

HARPERS FERRY NATIONAL HISTORICAL PARK
BOUNDARY REVISION ACT OF 2004

SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 1576]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1576) to revise the boundary of Harpers Ferry National Historical Park, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1576 is to revise the boundary of Harpers Ferry National Historical Park and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Located at the confluence of the Potomac and Shenandoah Rivers in West Virginia, Harpers Ferry is the site of a former federal armory that was captured by abolitionist John Brown and his followers in 1859. The site was elevated to national park status in 1944 by act of Congress.

In 2001, at the direction of Congress, the National Park Service undertook outreach efforts and public meetings to explain the options for expanding the boundary of the Historical Park. The National Park Service transmitted the results of the outreach efforts to Congress in a report titled “Report to the Senate Appropriations Committee of the United States Congress on the Public Outreach Program at Harpers Ferry National Historical Park, in Harpers Ferry, West Virginia, to Explain the Options to Expand the Park’s Boundaries and Determine if there is a Public Consensus for Ex-

pansion” (September 2002). The report concluded that there exists an overwhelming public consensus (94%) for expansion of the Park.

S. 1576 would incorporate into the boundary of the Park and provide protection for nine parcels of land currently threatened by development. Such parcels include sites related to the historical events that took place in Harpers Ferry, including the following: properties on School House Ridge, which was the position of Confederate General Stonewall Jackson during the battle for Harpers Ferry in 1862; the Werner tract, which protects the southern viewshed of the Park; a portion of the Appalachian National Scenic Trail that contains Civil War campgrounds; and Potoma Wayside that protects part of the view Thomas Jefferson described in his *Journals on the State of Virginia*.

COMMITTEE ACTION

Senator Robert Byrd introduced S. 1576 on September 3, 2003. The Senate passed the bill on May 19, 2004, by unanimous consent. It was referred to the House Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On June 15, 2004, the Subcommittee conducted a hearing on the bill. On July 8, 2004, the Subcommittee met to mark up the bill. No amendments were offered and the bill was forwarded to the Full Resources Committee by unanimous consent. On July 14, 2004, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to revise the boundary of Harpers Ferry National Historical Park.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 1576—Harpers Ferry National Historical Park Boundary Revision Act of 2003

S. 1576 would expand the boundary of the Harpers Ferry National Historical Park in West Virginia by about 1,240 acres. The act would authorize the National Park Service (NPS) to acquire the added acreage by purchase, donation, or exchange, except that lands that are already owned by the federal government would be acquired by transfer. Finally, the act would authorize the appropriation of whatever amounts are necessary for these purposes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1576 would cost the federal government about \$5 million over the next year or two. Of this amount, we estimate that \$4 million would be used to purchase about 190 acres of private property, and \$1 million would be used to develop that land. The remaining acreage that would be added to the park is either already owned by the federal government or would be donated by the nonprofit Civil War Preservation Trust. CBO estimates that additional costs to operate and maintain those additional lands would be less than \$200,000 a year. This estimate is based on information provided by the NPS.

S. 1576 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

On March 25, 2004, CBO transmitted a cost estimate for S. 1576 as ordered reported by the Senate Committee on Energy and Natural Resources on March 9, 2004. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 30, 1944

AN ACT To provide for the establishment of the Harpers Ferry National Monument.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in order to carry out the purposes of this Act, the Secretary of the Interior is authorized to acquire lands or interests in lands, by donation, purchase with donated or appropriated funds, or exchange, within the boundaries as generally depicted on the drawing entitled "Boundary Map, Harpers Ferry National Historical Park", numbered 384-80,021A and dated April 1979, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That after advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, the Secretary may make minor revisions in the boundary, when necessary, by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage shall not exceed two thousand five hundred and five acres: *Provided further*, That nothing herein shall be deemed to authorize the acquisition, without consent of the owner, of a fee simple interest in lands within the boundaries in which a less than fee interest has previously been acquired by the Secretary of the Interior. The Secretary is authorized to acquire, by donation only, approximately twenty-seven acres of land or interests therein which are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on a map entitled "Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park," dated April 1, 1989 and numbered 385-80056. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. When acquired, such lands or interests therein shall become a part of the park, subject to the laws and regulations applicable thereto. Any Federal land within the area designated by the Secretary of the Interior as necessary for monument purposes shall be transferred to the administration of the Department of the Interior and when so transferred shall become a part of the monument: *Provided*, That the Federal department or agency having administration over such land shall agree in advance to such transfer.]

SECTION 1. HARPERS FERRY NATIONAL HISTORICAL PARK.

(a) *IN GENERAL.*—To carry out the purposes of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the boundaries as generally depicted on the map entitled "Boundary Map, Harpers Ferry National Historical Park", numbered 385-80,021A, and dated April 1979.

(b) *BRADLEY AND RUTH NASH ADDITION.*—The Secretary is authorized to acquire, by donation only, approximately 27 acres of land or interests in land that are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on the map entitled "Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park", numbered 385-80056, and dated April 1, 1989.

(c) *BOUNDARY EXPANSION.*—

(1) *IN GENERAL.*—The Secretary is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the area depicted as “Private Lands” on the map entitled “Harpers Ferry National Historical Park Proposed Boundary Expansion,” numbered 385/80,126, and dated July 14, 2003.

(2) *ADMINISTRATION.*—The Secretary shall—

(A) transfer to the National Park Service for inclusion in the Harpers Ferry National Historical Park (referred to in this Act as the “Park”) the land depicted on the map referred to in paragraph (1) as “U.S. Fish and Wildlife Service Lands” and revise the boundary of the Park accordingly; and

(B) revise the boundary of the Park to include the land depicted on the map referred to in paragraph (1) as “Appalachian NST” and exclude that land from the boundary of the Appalachian National Scenic Trail.

(d) *MAXIMUM NUMBER OF ACRES.*—The number of acres of the Park shall not exceed 3,745.

(e) *MAPS.*—The maps referred to in this section shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) *ACQUIRED LAND.*—Land or an interest in land acquired under this section shall become a part of the Park, subject to the laws (including regulations) applicable to the Park.

(g) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2. The property acquired under the provisions of section 1 of this Act shall constitute the Harpers Ferry National Monument and shall be a public national memorial commemorating historical events at or near Harpers Ferry. The Director of the National Park Service under the direction of the Secretary [of the Interior], shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled “An Act to establish a National Park Service, and for other purposes”, as amended.

SEC. 3. The Secretary [of the Interior] is authorized to—

(1) * * *

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