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SENATE

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McLOUGHLIN HOUSE NATIONAL HISTORIC SITE ACT

JUNE 9, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 733]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This act may be cited as the “McLoughlin House Addition to Fort Vancouver National Historic Site Act.”

(b) **DEFINITIONS.**—For the purposes of this Act, the following definitions apply:

(1) **CITY.**—The term “City” means Oregon City, Oregon.

(2) **McLOUGHLIN HOUSE.**—The term “McLoughlin House” means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior’s Order of June 27, 1941, and generally depicted on the map entitled “McLoughlin House, Fort Vancouver National Historic Site”, numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

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

SEC. 2. McLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) **ACQUISITION.**—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) **MAP AVAILABILITY.**—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) NAME CHANGE.—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the “McLoughlin House National Historic Site” to the “McLoughlin House”.

(e) FEDERAL LAWS.—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference in a law, map, regulation, document, paper, or other record of the United States to the “McLoughlin House National Historic Site” (other than this Act) shall be deemed a reference to the “McLoughlin House”, a unit of Fort Vancouver National Historic Site.

Amend the title so as to read, “A bill to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon for inclusion in Fort Vancouver National Historic Site, and for other purposes.”.

PURPOSE OF THE MEASURE

The purpose of H.R. 733 is to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as part of the unit of the National Park System known as the Fort Vancouver National Historic Site.

BACKGROUND AND NEED

The McLoughlin House National Historic Site in Oregon City, Oregon was once home to Dr. John McLoughlin. Dr. McLoughlin was chief factor of the British Hudson’s Bay Company based at Fort Vancouver on the Columbia River. He crossed the Rockies in 1824 and established Fort Vancouver in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon. A fur trader, developer, doctor, and mayor, Dr. McLoughlin became known as the “Father of Oregon” and the McLoughlin House was restored to honor his life and accomplishments.

The McLoughlin Memorial Association was formed in 1909. In 1910, the Association opened the McLoughlin House as a museum. Since that time, the house has been visited by thousands of individuals each year. In 1941, Congress designated the McLoughlin House a National Historic Site and it continued to operate under the direction of the Association. When Fort Vancouver National Historic Site was established in 1948, the National Park Service (NPS) entered into a formal agreement with the Association to work cooperatively together.

In 2000, the Association approached the NPS concerning the possibility of the agency assuming administration of the site. The Association lacks appropriate funds to maintain the historic houses and has asked that the NPS acquire the site and assume responsibility to ensure the future care of the Historic Site with the Association remaining active in an advisory capacity.

LEGISLATIVE HISTORY

H.R. 733 was introduced in February 2, 2003 and passed the House of Representatives by voice vote on April 8, 2003. Companion legislation, S. 601, was introduced by Senators Smith and

Wyden on March 12, 2003. The Subcommittee on National Parks held a hearing on H.R. 733 and S. 601 on May 13, 2003.

At the business meeting on May 21, 2003, the Committee on Energy and Natural Resources ordered H.R. 733, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 21, 2003, by a voice vote of a quorum present, recommends that the Senate pass H.R. 733, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of H.R. 733, the Committee adopted an amendment in the nature of a substitute. The amendment deletes congressional findings, and makes other clarifying and technical changes. The amendment is explained in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the title of the bill as the “McLoughlin House Addition to Fort Vancouver National Historic Site Act” and defines terms used in section 2.

Section 2 authorizes the Secretary of the Interior to acquire the McLoughlin House and contains necessary administrative authorities.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 733—McLoughlin House Addition to Fort Vancouver National Historic Site Act

H.R. 733 would authorize the National Park Service (NPS) to acquire the McLoughlin House National Historic Site (NHS) in Oregon by purchase, donation, or exchange. The site, which consists of two historic houses, is currently owned and operated by a non-profit organization. Upon acquisition, the site would be administered by the NPS as part of the Fort Vancouver National Historic Site.

Based on information provided by the NPS and by the McLoughlin Memorial Association, CBO estimates that implementing H.R. 733 would cost about \$3 million over the next five years, assuming appropriation of the necessary amounts. We estimate that about \$500,000 of this amount would be used to purchase the two buildings during the next year or two, and that about \$1 million would be spent to repair and restore them over the following few years. We estimate that the cost of operating the site as part of the Fort Vancouver NHS would be about \$300,000 annually beginning in 2004 or 2005, also assuming appropriation of the necessary amounts. Finally, CBO estimates that an additional \$2 million would be spent after 2008 for further renovation and development. Enacting H.R. 773 would not affect direct spending or revenues.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Deborah Reis and Jenny Lin. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 733. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 733, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 733. These reports had not been received at the time the report on H.R. 733 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 601 and H.R. 733, similar bills that would authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site in the state of Washington. H.R. 733 passed the House on April 8, 2003.

The Department supports both S. 601 and H.R. 733, if amended in accordance with this statement. We believe that the McLoughlin House National Historic Site, which is currently an affiliated area of the National Park System, would be an appropriate addition to Fort Vancouver National Historic Site, but we think that the legislation should be clarified with respect to the name change that would need to be made to the McLoughlin House if it is acquired by the National Park Service.

The McLoughlin House is located in Oregon City, Oregon, southeast of Portland, along the dramatic Willamette River Falls. It was the home Dr. John McLoughlin built and lived in from 1847, after his retirement from the Hud-

son's Bay Company's operations at Fort Vancouver, until his death in 1857.

