

DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE
ACT

JULY 8, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1423]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1423) to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE.

(a) **SHORT TITLE.**—This section may be cited as the “Dorothy Buell Memorial Visitor Center Lease Act”.

(b) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of the Interior may enter into a memorandum of understanding to establish a joint partnership with the Porter County Convention, Recreation and Visitor Commission. The memorandum of understanding shall—

- (1) identify the overall goals and purpose of the Dorothy Buell Memorial Visitor Center;
- (2) establish how management and operational duties will be shared;
- (3) determine how exhibits, signs, and other information are developed;
- (4) indicate how various activities will be funded;
- (5) identify who is responsible for providing site amenities;
- (6) establish procedures for changing or dissolving the joint partnership; and
- (7) address any other issues deemed necessary by the Secretary or the Porter County Convention, Recreation and Visitor Commission.

(c) **LEASE AGREEMENT.**—

- (1) **AUTHORIZATION.**—After entering into a memorandum of understanding in accordance with subsection (b), the Secretary is authorized to enter into an

agreement with Porter County Convention, Recreation and Visitor Commission to lease space in the Dorothy Buell Memorial Visitor Center, located on a site south of the Indiana Dunes National Lakeshore boundary on IN 49, the principal north/south artery into the national lakeshore, for use as a visitor center for Indiana Dunes National Lakeshore.

(2) DEVELOPMENT OF EXHIBITS.—The Secretary may plan, design, construct, and install exhibits in the leased space related to the use and management of the resources at Indiana Dunes National Lakeshore, at a cost not to exceed \$1,500,000.

(3) NATIONAL LAKESHORE PRESENCE.—The Secretary may utilize park staff from Indiana Dunes National Lakeshore in the leased space to provide visitor information and education.

SEC. 2. INDIANA DUNES NATIONAL LAKESHORE.

Section 19 of the Act entitled “An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes” (16 U.S.C. 460u–19) is amended—

(1) by striking “After notifying” and inserting “(a) After notifying”; and

(2) by adding at the end the following:

“(b) For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.”.

Amend the title so as to read:

A bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 1423, as ordered reported, is to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Indiana Dunes National Lakeshore was established by Congress in 1966. The 15,067-acre park stretches for 25 miles along the shore of Lake Michigan in northwest Indiana, and receives over three million visitors each year.

For nearly a decade, the National Lakeshore and the Porter County Convention, Recreation and Visitor Commission have worked together to replace older visitor centers that are far from the main transportation routes.

In 2003, the park and Porter County began the process to build a new visitor facility at the intersection of the two main routes leading into the park. The Dorothy Buell Memorial Visitor Center was dedicated at the end of November 2006. During the center’s first year of operation, visitation increased by 24% over visitation levels at the older NPS visitor center.

H.R. 1423 permits the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission to lease space outside the established boundaries of the park at the Commission’s Dorothy Buell Memorial Visitor Center for exhibits, offices, a book store and a theater.

COMMITTEE ACTION

H.R. 1423 was introduced on March 8, 2007, by Representative Peter Visclosky (D–IN). The bill was referred to the Committee on

Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

At a hearing before the National Parks, Forests and Public Lands Subcommittee on March 6, 2008, a representative of the National Park Service testified in favor of the bill and requested minor amendments that would increase from \$1.2 million to \$1.5 million the amount authorized to plan, design, construct, and install exhibits in the visitor center to provide information about the resources of the park.

On June 11, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 1423. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute to increase the funding authorization for the planning, design, construction and installation of exhibits; clarify the definition of “contiguous lands” for purposes of accepting donations of land to the park; and correct the long title. The amendment in the nature of a substitute was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Dorothy Buell Memorial Visitor Center

Section 1 permits the Secretary of the Interior to enter into a memorandum of understanding with the Porter County Convention, Recreation and Visitor Commission (PCCRVC) to identify the goals and purpose of the visitor center; establish how management and operational duties will be shared; determine how exhibits, signs and other information are developed; and address questions about funding, providing amenities, and amending or dissolving the joint partnership.

