strike. Recent examples of such public land wildfires initiated by recreational shooting include the 12,000-acre Lakeside fire that occurred this past summer 45 miles west of Salt Lake City, Utah, with an estimated suppression cost of \$800,000. In addition in 2009 the Sand Hollow fire in Idaho burned 864 acres of public land and caused over \$400,000 in damages. The risk of wildfire from recreational target shooting is real and local Field Managers should have every tool available to them, including permanent, temporary, or seasonal closures, to manage resources and reduce the likelihood of wildfire and protect communities and resources at the local level.

Under H.R. 3440, regardless of on-the-ground conditions, only the BLM Director in Washington could issue such a closure. Furthermore, under the bill, such closures would cease after six months, never to be issued again—even to prevent wildfires—unless Congress approves the closure by enacting it into law. Providing for public safety should not be a temporary, six-month consideration in public land management.

**Conclusion**

H.R. 3440 establishes a remote and unwieldy framework for the management of nearly five million acres of public land—thus tying the hands of a multiple-use land management agency striving to provide for public safety with timely responses to on-the-ground conditions, informed by local input.

The BLM looks forward to continuing its work with the Congress and stakeholders in promoting and facilitating safe recreational shooting opportunities on lands administered by the BLM. Thank you for the opportunity to present testimony on H.R. 3440. I would be glad to answer any questions you may have.

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Mr. BISHOP. Thank you.  
Ms. Recce on 919.

**STATEMENT OF SUSAN RECCE, DIRECTOR, CONSERVATION,  
WILDLIFE AND NATURAL RESOURCES, NATIONAL RIFLE  
ASSOCIATION**

Ms. RECCE. Thank you, Mr. Chairman, for inviting me to testify. I can make this short and sweet.

The NRA supports H.R. 919. It has been some 13 years, as was stated previously, since the community of Bullhead City lost its shooting range on BLM land. The required NEPA work has been completed. And it is time to move forward to build this much-needed range.

I will point out that several years ago Congress passed a similar bill which accelerated the transfer of BLM land in Nevada to Clark County for a shooting range, 3,000 acres of BLM land. And so this is not breaking new ground. But NRA does fully support it. Thank you.

[The prepared statement of Susan Recce follows:]

**Statement of Susan Recce, Director of Conservation, Wildlife and Natural Resources, National Rifle Association, on H.R. 3440 "Recreational Shooting Protection Act" and H.R. 919 "Mohave Valley Land Conveyance Act"**

Mr. Chairman, thank you for the opportunity to appear today in support of enactment of H.R. 3440 and H.R. 919, two bills that are necessary for the present and future protection and enhancement of recreational shooting on federal public lands.

Recreational shooting is a historic, traditional and legitimate activity on lands managed by the Bureau of Land Management (BLM). Thousands of NRA's members and unaffiliated hunters and shooters depend upon informal and formal places to shoot on BLM lands, especially in the western states where their communities are surrounded by federal lands.

People need places to go not only for the sheer enjoyment of target shooting, but also to teach family members and friends the safe and responsible use of firearms. Hunters need places to practice marksmanship skills and to sight-in their hunting rifles.

In its most recent management plan for a national monument, the BLM acknowledges that the need for places to shoot is growing as the interest in this recreational activity expands, but that urban encroachment on private lands is making it difficult to find places to target shoot. The plan noted that the population growth and subsequent urbanization of the American West has caused edges of property to become closer, the outskirts of communities more crowded, remote areas fewer, and closures to recreational shooting more common.

In response to these demographic changes, the BLM's preferred alternative in the management plan for the Sonoran Desert National Monument (AZ) is to close the entire 500,000-acre monument to recreational shooting. The release of the Sonoran Desert plan followed on the heels of BLM's announcement that it was intending to close the entire Ironwood Forest National Monument (AZ) to recreational shooting.

H.R. 3440 is needed to stop this progression of monument closures by the BLM. There is no restriction against recreational shooting in any Act that has designated specific BLM lands as national monuments. However, the BLM has taken it upon itself to declare that recreational shooting should be excluded from national monuments.

BLM managers have been open about this discriminatory and anti-gun attitude in the press. The Ironwood Forest manager stated that closing the monument was "an appropriate management choice." The Sonoran Desert manager told the press that "The monument's not an appropriate place to have recreational target shooting." Both statements were made during the public comment period which not only prejudiced the review process, but signaled that monument closure was a conclusion BLM intended to reach regardless of public comment received. In neither management plan was consideration given to leaving open any of the scores of sites that had long been used by target shooters.

The Ironwood Forest and the Sonoran Desert are just two national monuments that BLM has closed. Excluding Sonoran Desert which is still in the planning stage, the BLM has closed nearly 1.3 million acres to the shooting public in recent years.

The BLM has stated that the designation of a national monument requires a greater level of resource protection. But resource protection is not the real issue.

The real issue is that the BLM is choosing not to recognize and manage shooting as a legitimate recreational activity and is using the designation of national monument as a means to escape this management responsibility.

Safety has also been used as an excuse for closures. In justifying the closure of Ironwood Forest, a BLM spokesperson said that the agency's desire was to promote a safe environment for all visitors. This statement was made in spite of the incontrovertible fact that recreational shooting has one of the lowest incidents of injuries and deaths of any recreational activity conducted on public lands.

Target shooters would also like to recreate in a safe environment, but no environment can be safe for any visitor unless BLM steps up to its management responsibilities. In the face of a documented need to find safe places for the public to shoot, BLM's response is to be an advocate for more closure.

The BLM justifies closures by stating that there are millions of acres of public lands remaining open for target shooting. However, none of the monument plans has ever evaluated the impact of land closures on access (travel distance and roads) and opportunities for the displaced shooters. None of the plans has ever analyzed the impact of forcing shooters onto other lands and how the increase in shooters would affect the safe use of sites elsewhere.

It is clear that the BLM is using the designation of national monument to eliminate a recreational activity it does not want to manage. In my opinion, the BLM is keeping other lands open to recreational shooting until such time as it can find an excuse or opportunity to close them. Right now, the agency believes that national monument designation gives them carte blanche to close vast acreages to recreational shooting.

Closing public lands to shooters thrusts management responsibilities upon the states and other federal land agencies to respond to what the BLM so pointedly acknowledges as the need to find places to accommodate the growing number of people who enjoy target shooting. H.R. 3440 is necessary to end BLM's prejudicial treatment of recreational shooting and to manage this recreational activity with the same attention it gives to all other recreational activities on public lands.

In turning to H.R. 919, the NRA fully supports the legislative transfer of certain BLM-managed lands in Mojave County to the Arizona Game and Fish Department for the purpose of building a public shooting facility. This will not be the first time that a transfer of BLM lands for such purpose has been legislated by Congress. Congress previously transferred 3,000 acres of BLM land to Clark County, NV to create a shooting park. It has been 14 years since the community of Bullhead City lost its shooting range. The required NEPA work has been completed on the new site. H.R. 919 is intended to get the spade in the ground to build the much-needed shooting range and the NRA supports the sponsor's intent to make that happen.

This concludes my remarks. Thank you, again, for the opportunity to testify on two bills of importance to hunters and recreational shooters.

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Mr. BISHOP. Thank you. As I understand none of the others have testimony on 919. So we will turn to the Committee if they have any questions. I will allow the Ranking Member to go first, if he wishes to.

Mr. GRIJALVA. Yes, let me. Mr. Ratcliffe, thank you. Can you talk to us about the current status of the Mohave land conveyance, and what has happened with Arizona Game and Fish in this last year?

Mr. RATCLIFFE. Yes, sir—

Mr. GRIJALVA. Also under this legislation, what obligation would Arizona Game and Fish have to the tribes for any negotiated mitigation measures?

Mr. RATCLIFFE. We are very close to completion of the conveyance. We expect it to be completed in the spring of this year. We have been working with Arizona Game and Fish closely on a number of related mitigation measures with the tribes, including closure during certain ceremonial times

So, I think we are very close. We are now—the conveyance itself is sitting with the Arizona Game and Fish Department for finalizing the conveyance.

Mr. GRIJALVA. And the sufficiency language, that would exempt Arizona Game and Fish from litigation if they fail to provide any of the negotiated mitigation? Is that one of the areas that you pointed out?

Mr. RATCLIFFE. Yes.

Mr. GRIJALVA. And that is problematic to you?

Mr. RATCLIFFE. Well, in the proposed legislation there are concerns that—over the mineral rights in the Santa Fe Railroad, as well as whether or not the tribal mitigation measures could be enforced.

The other issue is that the lands, if they weren't used for the shooting range ultimately, there is no reversionary clause to allow the lands to come back—

Mr. GRIJALVA. I was going to ask you about that.

Mr. RATCLIFFE. Yes.

Mr. GRIJALVA. So that would—the lands would—what would happen if it didn't materialize into a shooting range?

Mr. RATCLIFFE. If it didn't, under the current legislation it remains the property of the State of Arizona.

Mr. GRIJALVA. And so the areas in which you said, if this legislation moves forward, those are the areas that you are speaking of, in terms of—

Mr. RATCLIFFE. That is correct. We would like to see the—

Mr. GRIJALVA. The sufficiency clause—

Mr. RATCLIFFE. Sufficiency and mitigation concerns, especially the tribal ones.

Mr. GRIJALVA. In support of the legislation, Ms. Recce, those points that just—that Mr. Ratcliffe just brought up in response to my question, you see those as significant obstacles, or issues that should be dealt with?

Ms. RECCE. I think those issues need to be addressed with the state. I don't see them as significant obstacles—

Mr. GRIJALVA. But if the legislation exempts the state from having to carry out any of the negotiated mitigation that we are talking about with the conveyance now, there is no empowerment to do that.

Ms. RECCE. In the past, it has been typical for these kinds of contracts to require the land to be reverted back to the Federal agency if the purpose for which it was transferred isn't fulfilled. But—and so, I don't see that the NRA has any issue if that language was put in. And I would trust that the state wouldn't either, because it is typical language.

Mr. GRIJALVA. OK. I don't have any further questions. Thank you, Mr. Chairman.

Mr. BISHOP. Mr. Holt, do you have questions on this bill, Ms. Tsongas on this bill?

[No response.]

Mr. BISHOP. Let me ask just a couple of questions, Mr. Ratcliffe, on this particular one.

I am assuming there was a record of decision on the Mohave shooting range.

Mr. RATCLIFFE. That is correct.

Mr. BISHOP. When was that?

Mr. RATCLIFFE. It was earlier this year, I believe.

Mr. BISHOP. This year?

Mr. RATCLIFFE. Yes. Or was it late last year?

Mr. BISHOP. OK. Did the record of—

Mr. RATCLIFFE. February 2010.

Mr. BISHOP. 2010. Did the record of decision for the shooting range address mitigation?

Mr. RATCLIFFE. Yes.

Mr. BISHOP. Has there been litigation on this issue?

Mr. RATCLIFFE. No.

Mr. BISHOP. OK. With that, I have actually no other questions on this particular bill. With that, I appreciate the testimony on this bill. We ask you to stay here, because obviously there are some other issues that will be coming up.

Let us turn our attention to H.R. 938 by Representative Poe. It is the Frank Buckles World War I Memorial Act. On this one, 938, I believe Mr. May, you are testifying on the part of the Park Service on this particular Act.

**STATEMENT OF PETER MAY, ASSOCIATE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE**

Mr. MAY. Yes. Mr. Chairman, thank you for the opportunity to appear before the Subcommittee to present the Department of the Interior's views on four National Park Service bills on today's agenda. I would like to submit our full statements for these bills to the record, and summarize the Department's positions. And we will do that one by one.

H.R. 938 would establish the World War I Centennial Commission and designate memorials to the service of men and women of the United States in World War I. The Department appreciates the sponsor's recognition of the sacrifices of Americans who served in World War I. The Department shares the sponsor's sentiment on this subject, and would like to continue working with the Congress on appropriate ways to recognize that service.

This is an important era in American history, and that has been honored through a number of monuments throughout the nation. Unfortunately, there has been no study to determine which of the various World War I memorials in the United States would be best suited to be named as the official national World War I Memorial, and the bill conflicts with the Commemorative Works Act, which was enacted to govern the establishment and placement of memorials in the Nation's capital so as to protect existing memorials, open space, and the historic vistas of this iconic area.

For these reasons, the Department has serious concerns with H.R. 938, and we would like to work with the Committee to address our concerns.

The Department defers to the General Services Administration on the establishment of a World War I Centennial Commission, as this is a responsibility that would not fall under the purview of the National Park Service.

[The prepared statements of Mr. May follow:]



**Statement of Peter May, Associate Regional Director, Lands, Resources and Planning, National Park Service, U.S. Department of the Interior, on H.R. 938, To Establish a Commission to Ensure a Suitable Observance of the Centennial of World War I and to Designate Memorials to the Service of Men and Women of the United States in World War I.**

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior (Department) regarding H.R. 938, a bill to establish a World War I Centennial Commission and to designate memorials to the service of men and women of the United States in World War I.

The Department appreciates the sponsors' recognition of the sacrifices of Americans who served in World War I. The Department shares the sponsors' sentiment on this subject and would like to continue working with Congress on appropriate ways to recognize that service. This is an important era in American history that has been honored through a number of monuments throughout the nation.

Unfortunately, there has been no study to determine which of the various World War I Memorials in the United States would be best suited to be named as the official National World War I Memorial, and the bill conflicts with the Commemorative Works Act (the Act), which was enacted to govern the establishment and placement of memorials in the Nation's Capital so as to protect existing memorials, open space and the historic vistas in this iconic area. For these reasons, the Department has serious concerns with H.R. 938 and we would like to work with the Committee to address our concerns.

The Department defers to the General Services Administration on the establishment of the World War I Centennial Commission as this responsibility would not fall under the purview of the National Park Service.

H.R. 938 would authorize the World War I Memorial Foundation (Foundation) to establish a commemorative work rededicating the existing District of Columbia War Memorial as the "District of Columbia and National World War I Memorial" by adding an appropriate sculptural or other commemorative element deemed appropriate to reflect the character of a national memorial.