John McLoughlin is one of Oregon's most revered historical figures. Known as the "Father of Oregon," he played a major role in the transformation of Oregon Country from British-controlled fur-trapping territory to United States-controlled agricultural settlement lands in the early to mid 19th Century. Born in Quebec, McLoughlin moved west, became involved in the fur trade, and came to preside over the vast territory claimed by Hudson's Bay Company and its operations headquartered at Fort Vancouver, in what would become the state of Washington. McLoughlin served as Chief Factor of Fort Vancouver from 1825 until 1845, and under his leadership the fort became the center of political, cultural, and commercial activities in the Pacific Northwest. He was instrumental in maintaining peace between Great Britain, which claimed the territory, and the settlers who came to Oregon Country from the United States, and the Native American tribes in the region.

As the fur trade declined and American settlers began arriving to settle in Oregon Country in large numbers, McLoughlin turned his attention to providing aid and supplies to them. These migrants had reached the end of their arduous journeys along the Oregon Trail, and many were sick, starving and ill-equipped to begin a new life. He aided them despite the Hudson's Bay Company's policy of discouraging agricultural settlement in the region.

When McLoughlin retired from the Hudson's Bay Company in 1845, he bought land he had claimed for the company across the Columbia River, in Oregon City, which was beginning to emerge as a center of industry and commerce. He built an elegant home where he and his wife Marguerite continued to help new settlers in need. Because of McLoughlin's generosity, his house became known as the "house of many beds." After becoming a U.S. citizen in 1851, McLoughlin became Mayor of Oregon City and increased his acts of philanthropy throughout the region.

The McLoughlin House has retained its historic integrity as one of the earliest examples of its architectural style in the Pacific Northwest. It was moved from its original location elsewhere in Oregon City nearly a century ago because of industrial encroachment and now sits on land McLoughlin donated to Oregon City. The McLoughlin House National Historic Site, which also includes the home of Dr. Forbes Barclay, an associate of McLoughlin's, serves as a focal point for education and tourism in the Portland area and is used to teach students about the early European settlement of the Pacific Northwest. The site continues the story that begins at Fort Vancouver of the settling of Oregon Country facilitated by John McLoughlin.

The McLoughlin House was designated a national historic site in 1941 by the Department of the Interior, making it the first such site in the western United States. That same year, the Department entered into a cooperative

agreement with the McLoughlin Memorial Association, which had owned and managed the site since 1909, for operation of the home. In 1966, the responsibility for providing assistance to the site was delegated to Fort Vancouver National Historic Site. The house and grounds maintenance, as well as curatorial assistance, at the McLoughlin House is currently provided by staff at Fort Vancouver.

Although we are unaware of any formal action that designated the McLoughlin House an affiliated area of the National Park System, the National Park Service has considered this site one of its affiliated areas for many years because of the 1941 designation and cooperative agreement. Affiliated areas are significant properties that are neither federally owned nor directly administered by the National Park Service but which receive technical or financial aid from the National Park Service. Some have been designated as affiliated areas by Congress; others, like the McLoughlin House, have been designated national historic sites by the Secretary of the Interior under the authority of the Historic Sites Act of 1935.

As part of the General Management Plan revision for Fort Vancouver National Historic Site, the National Park Service studied the possibility of adding the McLoughlin House National Historic Site to Fort Vancouver and found that because of the strong thematic connection to the fort and the feasibility of managing this unit, it would be an appropriate addition. There is broad support for this action. The proposal to add the McLoughlin House to Fort Vancouver National Historic Site was generated during public scoping meetings on the General Management Plan held in Oregon City. Support is also evident from the comments the National Park Service received earlier this year during the public comment period on the Draft General Management Plan and Environmental Impact Statement. We expect to finalize the revised General Management Plan by the end of this year.

If S. 601 or H.R. 733 is enacted and funds are made available for acquisition of the McLoughlin House, the National Park Service would acquire the site and the contents of the McLoughlin House and Barclay House. The estimated acquisition cost of the historic site real property is \$445,000. The furnishings and artifacts from the two houses, estimated to be worth more than \$200,000, would be donated to the National Park Service by the McLoughlin Historical Association. Oregon City, which owns the land used for the McLoughlin House site, would donate a permanent easement to the National Park Service in order to provide the Service with the access needed for the management, protection, and public use of the site. A proposal for this donation, incidentally, was approved through a 2001 referendum supported by more than 80 percent of the Oregon City voters. We estimate that operation and maintenance of the site would add \$285,000 to Fort Vancouver's

approximately \$1 million annual operation and maintenance costs, an increase of about 28 percent.

The McLoughlin Memorial Association would continue to play an important role at the McLoughlin House site. The Association plans to use most of the proceeds from the sale of the house, not including a small portion needed to pay off debt, to establish an endowment fund to assist in the long-term preservation of the site and development of educational programs throughout the Portland/Vancouver region. The Association also plans to pursue private-sector support for educational programming, site preservation, and other activities to support the site.

While we support the intent of both bills, we recommend amending the legislation to ensure that once the McLoughlin House National Historic Site is added to Fort Vancouver National Historic Site, the McLoughlin House no longer has "national historic site" in its title. We are concerned that without a clarification in the language, we would be creating a national historic site within a national historic site. Along with the clarifying language, we would like the legislation to reference a revised map for the McLoughlin House. We would be pleased to work with the committee to amend the bill's language.

Mr. Chairman, that concludes my testimony. I would be glad to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 733, as ordered reported.