After entering into such a memorandum of understanding, Section 1 permits the Secretary to enter into an agreement to lease space in the visitor center from PCCRVC, and authorizes the Secretary to plan, design, construct and install exhibits there, at a cost not to exceed \$1.5 million.

Section 1 also allows the Secretary to use staff from the park in the leased space, which is outside the established boundaries of the park, to provide visitor information and education.

Section 2. Indiana Dunes National Lakeshore

Section 2 clarifies that, for purposes of accepting donated lands under the terms of the park’s establishing legislation, lands may be considered contiguous even if separated by a public or private right-of-way, such as a road, railroad or utility corridor.

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 Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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 authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

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:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1423—Dorothy Buell Memorial Visitor Center Lease Act

Summary: H.R. 1423 would authorize the National Park Service (NPS) to enter into a capital lease for a portion of the Dorothy Buell Memorial Visitor Center, located outside the boundary of the Indiana Dunes National Lakeshore in Indiana, and to construct exhibits in the leased space at a cost of up to \$1.5 million.

Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend \$1.5 million over the 2009–2013 period for exhibits in the new visitor facility. CBO also estimates that the leasing provisions of the bill would create budget authority of about \$2 million in 2009 for a capital lease that would be executed with the Porter County Convention, Recreation, and Visitor Commission (PCCRVA, the owner of the visitor center). We estimate that annual lease payments under the new contract would increase direct spending by about \$1 million over the 2009–2018 period. Enacting the bill would not affect revenues.

H.R. 1423 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1423 is shown in the following table. The costs

of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009– 2013	2009– 2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization												
Level	2	*	*	*	*	*	*	*	*	*	2	1
Estimated Outlays	1	1	*	*	*	*	*	*	*	*	2	1
DIRECT SPENDING												
Estimated Budget Authority	2	*	*	*	*	*	*	*	*	*	2	2
Estimated Outlays	*	*	*	*	*	*	*	*	*	*	*	1

Note: * = between -\$500,000 and \$500,000.

Basis of estimate: For this estimate, CBO assumes that H.R. 1423 will be enacted near the end of fiscal year 2008 and that \$1.5 million will be appropriated for fiscal year 2009 for exhibits at the visitor center. Estimated outlays are based on historical spending patterns for similar NPS projects.

H.R. 1423 would authorize the NPS and the PCCRVA to execute a new lease, which would replace an existing operating lease that the agency first entered into in 2005 under authority delegated by the General Services Administration (GSA). The existing agreement with the commission can be automatically extended for 25 years but requires an annual review of lease payments and other conditions. Unlike the existing agreement, the new lease would not have to comply with those terms or other GSA leasing policies. Discontinuing the existing lease would reduce spending subject to appropriation by around \$600,000 over the 2009–2018 period.

CBO expects that, under the bill, the NPS would enter into a capital lease with the PCCRVA for an indefinite period of time. Because the new lease could obligate the federal government to make lease payments over the life of the new agreement, the full cost of the lease should be recorded as new budget authority at the time that the agreement is signed. That budget authority—estimated to be about \$2 million (including contract termination costs)—is determined by calculating the discounted present value of the anticipated lease payments. Spending would occur over the term of the lease—assumed to be 50 years. Based on information provided by the NPS, CBO estimates that payments under the new lease would total about \$60,000 a year, adjusted annually for inflation.

Finally, the bill would authorize the NPS to accept donations of land separated from the existing park by a road or other right-of-way. Based on information provided by the agency, CBO expects that the cost of administering any property that may be added to the park as a result of this provision would be minimal.

Intergovernmental and private-sector impact: H.R. 1423 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Melissa Merrill; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1423 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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 italic, existing law in which no change is proposed is shown in roman):

SECTION 19 OF THE ACT OF NOVEMBER 5, 1966

AN ACT To provide for the establishment of the indiana dunes national lakeshore, and for other purposes.

SEC. 19. **[After notifying]** (a) *After notifying* the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.

(b) *For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.*

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