The District of Columbia War Veterans Memorial (D.C. War Memorial) was authorized by Congress on June 7, 1924, to commemorate the citizens of the District of Columbia who served in World War I. The memorial was funded both by organizations and citizens of the District of Columbia. Construction of the memorial began in the spring of 1931 and it was dedicated by President Herbert Hoover on November 11, 1931. It was the first war memorial to be erected in West Potomac Park and remains the only local District of Columbia memorial on the National Mall. The memorial is a contributing structure in East and West Potomac Parks entry in the National Register of Historic Places.

The memorial was designed by Washington architect Frederick H. Brooke, with Horace W. Peaslee and Nathan C. Wyeth as associate architects, and inscribed on the base of the Memorial are the names of the 499 District of Columbia citizens who lost their lives in the war. The Memorial was designed to be used as a bandstand and is large enough to hold an 80-member band. Concerts were held there until May 1, 1960. For many years, its visitors were likely those who were there to enjoy its peaceful and contemplative setting. Today, as a result of the recent and considerable investment of American Recovery and Reinvestment Act funds, \$7.3 million, the memorial's original material, landscaping and character have been restored and rehabilitated and as announced at its re-dedication on Veteran's Day 2011, it will again be the focus of District of Columbia commemorative activities. And while this memorial is dedicated to District residents, there have long been several national World War I memorials in the District that are also located in the prime area known as the Reserve.

A national memorial to World War I veterans is located in Pershing Park, on Pennsylvania Avenue between 14th and 15th Avenues, in Washington, D.C. near the White House. This memorial, constructed by the Pennsylvania Avenue Development Corporation and the ABMC, includes a statue of General Pershing, as well as artwork detailing the major battles in World War I that involved U.S. troops. This commemorative work represents all who served in that conflict. Quotations on this existing World War I Memorial include General Pershing's tribute to the officers and men of the American Expeditionary Forces of World War I and a commemoration of those who served in the United States Navy in World War I. Veterans of World War I are also honored by the 1st Division and 2nd Division Memorials, also located near the White House.

Just a few blocks from these World War I memorials, H.R. 938 would effectively supplant the intent of the D.C. War Memorial's sponsors who lived through that war, the citizens and organizations of the District, who advocated for and funded

this memorial to honor their family members, friends and neighbors who served and died in World War I. Superimposing another subject on an existing memorial, particularly if new features are added, is an encroachment prohibited by the Commemorative Works Act. Moreover, adding this new commemoration contradicts the Act's concept of the Reserve, which honors the National Mall as a completed work of civic art where no more memorials are to be placed. Section 8908 of the Act precludes the addition of new memorials in the Reserve, defined as the great cross-axis of the Mall, from the United States Capitol to the Lincoln Memorial, and the White House to the Jefferson Memorial.

In addition, H.R. 938 exempts this proposal from key provisions that are at the heart of the Commemorative Works Act. If a new memorial is proposed, Section 8905 of that Act requires the site and design for the new memorial be developed in a public process, first obtaining the advice of the NCMAC and then obtaining approvals by the National Capital Planning Commission and the U.S. Commission of Fine Arts.

The site for the Liberty Memorial at the National World War I Museum, in Kansas City, Missouri, was dedicated in 1921. The ceremony was attended by over 200,000 people, including General John J. Pershing, General John J. Lejeune, Ferdinand Foch, Admiral David Beatty, and military leaders from Belgium, Italy, and Serbia. In 1926, President Calvin Coolidge delivered the keynote address at the Memorial's dedication. The memorial and surrounding grounds were completed in 1938. The 108th Congress designated the museum at the base of the Liberty Memorial as the "National World War I Museum of the United States."

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

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**Statement of Peter May, Associate Regional Director, Lands, Resources and Planning, National Park Service, U.S. Department of the Interior, on H.R. 1278, A Bill to Direct the Secretary of the Interior to Conduct a Special Resource Study Regarding the Suitability and Feasibility of Designating the John Hope Franklin Reconciliation Park and Other Sites in Tulsa, Oklahoma, Relating to the 1921 Race Riot as a Unit of the National Park System, and for Other Purposes.**

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 1278, a bill to direct the Secretary of the Interior to conduct a special resource study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System and, for other purposes.

The Department supports enactment of this legislation. However, we feel that priority should be given to the 37 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been transmitted to Congress.

The Greenwood neighborhood of Tulsa witnessed one of the most violent episodes of racial conflict in the early 20th century. On May 31, 1921, a white mob entered the city's segregated African-American community and burned more than 35 city blocks of residences and businesses. Rioters destroyed approximately 70% of Greenwood's residential area and virtually the entire business district. An unknown number of people, somewhere between 36 and 300, lost their lives; more than 700 were injured; and nearly 9,000 African Americans were left homeless.

The riot was sparked by the conflict that occurred after the arrest of an African-American youth, Dick Rowland. He was accused of assaulting a white teenaged girl in a public elevator on May 30. Rowland was arrested the next day, May 31, and was held in custody in the Tulsa County Courthouse. That evening, an angry white mob of more than 2,000 men confronted about 75 armed African-American men outside the downtown courthouse.

When a white man attempted to forcibly disarm an African-American World War I veteran, a struggle ensued and a gun was fired. Almost immediately, members of the white mob opened fire. The African-American men returned the volleys and retreated from downtown to the Greenwood neighborhood with the armed white men in close pursuit. Within hours, much of Greenwood was in flames.

Order was not restored until the following day when a special train carrying 110 soldiers of the Oklahoma City-based National Guard arrived. By then, most of the damage to property and loss of life had already occurred. The case against Dick Rowland was dismissed in September, 1921.

The National Park Service completed a reconnaissance survey of the 1921 Tulsa race riot in 2005. The report concluded that the riot is nationally significant because of the potential ability to illustrate and interpret a tragic and important chapter in the history of the United States. Despite the substantial loss of historic fabric and setting, key historic resources, including the Greenwood Cultural Center, Mt. Zion Baptist Church (listed on the National Register of Historic Places), Vernon Chapel African Methodist Episcopal Church, Greenwood Avenue, Frisco and Santa Fe Railroad tracks, and the site of the Royal Hotel have survived.

The John Hope Franklin Reconciliation Park is an important element in a memorial of the 1921 Tulsa race riot. The reconciliation park, established in 2001, tells the story of African Americans' role in building Oklahoma and contributes to a more full account of Oklahoma's history. It is named for John Hope Franklin, who was born in Oklahoma in 1915 and graduated from the then-segregated Booker T. Washington High School. Franklin went on to graduate from Harvard University and became a noted historian and writer. He died in 2009.

Collectively, these resources warrant further study for ways to memorialize and interpret this tragic chapter in American history.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

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**Statement of Peter May, Associate Regional Director, Lands, Resources and Planning, National Park Service, U.S. Department of the Interior, on H.R. 2240, To Authorize the Exchange of Land or Interest in Land Between Lowell National Historical Park and the City of Lowell in the Commonwealth of Massachusetts, and for Other Purposes.**

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2240, a bill to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

The Department supports enactment of this legislation. H.R. 2240 would enable Lowell National Historical Park to acquire land by means of exchange with public entities and to continue beyond 2018 the successful use of the Preservation Loan Fund to help finance the restoration and redevelopment of historic structures. Both of these provisions would facilitate the park's long-term goals without requiring any additional appropriations.

Public Law 95-290, enacted in 1978, established Lowell National Historical Park to preserve and interpret the city's nationally significant historical and cultural sites, structures, and districts associated with the city's role in the 19th Century American industrial revolution. Along with the park, the law established the Lowell Historic Preservation Commission to complement and coordinate the efforts of the park, the Commonwealth, and local and private entities in developing and managing the historic and cultural resources and to administer the Lowell Historic Preservation District. The law established an arrangement that requires a high level of cooperation between the Federal, Commonwealth, and local governments, and the private sector. The General Management Plan (GMP) and the Lowell Preservation Plan were designed to be supportive of local government preservation and community development efforts and to encourage substantial private investment in the redevelopment of the city's vast 19th-century urban resources.

Over the past three decades, the park and the commission have played a key role in the city's revitalization. Working in cooperation with the city, Commonwealth, and other public entities and private partners, the National Park Service has contributed to the rehabilitation of over 400 structures and the creation of extensive public programs to preserve and interpret the city's cultural resources. An estimated \$1 billion in private investment has occurred within the park and preservation district since the creation of the park. To date, 88 percent of the 5.2 million square feet of vacant mill space within the park and preservation district has been renovated or is in the process of being renovated in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Because of changes in the vicinity of the park as these preservation and redevelopment efforts have occurred, the National Park Service would like to shift the use, management, or ownership of some park lands in order to facilitate their redevelopment for other uses. The park's maintenance facility and visitor center parking lot sites, which are not historic, have been identified by the University of Massachusetts—Lowell, and the City of Lowell, respectively, as critical to their master plan redevelopment programs. The university and city seek to acquire these sites from

the park, have proposed to develop them in ways consistent with the mission, intent and purposes of the park, and have expressed a willingness to work with the park to help facilitate the equitable exchange and relocation of these facilities. The park's September 2010 GMP Amendment specifically recommended the Visitor Center Parking Lot exchange with the city. The University's request to exchange the park's maintenance facility came after the GMP, but is in the park's long-term interest. The National Park Service supports the exchange of both the Visitor Center Parking Lot and the park's maintenance facility.

Under current law, the park has authority to acquire property from the Commonwealth or its political subdivisions only by donation. H.R. 2240 would give the park the authority to acquire land by exchange from the Commonwealth, the city of Lowell, or the University of Massachusetts Building Authority. This authority would enable the park to conduct both proposed land exchanges. The legislation ensures that if the value of land to be acquired by the park is lower than the value of the land exchanged, the city or Commonwealth would be required to make a cash payment to equalize values and the park would have use of those funds for the purpose of replacing exchanged facilities and infrastructure. At this time the National Park Service has not identified potential exchange properties.

The Preservation Loan Fund was also authorized in the Public Law 95-290 and formally established in 1983. The purpose of the fund is to stimulate private investment in nationally significant historic buildings to meet the historic preservation mandate within the Lowell National Historical Park and Preservation District. The law directed the commission to loan the funds to the non-profit Lowell Development and Financial Corporation, to create a revolving loan fund to accomplish historic preservation goals. The program has funded twenty-one nationally significant historic building projects with loans totaling approximately \$2.5 million. The original Federal appropriation of \$750,000 leveraged non-federal project investments totaling approximately \$130.3 million to date, representing over \$173 in non-federal investment for each Federal dollar appropriated.

The Preservation Loan Fund was initially authorized for a 35-year period expiring in 2018. H.R. 2240 would extend the program for an additional 25 years. The extension of the program would enable existing funds to continue in a revolving fund for the purposes identified in the original authorization. No additional appropriations would be needed. Despite what has been accomplished in Lowell, numerous historic structures still require rehabilitation, and this program is an important catalyst for generating the private and non-federal funding needed to ensure the preservation of these structures. Extending this authorization would greatly enhance the park's efforts to assure the integrity of the park and preservation district.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or members of the subcommittee may have regarding H.R. 2240.

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**Statement of Peter May, Associate Regional Director, Lands, Resources and Planning, National Park Service, U.S. Department of the Interior, on H.R. 2489, A Bill to Authorize the Acquisition and Protection of Nationally Significant Battlefields and Associated Sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.**

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 2489, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

The Department supports H.R. 2489. This legislation would expand the American Battlefield Protection Program to include both the War of 1812 and Revolutionary War battlefields in addition to Civil War battlefields, which are covered under the current program. It would authorize \$10 million in grants for Revolutionary War and War of 1812 battlefield sites, as well as \$10 million in grants for Civil War battlefield sites, for each of fiscal years 2012 through 2022. The American Battlefield Protection Program is currently authorized through fiscal 2013.

In March 2008, the National Park Service transmitted the *Report to Congress on the Historic Preservation of Revolutionary War and the War of 1812 Sites in the United States*, which identified and determined the relative significance of sites related to the Revolutionary War and the War of 1812. The study assessed the short and long-term threats to the sites. Following the success of the 1993 *Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*, this study simi-

larly provides alternatives for the preservation and interpretation of the sites by Federal, State, and local governments or other public or private entities.

The direction from Congress for the study was the same as for a Civil War sites study of the early 1990s. As authorized by Congress, the National Park Service looked at sites and structures that are thematically tied with the nationally significant events that occurred during the Revolutionary War and the War of 1812. The result was a more thorough survey of the remaining battlefields associated with our nation's initial struggle for independence and sovereignty that represents twice the field effort undertaken for the Civil War study.

Building upon this study, H.R. 2489 would create a matching grant program for Revolutionary War and the War of 1812 sites that closely mirrors a very successful matching grant program for Civil War sites. The Civil War acquisition grant program was first authorized by Congress in the Civil War Battlefield Protection Act of 2002 (Public Law 107-359), and was reauthorized through FY 2013 by the Omnibus Public Land Management Act of 2009 (Public Law 111-11). That grant fund has been tremendously successful in allowing local preservation efforts to permanently preserve Civil War battlefield land with a minimum of Federal assistance.

With the release of the *Report to Congress on the Historic Preservation of Revolutionary War and the War of 1812 Sites in the United States*, communities interested in preserving their Revolutionary War and the War of 1812 sites can take the first steps similar to those taken by the Civil War advocates nearly two decades ago. If established, this new grant program can complement the existing grant program for Civil War battlefields and, in doing so, benefit the American people by providing for the preservation and protection of a greater number of sites from the Revolutionary War and War of 1812. All funds would be subject to NPS priorities and the availability of appropriations.

The NPS is currently finalizing its update to the 1993 Civil War Sites report, which reviews the conditions of 383 Civil War battlefields, and which we plan to transmit to Congress in 2012. As currently drafted, H.R. 2489 requires another update of the condition of these same Civil War battlefields in five years, in addition to an update of the 677 sites of the Revolutionary War and the War of 1812 identified in the 2007 report. The NPS feels that updating information for all of these sites, most of which are not within the National Park System itself, will not be feasible in five years. Therefore, the NPS suggests one change in the reporting language of the bill so that the reporting requirement for the Civil War update is "not later than 10 years after the date of enactment".

Mr. Chairman, this concludes my testimony. I would be pleased to respond to any questions from you and members of the committee.

Mr. BISHOP. Thank you.

Mr. Fountain, I understand this is your issue as well. If you would speak to 938, we would appreciate it.

**STATEMENT OF EDWIN FOUNTAIN, DIRECTOR,  
WORLD WAR I MEMORIAL FOUNDATION**

Mr. FOUNTAIN. Thank you, Chairman Bishop, Ranking Member Grijalva, Members of the Committee. My name is Edwin Fountain, I am a founding director of the World War I Memorial Foundation. The Foundation was founded in 2008 with two missions. One, to secure funding for the restoration of the D.C. War Memorial, which, in the eighty years of its existence had fallen into severe disrepair and deterioration, partly because it was a District memorial sitting on Federal property, and stewardship, or the locus of stewardship, was unclear. We are grateful to the Congress for passing the stimulus bill, and to the Park Service for allocating some of those funds, and the memorial is now fully restored.

Our second mission was to advocate for rededication of that memorial as a national and District of Columbia World War I Memorial. When it was built in 1931, the D.C. War Memorial was the only memorial in that part of the Mall. At that time we didn't have national memorials, we only had local war memorials. Every town

in the eastern part of the country had its own Civil War memorial. Cities and towns around the country had their own war memorials, which came out of World War I and then were expanded to include World War II, and sometimes later wars, as well.

But not until the Vietnam Veterans Memorial did we have a truly national war memorial. And then, as Congressman Poe pointed out, we now have Korea and World War II. So we have, in effect, a de facto war memorial park in that part of the Mall between 17th Street and the Lincoln Memorial. There are memorials to the four great wars of the 20th century. Three of those memorials are national. There is no national war memorial to World War I.

By happenstance, the D.C. War Memorial is located right there. The others were built up around it. And it completes the quartet of memorials on that part of the wall. I don't think anyone is opposed to—thinks that there should not be a national memorial to World War I. The question is where or which memorial should be so dedicated.

Our view—and there are—and Mr. May suggested a study needed to be made of memorials around the country. I don't think so. There are three likely candidates: one is the Liberty Memorial in Kansas City; one is the D.C. War Memorial on the National Mall; the third is the Pershing Memorial on Pennsylvania Avenue. No others have been suggested, that I am aware of.

None of those are perfect solutions. They all have drawbacks, they all have advantages. To our mind, to our—the Foundation's view is that to locate a national memorial to World War I off the National Mall, away from those other three national memorials to the other three great wars of the 20th century, would send a message that somehow we honor the sacrifice and service of those veterans to a lesser degree than we do to the other wars. There is something to be said for the primacy of place on the National Mall.

I agree that the Commemorative Works Act would bar the establishment of a brand new memorial on the Mall. But we have an existing memorial. The bill is written so that it does not contravene the Commemorative Works Act. And I don't believe it does, because it is a rededication of an existing site.

And so, our view is that the most appropriate place for the 25 million visitors from around the country and around the world who come to the Mall each year is to have that national memorial located on the Mall next to the other three wars of the 20th century.

Objections have also been raised by residents and representatives of the District of Columbia. Delegate Norton was quoted as saying that this would confiscate the D.C. War Memorial. Nothing of the sort.

We anticipated this concern from day one. We reached out to the D.C. Council, Delegate Norton, the Mayor's office. Delegate Norton was a cosponsor of a previous bill in the prior Congress, and agreed to be an honorary trustee of our foundation. The D.C. Council, under the chairmanship of now-Mayor Gray, passed a unanimous resolution in our support. Only recently, when some groups have linked this issue to D.C. statehood and D.C. voting rights, have those representatives chosen to change their position, which they are entitled to do.

But our purpose all along has not been to confiscate the D.C. War Memorial or Federalize it in some way, but to elevate its status. It was—much as World War I is a forgotten war, this was a forgotten memorial. It wasn't until the efforts of my foundation and other groups such as the D.C. Preservation League brought national attention to this memorial did it get funded, did it get on the front page of the Washington Post, did it make the cover of Parade Magazine, and people finally started paying attention to it.

Our attention has been to elevate the status, to elevate the recognition of the D.C. veterans, the D.C. residents who fought in the war, to bring more people to that memorial. It wasn't even on the Park Service maps. It wasn't in the guide books. The Park Service, frankly, treated it as a second-class citizen on the Mall, precisely because it was not a national memorial.

And our goal all along was to elevate it to the same status as the other memorials so that the local memorial would be more prominently featured.

And so, we think it does no disservice to the local memorial to rededicate it as a national and D.C. memorial. Thank you.

[The prepared statement of Mr. Fountain follows:]

**Statement of Edwin L. Fountain, Director,  
World War I Memorial Foundation, on H.R. 938**

Chairman Bishop and members of the Subcommittee:

My name is Edwin Fountain. I am an attorney in private practice here in Washington, and the grandson of two World War I veterans. I am a co-founder and director of the World War I Memorial Foundation. I am pleased to appear today to testify in support of H.R. 938, the "Frank Buckles World War I Memorial Act."

Until he passed away last year at the age of 110, Mr. Buckles was the last surviving American veteran of World War I. The Foundation was proud to have Mr. Buckles serve as its honorary chairman.

In 2008, Mr. Buckles came to Washington for a ceremony in his honor at the Pentagon. During that trip he visited the District of Columbia War Memorial, located on the Mall between the World War II and Korean War memorials. He was distressed to see that it was only a memorial to the veterans of D.C., and not a national memorial.

Throughout our country's history, towns and cities have erected their own war memorials, be they to local veterans of the Civil War, or of World War I, or of all the nation's wars collectively. In Washington, there are of course numerous memorials to generals and statesmen of the Revolution and the Civil War. But until the Vietnam Veterans Memorial was dedicated thirty years ago, there were no national war memorials.

Today we have on the Mall national memorials to three of the four great wars of the 20th century, located in what has become a de facto "war memorial park" around the Lincoln Reflecting Pool.

There is, however, no national memorial to World War I. With the irony of hindsight, that war was at first called "the war to end all wars." In retrospect, we now know that "the Great War" was but the first time that American soldiers would go overseas in defense of liberty against foreign aggression. Over 4.7 million Americans served in uniform, and 116,516 gave their lives—more than in Korea and Vietnam combined.

World War I was also the first great conflict of what has come to be known as "the American century." It led directly to the Second World War, and its consequences are still felt today in ongoing conflicts in the former Yugoslavia, Israel and Palestine, and Iraq.

Few Americans today know this history, and the absence of a national memorial to World War I on the Mall in Washington has become a glaring omission, all the more so because the centennial of the war is less than three years away.

H.R. 938 would fill that void, by authorizing the re-dedication of the District of Columbia War Memorial as a "National and District of Columbia World War I Memorial."

The D.C. War Memorial was dedicated in 1931 as a memorial to the 499 residents of the District who died in the war. President Hoover spoke at its dedication, and John Philip Sousa conducted the Marine Corps band. It stood alone for fifty years, until it was joined by the Vietnam Veterans Memorial, and then later by the Korean War and World War II memorials.

As indicated on the attached map, together with those three other memorials, it comprises a quartet of memorials to the major wars of the 20th century. Yet alone among those memorials, it lacks national status. Few residents or visitors are even aware of the memorial, much less know what it is. Most maps and signs do not even refer to the memorial.

H.R. 938 would authorize its re-dedication as a national memorial, and thereby give honor to the veterans of World War I that is equal to that bestowed on the veterans of the other major wars, while helping future generations of Americans to know the complete history of American's 20th-century struggle against aggression and totalitarianism.

Re-dedication of the D.C. memorial would not be contrary to the Commemorative Works Act. That Act prohibits the location of any new commemorative works on the Mall. However, H.R. 938 does not authorize a new commemorative work, but rather the re-dedication and enhancement of a memorial that already exists on the Mall.

Moreover, the local character of the existing memorial would be preserved. While Section 10(b)(3) of the proposed bill permits the addition of an appropriate sculptural or other commemorative element, in order to give the memorial a national character, it also specifies that any such feature shall "complement and preserve" the existing memorial and its landscape. In this way the sacrifice of District residents in the war will continue to be honored, and the peaceful and secluded character of the site will be preserved.

We emphasize that H.R. 938 is not meant to somehow "federalize" the District's memorial. Rather, it will bring attention to the memorial by elevating it to the same status enjoyed by the surrounding war memorials. At the same time, the memorial will provide visitors a lesson in the history of our memorials, while calling their attention to their own memorials back home.

The Foundation also supports the designation of the Liberty Memorial in Kansas City as a national World War I memorial. While it may be unconventional to have two national memorials, there is no reason why there cannot be two, and there is every reason to commemorate a profound national event such as World War I more widely, rather than less.

Finally, the Foundation supports the provisions in H.R. 938 to establish a World War I centennial commission.

Twenty-five million people, from around the country and across the world, visit the Mall each year. As we have heard from thousands of students, veterans and citizens around the country who support our cause, those visitors expect to honor the nation's veterans in the nation's capital—as evidenced by the location of the other great war memorials in Washington.

Congress would be minimizing the sacrifice of Frank Buckles and almost five million other Americans in World War I, including 116,000 dead, if it did not honor them on the Mall in the same manner as the veterans of the wars that followed.

We ask the House to pass H.R. 938. On behalf of the Frank Buckles family and the Foundation, thank you for the opportunity to testify today.

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Mr. BISHOP. Thank you for your testimony, Mr. Fountain.

Mr. Rimensnyder, if you would also like to take five minutes to address this issue.

**STATEMENT OF NELSON RIMENSNYDER, HISTORIAN, THE  
ASSOCIATION OF THE OLDEST INHABITANTS OF THE  
DISTRICT OF COLUMBIA**

Mr. RIMENSNYDER. Yes. Thank you, Mr. Chairman and Members of the Committee and ladies and gentlemen. I am Nelson Rimensnyder, the historian of The Association of the Oldest Inhabitants of the District of Columbia. Since 1865, when we were organized, we have been preserving and promoting the District's history and civic accomplishments. Our association is currently celebrating



its 147th year of continuous service to the residents and civic leaders of our great city.

We oppose the—changing the name, of making the District of Columbia Great War Memorial a national World War I memorial. And we would like to associate with the remarks of Congresswoman Norton, whose statement has been submitted to the record.

In March of last year, a member of our association, Joseph Grano, wrote to the board of directors of the National World War I Memorial Foundation, proposing an alternative to their proposal, and that is looking at the Pershing Memorial, which is a memorial to the expeditionary forces that fought for the United States in Europe, and making that a national World War I memorial. Its location across from the visitor's center, White House Visitor's Center, it is in view of the White House and the Capitol, if you look to the east, it is a wonderful location. Elements could be added to make it more national in scope. There is a blank wall on the Pennsylvania Avenue side that could just be engraved with World War I—"National World War I Memorial."

Let's put Frank Buckles in there, a nice statue of Frank Buckles, and maybe a doughgirl, too. Because when the D.C. National Memorial—and other women also fought and died for the United States in that war.

It is interesting that, if we look at history, there was a proposal to build a national World War I memorial in the District of Columbia in late 1920s. There was a national commission, they came up with a design and were raising money when the crash came in 1929. Congress was reluctant to put money up for it, because of the financial situation. Veterans weren't enthusiastic, because they were looking for their bonus, which hadn't been paid. And that site that was chosen was where the current National Gallery of Art is located, Pennsylvania Avenue and—facing both Pennsylvania Avenue and Constitution Avenue. And it was considered a wonderful location. The Mall was never even considered.

So, why not just take a page out of history and move it further down the Avenue and—won't expend much money, Federal money involved. Maybe local money can be raised, national money, to make the Pershing Memorial the National World War I Memorial.

I would like to also add that veterans in the District of Columbia—I am a veteran and there are some veterans sitting behind me—are very much opposed to changing the name. It is our memorial, and it represents our sacrifice of our citizens in not only that war, but all the wars we fought for without any representation in Congress. And so we are—veterans are very much opposed to changing this name.

I would like to conclude with—Eleanor Holmes Norton, our delegate, has introduced a House resolution, 346. I would like to just read the last two parts of that. "Resolved, that it is the sense of the House of Representatives that, one, the District of Columbia War Memorial should remain a memorial dedicated solely to the residents of the District of Columbia who served in World War I; and two, a congressionally authorized study or commission should determine a proper location for a national memorial dedicated to all Americans who served in World War I."

Thank you, Mr. Chairman, and I am available to answer any questions.

[The prepared statement of Mr. Rimensnyder follows:]

**Statement of Nelson F. Rimensnyder, Historian, The Association of the Oldest Inhabitants of the District of Columbia, H.R. 938, a National World War I Memorial, aka The Frank Buckles Act**

Chairman Bishop, Committee Members, Ladies and Gentlemen: I am Nelson Rimensnyder the Historian of the Association of the Oldest Inhabitants of the District of Columbia. Dedicated since 1865 to preserving and promoting the District's history and civic accomplishments, the AOI is currently celebrating its 147th year of continuous service to the residents and civic leaders of our great city.

On March 21, 2011 AOI member Joseph N. Grano wrote to the Board of Directors of the National World War I Memorial Foundation proposing an alternative to H.R. 938 and Senate Bill 253 which would establish a commission to ensure a suitable observance of the centennial of World War I and to designate memorials to the service of men and women of the United States in World War I. These proposals include altering the name of our District of Columbia War Memorial to insert the words "and National" (District of Columbia and National World War I Memorial). The Association of the Oldest Inhabitants of the District of Columbia joins with our member Mr. Grano in urging you to consider an alternative to the pending legislation. The portion of the legislation which re-names the District's memorial is wrong on several fronts, the most noteworthy being that it ignores the rights of the District's residents and the fact that it was from District residents that so much of the funds for the memorial were raised. Secondly, the Peristyle Doric Temple located in Ash Grove on the National Mall in West Potomac Park is the District's War Memorial, **not** the World War I Memorial as when it was dedicated in 1931 the 1914-1918 conflict in Europe was referred to as The Great War or simply The World War and no numerical suffix was ascribed to the monument.

As Mr. Grano so eloquently points out, there is in fact already a national World War I memorial bearing the name of General John Pershing. The memorial, occupying an entire city block, is elegantly situated opposite the White House Visitors' Center, within a half block of the White House and Ellipse, closely situated to the Washington Monument's axis of the National Mall and holds a distinguished position at the western-most point of the main stretch of Pennsylvania Avenue within view of the Capitol.

With a few, relatively simple architectural additions and additional interpretive signage, Pershing Park would make a fitting and appropriate venue for a 'new' National World War I Memorial obviating the need to tamper with the District of Columbia's existing War Memorial in Ash Grove on Ohio Drive. In honor of Frank Buckles, a doughboy statue could be crafted in his image and placed at the North West entrance to the park—clearly visible from the 15th Street approach, the White House Visitors' Center and to the hundreds of thousands of visitors waiting to enter the White House grounds. The existing long, unadorned wall on the Pennsylvania Avenue side of the park could be boldly inscribed with, "National World War I Memorial" clearly visible from the White House Visitors' Center, the John A. Wilson Building and the 14th Street approach.

While we believe the efforts of Representative Ted Poe and the co-sponsors of H.R. 938 and Senator Rockefeller and his co-sponsors of Senate Bill 253, together with the initiatives of the National World War I Memorial Foundation are praiseworthy to help reconcile the misperceptions and confusion facing the National World War Memorial in Kansas City and *our* District of Columbia World War I Memorial, we believe strongly that simply renaming or re-designating our existing monument not only demeans the history of this existing memorial but, in fact, does not go far enough to realize the dream of a true National World War I Memorial in the Nation's Capital. The proponents of the World War II Memorial on the National Mall between the Lincoln Memorial and the Washington Monument, after much controversy, realized their dream of a truly wonderful tribute to the men and women who gave their service and lives during the Second World War; however, if you visit the Pershing Park site you will see that this existing memorial already contains many of the features one would want in a national memorial: a water feature (beautiful fountain and pool), an impressive statue of General Pershing, historical and interpretive information engraved on the stone walls, etc. The only features it is missing are the engraving that would distinguish it as the "National World War I Memorial," a statue of a doughboy in honor of the military personnel who served—like

Frank W. Buckles—and recognition of the other military services' contributions in World War I.

We believe these relative simple improvements to the existing memorial would make it worthy of being designated as the National World War I Memorial and by avoiding changes to either the National War I Memorial in Kansas City or the District of Columbia World War I Memorial would render controversial changes to these existing memorials moot.

[Attached is a series of recent photographs which may help you visualize how this impressive park could be transformed into a National Memorial dedicated to the First World War.]

The National Capital Memorial Advisory Commission is on record opposing renaming the District's War Memorial (August 2, 2011) and while considering Pershing Park as a worthy World War I Memorial was not within the scope of either Congressman Poe's or Senator Rockefeller's legislation, we believe together with the endorsement of the National Capital Memorial Advisory Commission our proposal deserves your consideration and support for removing references to the District of Columbia War Memorial and, in turn, endorsing our proposal to designate Pershing Park as the National World War I Memorial.

Thank you for the opportunity for me to testify before you today.

Mr. BISHOP. Thank you very much. And I apologize. I apparently mispronounced your name. It is Rimensnyder?

Mr. RIMENSNYDER. That is correct.

Mr. BISHOP. I apologize for the mispronunciation there.

I will turn to the Committee and see if there are questions on this particular one. Mr. Grijalva?

Mr. GRIJALVA. Thank you. Mr. May, Representative Poe's bill renames the District of Columbia's World War I Memorial. Could you please discuss what this means in terms of changing the nature of the current memorial?

Mr. MAY. Well, what we understand the legislation to do is to not only rededicate the memorial, but also a memorial to expand its commemorative purpose. That expansion is what becomes a conflict with the Commemorative Works Act. The Commemorative Works Act states very clearly that new memorials should not encroach upon existing memorials or change the message, if you will—not quite that language, but that is the essential issue.

Plus, the construction of new memorials within the area that is defined as the reserve is also an area of conflict. The reserve was defined to include the traditional Mall from 3rd to 14th, plus the grounds of the Lincoln Memorial, Washington Monument, and all the way down through the Tidal Basin.

So that area is, in the views of the Congress, a completed work of civic art, and new memorials should not be placed in that area.

Mr. GRIJALVA. OK. Thank you. Mr. Rimensnyder, can you describe your engagement with Congressman Poe and the development of this legislation and/or with the World War I Memorial Foundation? What has been your engagement, your participation, your discussion?

Mr. RIMENSNYDER. Our only, I guess, direct engagement is we did testify before the National Capital Memorial Commission, which Representative—Mr. Poe testified there. And Mr. Fountain also testified before that body.

As I said, a member of our organization, with our support, did write last year, March of last year, Mr. Fountain, about our proposal—considering the—designating the Pershing Memorial and making it a World War I memorial. And this could be done in time for the commemoration of the war, which is coming up. Time is

very short, so that is another argument for looking at this proposal seriously.

So, that is the extent of our engagement with these two gentlemen.

Mr. GRIJALVA. And the response to your inquiry in March?

Mr. RIMENSNYDER. I am not aware that we did, no.

Mr. GRIJALVA. OK. Mr. Fountain, just for my education, are you aware of any instance where a local memorial like this one that we are discussing has been renamed to be a national memorial?

Mr. FOUNTAIN. I am not, Congressman. And I recognize this is a unique situation. The Commemorative Works Act precludes us from establishing a new memorial on the Mall. As I said earlier, there is no perfect solution to this issue. To have it on the Mall, we would need to join it with the D.C. War Memorial. To have it off the Mall we think sends a disservice to—sends a message that we value the service and sacrifice of the World War I veterans less than we do the other wars. We are a victim of historical circumstance.

Mr. GRIJALVA. Thank you. Thank you, Mr. Chairman.

Mr. BISHOP. Mr. Holt, do you have questions on this issue?

Mr. HOLT. Yes, Mr. Chairman. First of all, Mr. May, when you say this would be an expansion in concept, at least, of the D.C. memorial, does that involve any physical changes that—an actual expansion, physical expansion?

Mr. MAY. That is what I understand the proposals to be, that there would be an enhancement to expand the message that would go with the rededication. What it means physically has not been designed—

Mr. HOLT. By “the message,” you mean actual physical changes to—

Mr. MAY. Yes.

Mr. HOLT [continuing]. Communicate more message?

Mr. MAY. Exactly.

Mr. HOLT. I see. Mr. Fountain, is there refurbishment work that is needed on the D.C. memorial? Is there ongoing maintenance that is needed? And would this change the ability to accomplish those things?

Mr. FOUNTAIN. No, sir. The restoration is complete, and a re-opening ceremony was held on November 10th, the day before Veterans Day. Obviously, ongoing maintenance is required. But our proposal would not affect that.

To answer your question, Mr. May, yes. The bill provides for the addition—for an additional commemorative element, which would be an additional physical feature. The bill specifically provides that any such addition would be complementary of and would preserve the existing memorial. It is not our intent to overwhelm the existing memorial as something the scale of the World War II memorial.

We have something in mind the scale of the addition of the realistic sculptural element to the Vietnam Veterans Memorial, a statue of three Vietnam soldiers off to the side from the wall. That is the scale of what we are talking about, but there would be an additional element to the site to give it a national character.

Mr. HOLT. Thank you, Mr. Chairman.

Mr. BISHOP. Let me ask just a couple questions, as well. Mr. Fountain, if I could, why does the memorial in Kansas City need to be national if you envision the D.C. memorial becoming a national memorial?

Mr. FOUNTAIN. Legislative compromise, Mr. Chairman. The objection I did not anticipate when we started this process was that Kansas City would surface as a proposed alternative site. And in the last Congress we had contending bills. And neither one was moving forward as long as the other could block it.

So ultimately, we agreed that—to quote the great philosopher Ernie Banks from the Chicago Cubs—let's have two. A little unconventional to have two national memorials, but why not? More commemoration is better than less. And the only way that either bill could move forward was to join forces and to designate both.

Mr. BISHOP. Actually, you didn't have me until you quoted my favorite Cub player, so well played.

[Laughter.]

Mr. BISHOP. Can you just tell me what the function of this commission that would be established would be?

Mr. FOUNTAIN. The commission is separate and apart from the memorials. There is, I believe, a Civil War Sesquicentennial Commission. I believe there is a War of 1812 Bicentennial Commission. It essentially would be a congressionally chartered commission that would conceive and plan ceremonies, programs, other events to mark the centennial of the war and, you know, to raise public consciousness, and otherwise for the Nation to pay its respects to the World War I generation.

Mr. BISHOP. I am assuming from your testimony your only concern with the Pershing Memorial is that it is not on the Mall.

Mr. FOUNTAIN. It is a difficult site, Mr. Chairman. It is in that busy intersection of 15th Street and Pennsylvania Avenue in front of the Willard Hotel, very difficult for pedestrian access. It is—and yes, primarily, it is not on the Mall.

My main concern is that the Congress do something. If the Congress, in its wisdom, chooses to go with Pershing Square and make that the national memorial, I think that is better than having no national memorial. You know? Our preference, we think the Mall site is preferable. But if the Committee and the Congress decide to go with Pershing Square, you know, we would get behind that. I want to make that clear.

But there is no real proposal to make that happen yet. The American Battle Monuments Commission and the Park Service have said they think of that as a national war memorial, but they haven't really treated it as such. And so, until there is another proposal that I can get behind, I am left with ours that is on the table.

Mr. BISHOP. Thank you. Mr. Rimensnyder, if—I am making the assumption, from the testimony you have had, that you believe that nationalizing the D.C. memorial, World War I Memorial, would do nothing to enhance its visibility or stature. Or would it? Would nationalizing it enhance its visibility and stature? That is the better question.

Mr. RIMENSNYDER. Yes, I suppose it would. More people would visit it. But again, it would—I think the emphasis of visiting it would be that it is a national memorial, not a District of Columbia

memorial. And that is our memorial. Members of our association were very involved in raising funds for it. School children raised funds for it. It is our memorial. And it—and we want it to remain our memorial.

And, as I said, I think—and Mr. Fountain mentioned the difficulty of the site. It is not difficult, the site where the memorial is, the—to the expeditionary force on 15th and Pennsylvania Avenue. Tourists go there all the time. They go into the Visitor's Center, they go over to the White House, they go down to the Capitol. It is a very accessible site. And to say that it is not accessible, I don't buy that argument at all.

Mr. BISHOP. I thank you very much. This concludes the questions and testimony on 938. Mr. Fountain and Mr. Rimensnyder, if you would like to stay at the table, please feel free to do so. If you would feel more comfortable leaving the table, you are also free to do that as well, at your will.

We will turn now to testimony on H.R. 1278 by Congressman Sullivan. I believe Mr. May, you are representing the Administration on that one.

Mr. MAY. Yes. H.R. 1278 would direct the Secretary of the Interior to conduct a special resource study regarding the suitability and feasibility of dedicating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma relating to the 1921 Tulsa race riot as a unit of the National Park system.

The National Park Service completed a reconnaissance survey of the 1921 Tulsa race riot in 2005. The report concluded that the riot is nationally significant because of the potential ability to illustrate and interpret a tragic and important chapter in the history of the United States. The Department supports the bill.

And once again, we have a more detailed statement that has been submitted for the record.

Mr. BISHOP. Thank you. I appreciate that. All right, Representative Grijalva, do you have questions on this one?

Mr. GRIJALVA. No, thank you.

Mr. BISHOP. No questions? Mr. Holt, Ms. Tsongas, on this particular bill? Mr. Holt?

Mr. HOLT. Help me understand how the—as it is conceived and proposed here—how the greatness of the historian Franklin would not be lost in the larger struggle, that is, that would be commemorated or recognized there.

Mr. MAY. So your concern is that John Hope Franklin's role and the commemoration of him in the park might be lost.

The—in this proposal, I don't believe that we have gone very far to try to establish exactly how all of this could work together as a national unit of the National Park system. We have somewhat related sites. Certainly the—all of the Tulsa race riot sites that have been part of the reconnaissance survey are related and are important. And the park is a—there will be a center there that kind of ties it all together. And with his name on the park and on the center, we believe that the message there would not be lost.

It is also not clear exactly how this would be managed overall. In other words, there may be—it may wind up with an affiliated organization running some portion of this, as opposed to simply a straight unit of the National Park Service.

Mr. HOLT. OK, I—as you said, with his name there on the park. It concerns me a little bit that that is what it would be. And I think a great deal of thought would have to be put in to how to capture the breadth of John Hope Franklin’s work, and elevate that, if this were to proceed.

Thank you, Mr. Chairman.

Mr. BISHOP. Thank you. I appreciate those questions. We will now turn to H.R. 2240 by Ms. Tsongas. I believe once again, Mr. May, you represent the Administration’s position on this bill.

Mr. MAY. Yes.

Mr. BISHOP. If you would, please.

Mr. MAY. H.R. 2240 would authorize the exchange of land or interest in land between Lowell National Historical Park and the City of Lowell in the Commonwealth of Massachusetts and for other purposes. H.R. 2240 would enable Lowell National Historical Park to acquire land by means of exchange with public entities, and to continue the successful use of the preservation loan fund to help finance the restoration and redevelopment of historic structures. Both of these provisions would facilitate the park’s long-term goals without requiring any additional appropriations. The Department supports the bill.

And, of course, full testimony has been submitted.

Mr. BISHOP. Thank you very much. Mr.—is it—I don’t know if I mispronounced this one, as well. Is it Baacke?

Mr. BAACKE. It is actually Baacke, but I answer to anything close. So I appreciate it.

Mr. BISHOP. Well, OK. I won’t say, “Hey you,” then, but Mr. Baacke, from the City of Lowell, your testimony on this bill, if you would, please.

**STATEMENT OF ADAM BAACKE, ASSISTANT CITY MANAGER  
AND DIRECTOR OF PLANNING AND DEVELOPMENT, CITY OF  
LOWELL, MASSACHUSETTS**

Mr. BAACKE. Thank you, Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee. Good morning, and thank you for the opportunity to submit testimony in support of H.R. 2240 on behalf of the City of Lowell.

Among other purposes, this legislation will grant the Lowell National Historical Park authority to execute mutually beneficial land exchanges with the City of Lowell and the Commonwealth of Massachusetts. The Lowell National Historical Park was created and empowered by Congress to preserve and interpret the nationally significant historical and cultural sites, structures, and districts in Lowell, Massachusetts.

However, it was also granted what was then a unique mission to help facilitate economic and cultural revitalization in the city. And to impart to the tremendous record of success that the park has enjoyed in this, several similar parks have subsequently been established.

This legislation will further the mission, intent, and purpose of the park in two important ways. First, it will allow the Lowell National Historical Park to continue its active and supportive participation in the Hamilton Canal District, the city’s signature economic development project. Planned as a mixed use redevelopment

of more than 15 acres of under-utilized and vacant publicly owned land, upon completion the Hamilton Canal District will generate nearly 2 million square feet of private real estate development, and create as many as 1,600 new permanent jobs.

This project has already rehabilitated one of the most visible and nationally significant mill complexes within the boundaries of the park, which represents an investment of \$65 million, and the creation of over 200 well-paid construction jobs during the depths of the recent recession.

This project is also notable as a model for expediting local and state environmental and land use permitting, and the entire development is currently positioned to proceed by right, without any further discretionary local or state review.

With the active participation and consent of officials from the Lowell National Historical Park, the Hamilton Canal District site includes the redevelopment of land currently owned by the park and utilized only for surface parking. The plan envisions redeveloping this parking lot in a manner consistent with the mission, vision, and general management plan for the park, with new commercial buildings that will house research and development, as well as general office space.

In exchanging land presently owned by the Lowell National Historical Park, the Federal Government will be in a position to not only support the Hamilton Canal District project at no cost, but also will obtain interest in real property and/or structured parking spaces that are more consistent with the Park Service's immediate and long-term needs.

This legislation is required in order for such a land exchange to occur, because the Lowell National Historical Park is currently prohibited from executing this type of real estate transaction with the City of Lowell.

Second, it will extend the term of an existing revolving loan program that has played a key role in facilitating the redevelopment and restoration of over five million square feet of formerly vacant mill buildings to productive re-use, and has leveraged nearly \$175 for every dollar originally invested. The requested extension will merely allow existing loans to continue to revolve within the fund to support the rehabilitation and preservation of additional privately owned historic buildings that contribute to the park. Importantly, it will require no new appropriation of funds.

The City of Lowell remains tremendously grateful for the contributions that the Federal Government and the U.S. Congress have made to the renaissance of our city through the National Park Service. Were it not for the wisdom and past commitments of Congress and the National Park Service, Lowell would not enjoy the reputation as a model for the revitalization and redevelopment of smaller post-industrial cities that we do.

This legislation will allow for the highly successful partnership to continue and expand at no cost to the Federal treasury.

In closing, I appreciate the opportunity to testify and strongly encourage you to join me in supporting it. I am happy to address any questions you may have.

[The prepared statement of Mr. Baacke follows:]



**Statement of Adam Baacke, Assistant City Manager and Director of Planning and Development, City of Lowell, Massachusetts, in Support of H.R. 2240, the Lowell National Historical Park Land Exchange Act of 2011**

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee on National Parks, Forests, and Public Lands, good morning and thank you for the opportunity to submit testimony on behalf of the City of Lowell, Massachusetts in support of H.R. 2240, the Lowell National Historical Park Land Exchange Act of 2011. Among other purposes, this legislation will grant the Lowell National Historical Park (LNHP) authority to execute mutually beneficial land exchanges with the City of Lowell and the Commonwealth of Massachusetts.

The Lowell National Historical Park (LNHP) was created and empowered by Congress "to preserve and interpret the nationally significant historical and cultural sites, structures, and districts in Lowell, Massachusetts." It was also granted a then unique mission to help facilitate the economic and cultural revitalization of the city of Lowell. Due in part to the tremendous record of success that the LNHP has enjoyed in this, several similar parks have been established in the decades since. This legislation will further the mission, intent, and purpose of the LNHP in two important ways.

First, it will allow the LNHP to continue its active and supportive participation in the Hamilton Canal District, the City's signature economic development project. Planned as a mixed-use redevelopment of more than 15 acres of underutilized and vacant publicly-owned land, upon completion the Hamilton Canal District will generate nearly 2 million square feet of private real estate development, create as many as 1600 new permanent jobs, and serve as a testament to the success of the nation's first urban national park. This project has already rehabilitated one of the most visible and nationally significant mill complexes within the boundaries of the LNHP, which represented an investment of \$65 million and the creation of over 200 well-paid construction jobs during the depths of the recent recession. The project is also notable as a model for expediting local and state environmental and land use permitting; the entire development is currently positioned to proceed "by right" without any further discretionary local or state review.

With the active participation and consent of officials from the Lowell National Historical Park, the Hamilton Canal District site includes the redevelopment of land currently owned by the park and utilized only for surface parking. The plan envisions redeveloping this parking lot in a manner consistent with the mission, vision, and General Management Plans for the park with new commercial buildings which will house research and development as well as general office space. In exchanging land presently owned by the LNHP, the Federal Government will be in a position to not only support the Hamilton Canal District project at no cost but also obtain interest in real property and/or structured parking spaces that are more consistent with the Park Service's immediate and long-term needs.

This legislation is required in order for such a land exchange to occur because the Lowell National Historical Park is currently prohibited from executing this type of real estate transaction with the City of Lowell or any political subdivision of the Commonwealth of Massachusetts.

Second, it will extend the term of an existing revolving loan program that has played a key role in facilitating the redevelopment and restoration of over 5 million square feet of formerly vacant mill buildings to productive reuse and leveraged nearly \$175 for every federal dollar originally invested. The requested extension will merely allow existing loans to continue to revolve within the fund to support the rehabilitation and preservation of additional privately-owned historic buildings that contribute to the park. Importantly, it will require no new appropriation of funds.

The City of Lowell remains tremendously grateful for the contributions that the Federal Government and U.S. Congress have made to the renaissance of our city through the National Park Service. Were it not for the wisdom and past commitments of Congress and the National Park Service, Lowell would not enjoy our reputation as a model for the revitalization and redevelopment of smaller post-industrial cities. This legislation will allow this highly successful partnership to continue and expand at no cost to the Federal Treasury.

In closing, I appreciate the opportunity to testify on this legislation and strongly encourage you to join me in supporting it. I am happy to address any questions you may have.

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Mr. BISHOP. Thank you very much. I turn to the Committee for questions. Mr. Grijalva? Mr. Amodei? Mr. Holt?

Mr. HOLT. I do have questions, but I would yield to the gentlelady from Massachusetts first.

Mr. BISHOP. That is fair. Ms. Tsongas?

Ms. TSONGAS. Thank you, Mr. Chairman. Dr. May, I would like to address the issue a little bit of the land exchange, one most immediately around the parking—the surface parking lot, but also looking forward to the Commonwealth.

Isn't it true that most other national parks already have the authority to undertake land exchanges such as H.R. 2240 would grant to the Lowell National Historical Park?

Mr. MAY. I believe that is typical, yes.

Ms. TSONGAS. And what are the criteria that any proposed exchange would have to meet in—to be considered?

Mr. MAY. Well, it always has to be an equal exchange or approximately equal exchange. In some cases, an exchange may involve the United States receiving something of greater value than they are exchanging in return. In those circumstances it is done with an acknowledgment by the exchanging partner that the greater value that has been received by the government is, in fact, a donation. So, the government always is—receives equal or greater value.

Ms. TSONGAS. And those requirements would be accommodated in this proposed legislation?

Mr. MAY. Yes.

Ms. TSONGAS. And wouldn't such a transfer in this instance add to the economic development of Lowell, as well as advance the park's mission?

Mr. MAY. Absolutely. We believe that.

Ms. TSONGAS. So, in actuality, this provision really just helps improve the flexibility for local agencies to make decisions that would best help the city and the park removing some of the regulatory burden that brings the park and the city here today.

Mr. MAY. That is right.

Ms. TSONGAS. And then, Mr. Baacke, I would like to ask you, too. If you could, just talk a little bit about the preservation loan program, the kinds of projects that it has been so instrumental in advancing.

Mr. BAACKE. Yes, thank you. The Preservation Loan Fund, although not a significant amount of money was originally invested, has actually touched a substantial number of buildings in downtown Lowell that are now fully restored as a result of that investment.

They generally fall into two categories: one, our smaller, main-street-type commercial buildings; and the other are larger mill complexes. And in each case it is unlikely that these projects would have been able to proceed, absent that Federal support.

Ms. TSONGAS. And given that they are also very critical to protecting the architectural heritage of the Industrial Revolution, in essence the private sector is taking on the preservation efforts and encouraged to do so by this preservation program.

Mr. BAACKE. That is absolutely correct.

Ms. TSONGAS. So, as a result, we have seen tremendous investment in very expensive projects that have helped protect this tremendous heritage and adaptive re-use as well, knowing that these buildings cannot function as they were originally designed. And yet

I happen to live in one, a mill that was home to a textile industry that now is a beautiful place for many different kinds of people to come and live and contribute to the city.

So, you see over and over again how critically important this loan program has been to making sure that we address the mission of the park, and we also contribute to the economic development of the city.

So, I thank you all for being here. And with that I yield back.

Mr. BISHOP. Thank you very much. I—oh, Mr. Holt, did you have questions on this bill?

Mr. HOLT. Yes, I do, Mr. Chairman. Thank you. I have visited the Lowell historic site and find it most impressive. And it really is a testament to the vision of Paul Tsongas, really a Janus-like vision that helps us look forward by looking backward. And it really is a wonderful recognition of the innovation and industry on which America has been built. I would say only slightly tongue in cheek that it is perhaps second in importance only to the Patterson National Historical Park, recently dedicated in Patterson, New Jersey.

I would like to ask a question, Mr. Baacke, to understand better the preservation loan program. I understand from the sponsor, from Ms. Tsongas, that the bill—there is some urgency in getting this reauthorization, because the loans would have to stop without this. Please explain that, because we have got five years until the expiration, as I understand it. So what is the urgency here? Why would the lending stop now, if we don't proceed with this?

Mr. BAACKE. Thank you. That actually—you are entirely correct, that the current authorization has five years remaining on it. The difficulty is when you are doing real estate development and lending. And to real estate development, five years is about the minimum amount of time that anyone would make a loan or be able to take on a loan with a project.

And in order for all the funding to be back and be available from the program to return to the treasury, as is now required at the end of the current term, no new loans can be made at this point.

It is also important to note that there is almost no money available in the program anyway, because all of it is actually out doing its job at the moment.

Mr. HOLT. Good. Well, thank you, Mr. Chairman.

Mr. BISHOP. Thank you. I really don't have a question on this, because I—Tsongas has done a good job on this particular bill.

I do want to say one thing to Mr. May. It is one of the offhanded comments you made in here, that the Federal Government, with the land exchanges, especially government-to-government land exchanges, always has to get equal or greater value is an arrogance that is offensive. The idea that the Federal Government can't give to another level of government, it has to get something of equal value or greater value, I don't care what kind of scoring you have to have on that, that is a horrendous policy. And it is not your fault, but it is the fault of the mindset that we have within the agencies of government. And that is something that I just find abhorrent. It is not a problem with this bill, it is a problem with the agency. So take it back there and fix it.

With that, we end the discussion of this particular issue. I wish to turn to H.R. 3440 of Mr. Flake at this particular time, and talk about that one.

I believe, Mr. Ratcliffe, you have the Administration's position on this one.

Mr. RATCLIFFE. Yes. Thank you again. Finally, regarding H.R. 3440, the BLM strongly supports the goal of promoting opportunities for outdoor recreation, including recreational shooting on America's public lands.

The BLM is responsible for the protection of resources and multiple-use management of our nation's 245 million acres of public land, a vast majority of which are open to recreational shooting. The BLM estimates that over 98 percent of BLM-managed public lands are open to recreational shooting, and currently 88 percent of the 4.8 million acres of national monuments managed by BLM are open.

Restrictions on recreational shooting are determined through extensive analysis as part of BLM's land use planning process, which is informed by local public input. Typically, recreational shooting closures include administrative sites, campgrounds, and other developed facilities, certain areas with intensive energy, industrial, or mineral operations, and lands near residential or community development, or lands with significant and sensitive natural or cultural resources.

When lands are closed to public—to recreational shooting, those restrictions are often implemented to comply with state and local public safety laws and ordinances, or are implemented at the request of local communities or other adjacent private land owners.

The BLM's multiple-use mission is best achieved when land management issues are handled locally through its site-specific planning and public involvement process. Since H.R. 3440 would overturn this critical local management structure, and because the bill also could potentially jeopardize public safety and our ability to protect resources, we oppose this measure.

Under H.R. 3440, only the BLM director in Washington could issue a closure for any reason, including something as locally specific as on-the-ground fire conditions in a national monument. Furthermore, under the bill such closures would cease after six months, unless Congress approves the closure by enacting it into law. Providing for public safety should not be a temporary six-month consideration in public land management.

H.R. 3440 also removes all existing recreational shooting restrictions or closures in national monuments under BLM jurisdiction. Enactment of the bill could result in the automatic repeal of all closures and restrictions for recreational shooting, even those that are the result of collaborative resource management plans developed with extensive public input. Any such blanket repeal of closures may jeopardize public safety and property.

Thank you for the opportunity to present testimony today. I would be glad to answer any questions you may have.

Mr. BISHOP. Thank you.

Ms. Recce, to this bill?

Ms. RECCE. Thank you, Mr. Chairman. I really appreciate the opportunity to testify today on behalf of the NRA in support of H.R. 3440.

Recreational shooting is a historic, traditional, and legitimate activity on lands managed by the BLM. Thousands of NRA members and unaffiliated hunters and shooters, especially in the Western States, depend upon places to shoot on public lands. People need places to go, not only for the enjoyment of target shooting, but also to teach family members and friends the safe and responsible use of firearms. And hunters need places to practice marksmanship skills and to sight in their hunting rifles.

BLM has acknowledged that the need for places to shoot is growing, and that the population growth and subsequent urbanization of the American West has caused edges of property to become closer, outskirts of communities more crowded, remote areas fewer, and closures to recreational shooting more common.

But what has been BLM's response? The Agency is proposing to close another national monument to shooters, the 5,000-acre Sonoran Desert National Monument in Arizona. This follows on the heels of NRA's announcement last fall that it was closing the Ironwood Forest National Monument, also in Arizona, to shooters. Excluding the Sonoran Monument, which is still going through the planning stage, BLM has closed nearly 1.3 million acres of monument lands to the shooting public.

There is no restriction against recreational shooting in the Antiquities Act used by Presidents to designate national monuments. But the BLM is using the designation to close these lands to recreational shooting. H.R. 3440 is needed to stop the progression of monument closures.

BLM managers have been open about this discriminatory and anti-gun attitude. One manager publicly stated that closing Ironwood Forest was an appropriate management choice, and another told the press that the Sonoran Desert was not an appropriate place to have recreational target shooting. Both statements were made during the public comment period on each of the management plans, signaling that monument closure was a conclusion BLM intended to reach, regardless of public comment received. In neither management plan was consideration given to leaving open any of the scores of sites that had long been used by target shooters.

BLM has stated that the designation of a national monument requires a greater level of resource protection, but resource protection is not the issue. The real issue is that BLM is choosing not to recognize and manage shooting as a legitimate recreational activity, and is using monument designation as a means to escape this management responsibility.

Safety has also been used as an excuse. In justifying the closure of Ironwood Forest, BLM said its desire was to promote a safe environment for all visitors. This statement was made in spite of the incontrovertible fact that recreational shooting has one of the lowest incidents of injuries and deaths of any recreational activity allowed on public lands.

BLM will say that there are a million acres of public lands remaining open for target shooting, but none of the monument plans

evaluated the impact of land closure on access and opportunities for the displaced shooters. None of the plans analyzed the impact of forcing shooters on to other lands, and how the increase in numbers of shooters would affect the safe use of sites elsewhere.

Closing public lands to shooters thrusts management responsibilities upon the states and other Federal land agencies to respond to the growing number of people who enjoy target shooting. H.R. 3440 is necessary to end BLM's prejudicial treatment of recreational shooting, and to manage this activity with the same attention it gives to all other recreational activities on public lands.

That, Mr. Chairman, concludes my remarks on the bill. Thank you very much.

Mr. BISHOP. Thank you. We will now turn to questions from the Committee on this bill. Mr. Grijalva?

Mr. GRIJALVA. Thank you, Mr. Chairman. Mr. Ratcliffe, you already answered one of my early questions, which was how much land, monument land, is available for recreational shooting.

Let me ask you about the Flake bill. The bill permits the closure and restriction of national monument lands by the BLM for specific reasons, including national security and public safety. This authority, as indicated in the legislation, is limited to six months, unless Congress makes that closure permanent.

If the BLM closes certain lands at the request of, let's say, Homeland Security, local or state law enforcement agency, or other Federal law agencies such as DEA, what authority do you have to maintain any restrictions beyond the six months on this legislation?

Mr. RATCLIFFE. The only authority we have would reside in endangerment and laws specifically for the use of firearms that endanger others. Those laws only can be enforced if an incident is witnessed, and that means actually shooting across the road, other state laws that apply. Waterways, and so forth.

Mr. GRIJALVA. And what about publicizing the closure or restriction? If law enforcement agencies state that it is in the interest of national security, public safety, that the closure restriction not be publicized for its length, what would your agency do?

Mr. RATCLIFFE. It would be extremely difficult for us to manage recreational shooting or other activities on the public lands. We need to have—it is important that we have local public input into the development of these management plans.

Mr. GRIJALVA. OK. Hypothetical. Let's say a state law enforcement agency approaches BLM. And say that they have credible information that certain lands within the national monument may be used in connection with a crime, and request that you restrict or close that area to firearms for the duration of their investigation. They state that this investigation could last up to a year, and that the release of any information is going to jeopardize their confidential informant that is giving them the information.

So, under the legislation as proposed by Mr. Flake, what would you do?

Mr. RATCLIFFE. We would be unable to comply. And we would not be able to close the area for recreational shooting.

Mr. GRIJALVA. And Ms. Recce, your testimony talks about the recreational shooting closures at Ironwood, the Ironwood National

Monument, the Sonoran Desert National Monument. You intimated that the managers have already decided that those closures prior to a public process—let me ask you. Was the NRA involved in the Udall Institute’s conflict resolution process addressing shooting issues that started in 2002? And were they involved at all in that citizens process that went on?

Ms. RECCE. I don’t know. I will have to find out. I know that in the 1990s NRA was involved related to Forest Service land in the Tucson Rod and Gun Club closure, and—

Mr. GRIJALVA. Yes, that question will be a little later.

From the list of the committee members, there were two members specifically—as of 2004, specifically representing NRA. And the reason I ask that is that, given that there was some involvement by NRA, didn’t some of the process feed into the Ironwood Forest National Monument planning process?

In other words, didn’t everybody included in the NRA know that local land management agencies, Arizona Game and Fish, and community members were looking at recreational shooting issues throughout the entire Tucson basin?

Ms. RECCE. The answer is yes. In fact, NRA was actively involved during the planning process for the Ironwood Forest National Monument. We had a lot of members, even board members, involved in this process. Early on we raised a concern with BLM over the plan itself, because it essentially gave only two options: either leave the monument completely open to recreational shooting, or close the monument completely. And we weren’t supporting the entire monument being open. It really was a black and white proposal, which really is not a fair and thoughtful plan.

We were told that they would go back, BLM would go back to the board and take a look at this. And you know, it was all of a sudden, you know, four years later, last fall, that the final plan comes out the way it did.

Mr. GRIJALVA. I am going to have other questions.

Mr. BISHOP. Thank you. Time is expired; we may have other rounds of questions afterwards.

Mr. Holt, do you have any questions?

Mr. HOLT. I would be happy to yield my time to Mr. Grijalva.

Mr. BISHOP. Mr. Grijalva?

Mr. GRIJALVA. Thank you. Mr. Ratcliffe. I asked Ms. Recce about the local collaborative process. Can you explain who initiated that conflict resolution that was facilitated by the Udall Institute, and when they did so? Just so we can have that on the record.

Mr. RATCLIFFE. It was BLM-initiated, in coordination with interested parties around the Tucson area.

Mr. GRIJALVA. OK. And describe for the Committee the process local BLM managers went through at Agua Fria, Ironwood Forest National Monument, Sonoran Desert National Monument to evaluate recreational shooting opportunities. What was that survey’s process, the inventory, the evaluations that went on?

Mr. RATCLIFFE. BLM takes very seriously the opportunity to provide recreational shooting opportunities on BLM lands, and we do so extensively.

In the case of Ironwood, Agua Fria, and Sonora, Sonoran Desert, we went through an extensive evaluation process as part of the

land use management planning process, as part of the resource management plan. In all cases, the entire monuments were evaluated for opportunities for recreational shooting, where resources could be protected and safety ensured.

In the case of Agua Fria, we even worked with Ms. Recce in the field to attempt to identify locations that might be available within Agua Fria, and we compromised on the fact that the surrounding 900,000 acres of Agua Fria would largely remain open to recreational shooting. And, in fact, are today.

The opportunity for us to provide quality management of these lands is extremely important, because these are national monuments with significant cultural and natural resources. And if the legislation were enacted, unfortunately areas like Pompey's Pillar in Montana would be open to target shooting, and that is where the only physical evidence of the Lewis and Clark expedition is, is that William Clark's signature is on the rocks there. And it is only 51 acres, but we would not be able to enforce a closure there for longer than 6 months.

And similarly, San Jacinto National Monument in Palm Springs, over 50,000 people live within a few miles of the border of Santa Rosa San Jacinto National Monument, and that too would be open for—

Mr. GRIJALVA. Yes, and that committee process that went on under—since 2002, staff from my office were there, staff from Mr. Kyl's office was there, observing the process. And the reason I ask that is that under Flake's legislation, when local land managers, communities such as the one that I live in—which we are talking about with regard to Ironwood and Sonoran—they work together, they come up with some suitable compromises, they come up with some areas for shooting, and mutually identify what areas of concern shouldn't be, and come to some conclusion.

Under this legislation, what would happen to that process?

Mr. RATCLIFFE. It has turned on its head. Basically, this legislation would protect recreational shooting above all other uses and/or recreational uses, and put both resources and public safety at risk. It takes the decision-making capability of the local land manager away and back to Washington, D.C., and would make it extremely difficult to manage for unforeseen concerns, such as wild-fire and other—

Mr. GRIJALVA. And the six-month issue makes a blanket legislative policy for the entire Nation.

Mr. RATCLIFFE. That is correct, for all our—

Mr. GRIJALVA. Regardless of circumstances, regardless of situations on the ground, and, quite frankly, regardless of community opinion.

Mr. RATCLIFFE. Correct. We could implement six-month closures which would expire unless Congress enacted legislation.

Mr. GRIJALVA. Yield, yield back, Mr. Chairman.

Mr. BISHOP. Thank you. Thank you. Ms. Tsongas, you have questions on this bill? Mr. Amodei?

Mr. AMODEI. Thank you, Mr. Chairman. Mr. Ratcliffe, could you describe for me briefly what fuels management efforts the BLM has undertaken in national monuments such as the ones you have been



discussing today? We are talking a lot about public safety and wild-fire.

Mr. RATCLIFFE. Correct—

Mr. AMODEI. And I have got five minutes, so you have been doing this longer than me, so—

Mr. RATCLIFFE. I will try to be—

Mr. AMODEI [continuing]. Fire fast, please.

Mr. RATCLIFFE [continuing]. Be brief. We have enacted some seasonal closures for campfires, let's say, and/or other activities, such as recreational target shooting, in high-fire danger areas. There are other national monuments and national conservation areas that we have done so, especially with a lot of cheatgrass and dry fields in the summer.

Mr. AMODEI. But have you done any fuels management?

Mr. RATCLIFFE. Yes.

Mr. AMODEI. Removing fuel in national monument areas?

Mr. RATCLIFFE. Yes. There is—as you know, cheatgrass is not a native species, and there has been a great deal of effort, particularly in Sonoran, on restoration of native species—

Mr. AMODEI. So—

Mr. RATCLIFFE [continuing]. And the elimination of—

Mr. AMODEI. So you are actively managing fuels in these national monument areas—

Mr. RATCLIFFE. Yes—

Mr. AMODEI [continuing]. As well as using the restrictions?

Mr. RATCLIFFE. As best we can.

Mr. AMODEI. What—OK. How is the budget for managing fuels? Since you said, “as best we can,” can you give me a little more definition to that?

Mr. RATCLIFFE. The Agency, along with the Forest Service and others, manages fuels as Congress allows, as far as appropriations.

Mr. AMODEI. OK, fair enough. I appreciate that. You get lightning over these monuments from time to time, right?

Mr. RATCLIFFE. Correct.

Mr. AMODEI. You have any information that indicates how often you get a fire in national monuments in the United States via Mother Nature versus recreational shooting?

Mr. RATCLIFFE. The vast majority of fire starts are either lightning caused or human caused by other activities, such as campgrounds and fires.

Mr. AMODEI. OK, thank you. Now, you have talked about your local process and that, and I appreciate that. Is there any—has there ever been any thought to giving those folks in the local process, whether it is public safety, whether it is local land use managers—state, city, or county—actual authority in terms of your records of decision? Or do your records of decision ultimately rest with those district managers?

Mr. RATCLIFFE. Records of decision rest with the district managers and the state directors. The state—the national director has oversight of all NEPA decisions.

Mr. AMODEI. Well, I guess my point and my frustration here is I don't disagree with some of your points. But ultimately—and I am new here, but you know, this has been accused of a do-nothing

partisan outfit and blah, blah, blah. And so here is a bill that—you know, you have got some good points.

But it frustrates me to see you coming in and saying, “OK, we love the local land use planning process in this state in Arizona,” and so, you know, it’s like, well, why not come in and suggest something that enfranchises, you know, the fish and game director of Arizona, who must sign off on this, or the local planning folks who must sign off.

Ultimately, at its core, the authority here to decide is made by that district manager and that state director, who, while I have great respect for many of those in my state, ultimately are elected by no one in the State of Nevada, and in this instance the State of Arizona.

Do you have any thoughts on—since your statement is pretty strong on our local—would you be willing to give part of that, you know, process in generating these records of decision a veto or a must-approve to somebody at the local or state level in these instances?

Mr. RATCLIFFE. BLM complies with the National Environmental Policy Act, which requires close coordination with local entities, as well as input from the public—

Mr. AMODEI. And I know that.

Mr. RATCLIFFE [continuing]. Have relationship—

Mr. AMODEI. I understand that. But I am aware of no law that prohibits you from executing a local memorandum of understanding saying, “We won’t go forward with this without your sign-off.” You willing to do something like that?

Mr. RATCLIFFE. We have—we can enter into a cooperative agency status with other local entities and interests.

Mr. AMODEI. So is that something that this Committee should explore, as a potential partial solution to all or nothing? Because I agree with you with sending stuff to Washington—no offense to the people here—but ultimately, I also find it incredible to believe that there isn’t perhaps occasionally input from the Department of the Interior or from Mr. Abbey and his staff down to those state folks, as—and I expect that, I am not saying that is an evil thing.

But to come in here and say, you know, “We don’t want this Washington involvement” I think ignores the reality that Interior and the Bureau here in D.C. obviously are free to and often, you know, exercise that.

So, I will just end with this. While I appreciate some of the points you are making, it probably provides nothing in the way of solution to say, “Leave it the way it is, because obviously there is a concern that has brought it to cause the bill to be introduced.” So it is like all my way or all the existing way or not the new way. It would be refreshing to see somebody come in and go, “Here is how we fixed some of our biggest concerns. And if you want more local input, here is how we do it.”

But anyhow, I appreciate your candor. Thank you. And I yield back, Mr. Chairman.

Mr. BISHOP. Thank you. Let me ask a couple of questions myself on this one. Mr. Ratcliffe, have any of the management plans for any national monument ever evaluated the impact of land closures on access and opportunities for displaced recreational shooters?

Mr. RATCLIFFE. They take into consideration other public lands and opportunities that exist for all types of recreational activities, and the uniqueness that the particular monument may serve in a particular recreational—

Mr. BISHOP. I appreciate that. But have any of those plans ever considered the impact on the closure for the access of opportunity?

Mr. RATCLIFFE. In Ironwood specifically, we recognized the fact that other closures, including Arizona state-owned public lands, are closed to shooting. In that particular case we also have worked extensively with the state to provide shooting opportunities at 63 ranges across Arizona that are managed by the Arizona Game and Fish Department.

Mr. BISHOP. Ms. Recce, do you think the BLM national monuments are the only Federal lands where this approach of the Flake bill is needed?

Ms. RECCE. I would say that the congressman's bill was introduced in reaction to a unwritten policy by BLM that national monuments are not places for recreational shooters. I have not seen this sort of wholesale closure like this on other BLM lands.

We do have our issues and differences related to management or non-management of recreational shooting elsewhere on BLM lands. But in terms of a mindset and a policy on closures, it has really been focused on national monuments.

Mr. BISHOP. Have you seen the same thing in national forests?

Ms. RECCE. No. We have our issues with the national forest on specific areas, but not wholesale closure of national forests to recreational shooters.

Mr. BISHOP. Thank you. I appreciate that. Thank you for your testimony on this bill.

Let us move now to H.R. 2489, by Representative Holt. If I could ask, I believe—who gets this one, Mr. May? You have the Administration's approach on this?

Mr. MAY. Yes. Thank you, Mr. Chairman. H.R. 2489 would authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

This legislation would expand the American Battlefield Protection Program to include both the War of 1812 and Revolutionary War battlefields, in addition to Civil War battlefields, which are covered under the current program. It would authorize 10 million in grants for Revolutionary War and War of 1812 battlefield sites, as well as 10 million in grants for Civil War battlefield sites, for each of the Fiscal Years 2012 through 2022. The American Battlefield Protection Program is currently authorized through Fiscal Year 2013. The Department supports this bill and suggests one change in the reporting language, as stated in our testimony. And that concludes our statement, and there is a more detailed statement in the record.

Mr. BISHOP. Thank you very much. Mr. Holt, I understand—or I would appreciate it if you would introduce to the Committee Mr. Fischer.

Mr. HOLT. Thank you, Mr. Chairman. It is my pleasure to introduce to the Subcommittee Professor David Hackett Fischer. Professor Fischer is often credited with playing a pivotal role in reviv-

ing popular and academic interest in American history and its lessons for the present. He is the Earl Warren Professor of History at Brandeis University, the author of widely acclaimed books, including "Historians' Fallacies," "Albion's Seed," "Paul Revere's Ride," "The Great Wave," "Liberty and Freedom," and is also the winner of the 2005 Pulitzer Prize for History for his book, "Washington's Crossing," which many call a masterpiece. I am particularly fond of it, because it hinges on historical events that took place in Central New Jersey.

Professor Fischer's credentials as a historian and author and an advocate make him well-qualified to speak on the benefits of historic preservation. He looks at large issues and ideas of history, freedom, liberty, the cultural currents that have made America. He is no stranger to the political contention that sometimes is encountered in historical work, including fights over monuments and such.

Although today I am sure he will elevate the discussion, I think he will find not contention and opposition, but, I hope, broad support and good feeling about this legislation.

I thank Professor Fischer for coming to speak on behalf of the American Battlefield Protection Program Amendments Act.

Mr. BISHOP. Mr. Fischer, you are recognized for five minutes.

**STATEMENT OF DAVID HACKETT FISCHER, UNIVERSITY PROFESSOR AND EARL WARREN PROFESSOR OF HISTORY, BRANDEIS UNIVERSITY**

Dr. FISCHER. Thank you very much for inviting me here, Mr. Chairman. And Rush Holt, thanks to you for the leadership you have taken with everybody else who has become a cosponsor of this legislation. I have submitted written testimony, and will be brief here today.

The short of it is we need help on Revolutionary War battlefields. Rush Holt summarized the quantitative evidence, much of it very carefully compiled by the National Park Service and other groups. There is another study that was done 20 years ago by Howard Peckham which reinforces all that. He found that there were something like 1,300 battles in the American Revolution, 1,300. And a good many of them are not merely lost, they can't be found. We don't know where they happened.

And one thing that could happen with support of this sort is that we could identify more of these places, which could have very important local connections for others who actually live in the neighborhood. The—I won't go over the numbers that have—that establish the dimensions of the problem, but I would like to say a few more things about the—some of the qualitative issues here.

It is the case that a good many of the most important battlefields in the American Revolution are very much in trouble, or have been damaged or severely fragmented or the other sorts of problems that are mentioned here.

One of them, for example, is the fighting on the day of Lexington and Concord, the first day of the war, and the Lexington Green and Concord's North Bridge are very carefully protected and preserved. But the heaviest fighting on that day that really made a difference for people at the time happened not in those towns, but to the east,

from Lexington east to Cambridge, and then to Charles Town. And very little of that has been protected. Some of it still has possibilities on open land. And if anything, the conditions there are getting worse.

It is the same for the fighting around New York in 1776, and for Trenton and at Princeton. The Princeton battlefield is in danger, as are both the first and the second battles of Trenton. The second battle that happened on the 2nd of January is almost totally neglected, not even in the other general surveys of this.

It is the same for Philadelphia campaigning and the most important battlefield is Brandywine. And it is on the top of the list of endangered sites from the National Park Service. In the fighting around Saratoga, one of the important battles was the Battle of Bennington, very close to that small Vermont town that is now thriving and growing. But the battle itself actually happened just across the state line in New York, and the result is that it has been an orphan. It is difficult, even to find the battlefield today. And it has been much neglected.

And I could run through all the campaigns in the American Revolution, and we find this problem recurring again and yet again. And we have seen what difference this sort of legislation can make for the Civil War. I very much hope that that precedent will be applied to the Revolution, as well.

One might ask, "Why are these sites important?"

And I would like to testify to that, as a teacher. That is what I mainly am. And I have just finished my 99th semester in the classroom. And I can testify that some of my students really love history, and some of them really don't. And when I try to ask why they go one way or another, what I find is that the students who are really engaged in history, before they come into my classroom, have been taken to these sites. Their families have gone on the ground. And that makes all the difference. So much of history is an effort of imagination. And when young people get on the ground, suddenly they discover that others have walked that earth before them, and it has an impact.

I have four or five long stories that are in my written report, and I won't tell the stories here again. But we have witnessed this many times over on the field.

At the same time that we have got problems, we also have opportunities. As people are getting more interested in history, they are becoming more concerned about these problems. And the concerns have deepened just recently in the past few years because so many of these sites that had maintenance funds have been zero-funded in the last few years. History maintenance funds, I think, are some of the first to be cut in these difficult moments.

But people are getting concerned, and they have also been doing something on their own about this, not so much on the sites, but on trails. Trails are cheaper than sites. It is easier to construct a trail. And they have been constructed with extraordinary dimensions.

There is a trail that runs to the—mainly to the Battle of Kings Mountain, which was the scene of a major battle at the very end—almost at the end of the Revolution. And what the trail does is to follow the route that the militia took who converged on that battle-

field. And the total length of all of those trails is approximately 180 miles. And it is going to grow beyond that. And it engages dozens of counties in five Southern States, a huge catchment area. And many of the counties and the local communities take great pride in their connection with those trails.

The same thing is happening on an even larger scale with the Washington-Rochambeau Trail, which is now in the process of creation. That one covers 680 miles, following the routes of the French and the American Continental Armies at the end of the war. And again, it is knitting together a great many communities.

There is another set of trails, it is the Star Spangled Trails, which are in and around the City of Baltimore for the War of 1812. In fact, there are 24 trails within that network. And that is just three of many examples.

But there is a problem with those trails. The problem is that the sites are not developed or protected along the trails. And the sites are critical to the—as the anchors of the trails themselves. And they—the trails have turned up many more sites and problems of that sort. This legislation could make a major difference, reinforcing those local efforts.

There are—

Mr. BISHOP. Mr. Fischer, you are significantly over time. I need you to summarize, if you would, please.

Dr. FISCHER. Sure. I will just add one last thought, which is that it is very important, I think, that all of this is done with the provision of willing sellers that is written into the legislation. And the bill, I think, has been very well thought-out in that way.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Fischer follows:]

**Statement of David Hackett Fischer on H.R. 2489,  
The American Battlefield Protection Program Amendments Act**

**Introduction: An Accelerating Problem**

Thank you for inviting me to appear before you today. I am here to speak in support of a new bill for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War, the War of 1812, and the Civil War, under the American Battlefield Protection Program.

On July 10, 2008, I was in this room to support an earlier version of the bill, “The Revolutionary War and War of 1812 Battlefield Protection Act.” It passed the House of Representatives with many sponsors from both parties, and nearly unanimous support.

With every year that goes by, this legislation grows more urgent. We continue to lose sites and historic buildings in many states. Leaders of the National Parks Conservation Association estimated on January 19, 2012 that “every year this nation loses more than 1 million acres,” of historic sites associated with the Civil War, American Revolution, and War of 1812.

The National Park Service has surveyed 825 “nationally significant” battlefields and associated sites for the American Revolution and the War of 1812. Of that number it finds that 107 have been lost, another 245 are in poor or fragmentary condition, and 22 are in danger of destruction in the next ten years.

The rate of loss is accelerating. Sites now presently endangered include some of the most important events in the history of the American Revolution. Among them are sites of fighting on the day of the day of Lexington and Concord in 1775, the fighting around New York at Pell’s Point and other places in 1776, the Delaware crossing on Christmas night in 1776; the first battle of Trenton on December 26, 1776, the second battle of Trenton on January 2, 1777, the battle of Princeton on January 3, 1777, the Forage War in New Jersey from January to March in 1777, and Howe’s East Jersey campaign against Washington in the spring of 1777, the battle of Brandywine in September 1777, and many more. These were not minor or

marginal events. They were the major campaigns. Some of these sites are now at risk, but might be preserved and protected at least in part if we can act decisively.

These endangered sites are located on open land in suburban or exurban areas around our cities and large towns. As urban growth begins to revive after the great recession, real estate development is picking up again, and the loss of historic sites will increase with it, unless we find a way to deal with it.

Some of these losses are the inevitable price we pay for economic growth, which is fundamental to the health of this great republic. But even as development continues, we could protect some of the most important sites, and this legislation would make a major difference that way.

The existing Civil War Battlefield Protection Program was already done so, with much success. It has helped to preserve 17,000 acres of historic sites. In many cases, it did so with matching grants that extended the reach of the program, while limiting costs. It has also operated effectively on the principle of acquisition from “willing sellers” only. Prior experience with the use of eminent domain for historic sites, as at Minuteman Historic Park in the 1950s, clearly demonstrates the wisdom and even the necessity of a “willing seller” rule.

### **Growing Interest in Historic Sites**

Today, even as dangers to historic sites are increasing, so also are our opportunities for their protection and preservation—and in several ways. One factor is that more people who taking an interest in the American Revolution, and in historic sites.

During the past two decades we have seen a growth of interest in history generally, after a period in the late 20th century when the trend had moved in the opposite direction. Before 1990, history books disappeared from bestseller lists, history enrollments declined both in undergraduate and graduate programs. Historical and patriotic organizations tended to lose members. The popular culture of that period turned away from the American past. In the universities the movement called postmodernism denied the possibility of historical truth.

Since about 1990, these trends reversed. One of the most interesting tendencies was a sudden surge of interest in the American Revolution and the War of Independence, without benefit of anniversaries or commemorations. Part of it grew from the success of new books on the American Revolution. A leading example was David McCullough’s excellent biography of John Adams—a massive work, on an improbable subject, for a runaway best seller. Many other dense and academic books about the American Revolution reached a large reading public, to the surprise of their authors.

Clearly there is a new public for history today. Those of us who write history know about it because our readers write to us and tell us who they are and why they care. They are people in mid-career. They were not history majors in college. Many of them are in the knowledge business—the old professions, the new digital disciplines. They work with complexity, and their skills require rigor, and they came to history that spirit. They don’t want it to be dumbed down, and they also have very little interest in academic historiography which they regard as the shadow of the thing and not the thing itself. Neither popular history or academic history serves them well. A new genre of history works better for them. It has the seriousness and breadth of inclusion of the new social and cultural history. And it also has the people, leaders, events, and choices. Most of all it’s about people making choices, and choices making a difference in the world. And in that way, it speaks to our condition. It is also an idea of history that is rooted in places such as the sites that this legislation seeks to protect.

### **The Importance of Historical Sites**

This newly enlarged constituency for this history in the United States numbers in the millions, and the numbers are growing. But other millions of people are not part of it. They have little interest in history, and that is a problem for us all. Surveys show that people who don’t know much about history also know little of current events. They are less apt to vote, or to have a sense of civic engagement. They are less engaged in the civic life of the republic. The question is how to reach these people, and to encourage an interest in history. One way to reach some of them is to engage in thinking about history on the ground.

A few stories might suggest some of the ways in which historic sites can have a major impact. One place where I have seen it happening is in the town of Lexington, Massachusetts, along the Battle Road where the Revolutionary War began. We were there, on a small piece of preserved ground, watching a reenactment. Some in the re-enactors dressed as militia and others wore redcoats. A third group wore 18th century civilian dress—men, women and children. They call themselves pickets, and

their job is to work the crowd, mingling among them, engaging individuals in informal conversations about history. One of these pickets was a lawyer named Miles McConnell. He stood on the edge of the field, between the battle road and a bike path, popular with families who were speeding by as the battle reenacting. We watched as a family of bikers came by, outfitted in lycra bodysuits and intergalactic helmets, bike helmets on the edge of the battle field. One of the children noticed first. He screeched to a stop and came over to the Miles McConnell, the picket, and they started to talk—the child in his galactic biking helmet and Miles McConnell in a cocked hat. A volley was fired and the child was fascinated. The parents came biking over, and a crowd began to gather listening with close attention to Miles McConnell. The old stories were new to them and they learned about them on the ground with interest and even a sense of wonder. Their bike trip suddenly became a journey of discovery. And a history that might have been learned painfully in a classroom was absorbed effortlessly on an historic site, with laughter and a light touch.

Another story. Recently my wife and I were in Charlotte, North Carolina on history business. Afterward, we had some time to ourselves and drove to National Battlefield Historic Park at Cowpens in South Carolina. I noted in the parking lot an unmarked black van with New York license plates. As we walked onto the field, we met two men, lean and muscular, with haircuts high and tight. They were wearing black combat fatigues, black jump boots, and black tee shirts that were inscribed “We own the streets! NYPD.” They were New York cops who worked on the sharp end in that city. Their hobby was history, especially the history of the American Revolution. They took a week of their vacation and drove several thousand miles to visit battlefields in the southern states. From their reading they knew the ground of Cowpens as intimately as the streets of their city. We learned from their depth of knowledge. They responded to the site in another spirit, as if they were on sacred ground. There is a book about that by a philosopher, Edward Tabor Linenthal, called *Sacred Ground; Americans and Their Battlefields* (Illinois Press, 1993). As we talked about what had happened on the field at Cowpens, these hard men in a very tough job were moved to tears by their memory of what had happened there.

A third story is not about laughter or tears, but history in another key. It happened at Minuteman National Park. We were with a Hollywood director, and producers and a screen writer. They were full of high spirits and irreverent Hollywood humor. As we drove through Concord, they were impressed by the houses, and one of them said, you didn't tell us that the Revolution began in Boston's Beverly Hills. We talked about what had happened there, in the fighting along a country road. Then we walked a stretch of it, about half a mile called the Nelson neighborhood, past the ruins of farm house that had belonged to families of that name. The road was unpaved, very wide. It ran between stone walls that had been built in the 18th century, with ancient oak trees on either side of the road. The sunlight was filtered through the leaves. It was early in the morning, after a rain the night before. The ground was wet and wisps of a ghostly mist were rising around us. Suddenly the entire group went completely silent and we walked the old road without a word. They knew what had happened there. But now suddenly they felt it. And they knew in that deeper way that others had walked this earth before them. That past was not a foreign country. That our own forbears lived there, and their lives were linked to ours. It came to them with the force of revelation. That's what an historic site can do.

### **Sites and Trails**

Since 2008, something else has been happening as a way of preserving the historic sites of the American Revolution. Mainly it is about the development of historic trails that link those sites together. It has been going on since at least 1947, when William Schofield and Bob Winn, a journalist and a church worker, founded Boston's Freedom Trail—a ribbon of red brick, 2.5 miles long, that connects sites for the Revolution, Early Republic, War of 1812, and the Civil War.

Many other trails are now in process of development. One is Baltimore's Star Spangled Trails, a network of 23 trails for driving and walking. They follow many themes that variously center on the American Revolution and Early Republic, the War of 1812, Slavery and the Civil War, and the maritime and social and cultural history of Baltimore. It is one of the most ambitious of many historical projects in any of our cities.

Another is the Overmountain Victory National Historic Trail. It centers on a single event in the War of Independence—the battle of King's Mountain in South Carolina on Oct. 7, 1780, where many backcountry militia who supported the new American republic came together to defeat an army that served the British Crown. The Overmountain Trail follows the march of the many American units who converged



on that battle field. The result is a huge web of trails that stretch for 200 miles across the states of Virginia, Tennessee, North Carolina and South Carolina, It may eventually include parts of Georgia, West Kentucky and Georgia. Many people have joined together to make it work—private landowners, public officers, schoolchildren, boy scouts many more.

One of the largest of these new history trails is the Washington-Rochambeau-Revolutionary Route. It was given that name in the Public Land Management Act of 2009, and known to many people as the W3R Trail. This one presently runs for 680 miles through nine states and the District of Columbia. It follows the movements of French and American armies from Newport to Yorktown, and once again it brings together many historic sites, and communities and individual people

All of these trails are works in progress. All have great strengths, devoted organizers, and a very broad base of enthusiastic support. All combine public and private assistance from individual landowners, corporations, local governments, state agencies, and national institutions such as the Park Service.

But even as they combine many strengths, they also share a major challenge. The historic sites along the trails have presented many problems—more than the trails themselves. Some sites are in bad repair, or in danger of loss. Here again the Battlefield Bill could make a difference.

#### **A Few Examples in the Countryside.**

Much of the Saratoga battlefield is carefully protected and maintained, as a national Historic Park. But Saratoga was the name of a campaign, and some very important small battles in the outcome. One of them was the battle of Bennington in August, 1777. It bears the name of a town in Vermont, but the battlefield itself is in the state of New York, and the site has been neglected by both states. The land is almost entirely unprotected, and it is increasingly at risk from the spread of development through that area. A grant from a National Battlefield Protection Program could bring the two states together in a common cause, and protect one of the most interesting, and appealing and important small battlefields in American history.

Other rural sites are in tidewater Virginia, and were part of Lafayette's campaign in 1781, that preceded the larger campaign of Washington Rochambeau. In the months before the Yorktown campaign there were several small battles of large significance. Their sites have also been neglected. An example is the battle of Greenspring, which is very important for an understanding of the leadership of the Marquis de Lafayette and the American General Anthony Wayne. It was also an event that a major impact on the Continental army's sense of itself, and what it could do, and it taught British and Hessian leaders what they could not do. The National Park Service noted that this battlefield is almost entirely intact, but in danger of development.

Many sites in central New Jersey were part of a campaign that has not yet found its historian. It happened in the spring and early summer of 1776, when General Howe led his troops from New York City to central New Jersey in an attempt to trap and destroy Washington's army. The result was a major campaign without a large battle—an eighteenth century affair of small skirmishes. In the end Howe failed to trap Washington and suffered serious losses. He also lost nearly half of the campaigning season in 1777, with disastrous results for the Philadelphia campaign and the Saratoga campaign that followed. It was also a brilliant bit of soldiering by Washington and his lieutenants. The two armies moved back and forth across spectacular terrain. Washington made effective use of a high escarpment that runs diagonally across the New Jersey countryside for many miles. Only a few years ago it was mostly open land. Today is rapidly developing. Pockets of open land still remain, and could draw many people to the study of history. The Battlefield Protection Bill could make a difference here.

#### **Examples from an American City: Boston**

Another large-spirited program of small improvements in historic sites might be envisioned for the center of a major American city. Here are a few specific suggestions of some things that might be done with the help of the Battlefield Protection Program.

Spring Lane is a small alley off Washington Street between Milk and Water Streets. It is dark, gloomy, and forbidding, with an air of danger and decay. To venture into it is to discover an old plaque that marks the location of a spring that was a center of settlement and town life in the seventeenth century. This dreary alley could be turned into a very attractive place that might commemorate Boston's 17th century beginnings in an active and engaging way. A fountain could be installed to represent the old spring. Lively monuments might commemorate the Puri-

tan founders—men, women, and children. An outdoor cafe could be set there, with banks of shade plants to soften the walls, and imaginative lighting and music in the evening. In the summer it could be a cool spot on a hot day. We could convert a dirty, dreary and dangerous alley into an attractive and very interesting place, where people might be invited to reflect on the Boston's early history.

Province Street just off the Freedom Trail from School Street, offers a possibility for broadening the history of the Revolution in an attractive way. The street takes its name from Province House, the seat of the Royal government in Massachusetts. In 1775 it was the official residence of General Thomas Gage and his American wife Margaret Gage who was deeply divided in her heart by the revolution. Nothing remains of Province House but an iron gate that led to 18th century gardens on its grounds, and a heavy flight of granite steps that lead up to Bosworth Street. One could reconstruct a small eighteenth century garden at the dead end of Bosworth Street. It might be about 2000 square feet, with a monument to Boston's loyalists, the forgotten Americans in the War for Independence. Perhaps it could also include a memorial to General Gage and Mrs. Gage modelled after the Copley portraits. All this could be done with care, restraint, and fidelity to fact, but also with flair and color and imagination. One might turn a shabby run-down dead-end corner on the edge of Boston's former combat zone into a place of grace and beauty and historical interest. Once more the Protection Bill could lead to something very creative.

Hanover Square is the forgotten eighteenth century name for the intersection of Washington and Essex Streets. It was also called the Elm Neighborhood, after a grove of ancient trees that had been planted by the founders of Boston. In 1765 one of those elms was adopted by the Sons of Liberty and called the Liberty Tree. Many important events in the history of the American Revolution happened here, from 1765 to 1775. The tree was cut down by a Tory mob in 1775, and for many years the town venerated the Liberty Stump as it was called. At present, nothing remains but a few old signs that are hard to find and harder to read, and a few scrawny locust trees. There is an open space on the south side of Essex Street in front of the China Trade Center. Here again this Bill could have an impact.

#### **A Suggestion for Funding: a New Source of Income**

A major problem these days is about how to pay this program. The bill envisions expenditures of \$10 million a year for Civil War sites, and another \$10 million for the American Revolution and War of 1812 combined. How might we pay for it?

On the principle of "pay as you go," and to win support both in the Congress and the country, we might build on several precedents which were adopted in the 1990s to support Civil War sites.

The first precedent was set by Congress in 1992, when it authorized the Treasury to mint and sell Civil War commemorative coins which yielded a net return of \$5.9 million. This money was used to buy lands for Civil War battlefields, and 5,200 acres were acquired.

A second precedent came also from Congress in 1998, when it authorized approximately 32 million dollars in the form of grants to the states from Land and Water Conservation Funds to acquire and protect historic sites and battlefield lands in particular. These funds were used to acquire and protect another 11,800 acres. These grants and gifts were combined with matching funds which extended their reach. Something similar could be done to pay for the acquisition of historic sites and battlefields from the American Revolution and the war of 1812.

One could also encourage contributions that might have an added purpose. A model in the 19th and again in the 20th century, was a fundraising campaign for the preservation of USS Constitution. It invited schoolchildren to send pennies for the Constitution. The drive drew much attention, and succeeded in several ways. Many children contributed pennies, The example of the children inspired adults to pitch in. And for the children themselves, the experience of giving encouraged them to form a sense of identity and even ownership of the Constitution, and its history. It could happen again with battlefields and historic sites. Very small contributions could be pay large dividends, not only for the protection of the battlefields themselves, but for the preservation of the Republic in generations to come.

Mr. BISHOP. Thank you. Other questions? Mr. Holt? Ms. Tsongas?

Ms. TSONGAS. I don't have a question so much, but just to say that my district encompasses Concord, Massachusetts, and is home to the Minuteman National Historical Park. And I just visited there this past summer with two young members of my family.

And Mr. Fischer and Congressman Holt, you are so right when you say how important it is that we be able to visit the places where these remarkable events took place. It makes it so real.

And it is not just that we sort of become stewards of those places, but also we become stewards of what happened there. And that can be a very complex effort. But nevertheless, I think it is so important to us as a nation. We know that once these spaces are gone, they are lost forever. And with it goes our great personal connection to the past.

So, just to say I think I am supportive of this legislation. I have seen over and over again how important it is that we protect our heritage. Thank you.

Dr. FISCHER. Thank you.

Mr. BISHOP. Mr. Amodei, do you have question? Mr. Holt, do you have questions?

Mr. HOLT. Yes. Thank you. And, you know, as I said in my opening remarks, I think that this is critically important for moving forward, not just for looking back. Some students came to see me in my office, and they brought me a button that says, "History: Now, More Than Ever."

Indeed, you know, if this nation is to long endure, we have to continually remind ourselves on how it was conceived and to what it is dedicated. And feeling that on the ground, as you say, Professor Fischer, is, I think, critically important to that.

Let me ask each of you, Mr. May and Mr. Fischer, to quickly give some examples from the Civil War battlefield protection that would be the kinds of things that would be brought to the War of the Revolution and the War of 1812 that are really necessary for drawing those lessons for the future.

Dr. FISCHER. I would say one would be Fort Sumter, which has been made much more accessible to visitors in South Carolina. And it is now a major tourist magnet, easier of access than ever before. And just across the water is Fort Moultrie, a Revolutionary War site. And it could be exactly the same there.

Mr. MAY. The—I have a few examples of grants from the Battlefield Protection Program, overall. Recently, Citizens for Fauquier County were given a grant for a project on nine significant Civil War battlefields, including Brandy Station, Cedar Mountain, Kelly's Ford, et cetera. I won't give the whole list.

The program is quite extensive, and I—in terms of specific acquisitions, I don't have a list of those in my possession at the moment, but we certainly can give you a list of that.

Mr. HOLT. Well, I will just finish by thanking Mr. Fischer for the fine examples that you have given in your prepared testimony of what a difference the visit to a well-presented site can make, and also to thank Professor Fischer for mentioning the Washington-Rochambeau Trail, which is moving along nicely and I think will be important in this effort.

And to all present, I am sure many of you have read the works of David Hackett Fischer. But if you haven't, I urge you to do so. Thank you.

Mr. BISHOP. Thank you very much. We have one last bill, 3411, by Mr. Benishek.

Mr. Ratcliffe, just tell us you like the bill.

Mr. RATCLIFFE. That is pretty much it.

Mr. BISHOP. OK, we are done.

[Laughter.]

Mr. RATCLIFFE. All right.

Mr. BISHOP. With that, I appreciate very much the testimony and the patience of both the Members and the staff, and the participants here. Members of the Subcommittee may have additional questions for witnesses. And we would ask you to respond to those in writing. The hearing record will be open for 10 days to receive those responses.

If there is no further business, once again I do appreciate all those who have waited and given the testimony on all these bills very much. If there is no further business, this Subcommittee stands adjourned.

[Whereupon, at 12:18 p.m., the Subcommittee was adjourned.]

