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PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION ACT

DECEMBER 7, 2009.—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. 3388]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3388) to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petersburg National Battlefield Boundary Modification Act".

SEC. 2. BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled "Petersburg National Battlefield Boundary Expansion", numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under this section as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

SEC. 3. ADMINISTRATIVE JURISDICTION TRANSFER.

(a) IN GENERAL.—The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1.171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg

National Battlefield, for approximately 1.170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.

(b) MAP.—The land to be exchanged is depicted on the map titled "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.

(c) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction authorized in subsection (a) shall be subject to the following conditions:

(1) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall occur without reimbursement or consideration.

(2) DEADLINE.—The Secretary and the Secretary of the Army shall complete the transfers authorized by this section not later than 120 days after the funds are made available for that purpose.

(3) MANAGEMENT.—The land conveyed to the Secretary under subsection (a) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

PURPOSE OF THE BILL

The purpose of H.R. 3388 is to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Containing about 2,659 acres, Petersburg National Battlefield was established in 1926 and currently preserves six sites in Prince George's and Dinwiddie Counties and the City of Petersburg, Virginia associated with the Petersburg Campaign of 1864–1865. The campaign, the longest in the Civil War, consisted of 108 military actions and 26 major battles, over a core area of about 100,000 acres.

In 2003, the non-profit Civil War Preservation Trust (CWPT) identified Petersburg as one of the 10 most endangered Civil War battlefields. In 2004, during the most recent revision of the park's General Management Plan (GMP), the National Park Service (NPS) evaluated and prioritized for possible inclusion within the battlefield 23,000 acres which are outside the existing park but retain their historic integrity. Criteria included national significance, usefulness in interpreting the story of the battles, feasibility for protection, contribution to public enjoyment, and protection of resources critical to the park's mission.

The revised GMP recommends expanding the park to include 7,238 acres of land associated with the Petersburg campaign. The NPS acknowledged the high costs of land acquisition, and supports agricultural and conservation easements and donations to lower costs while providing for resource protection and enjoyment. There is strong local support for the proposed battlefield expansion.

Three non-profit organizations (the CWPT, the Conservation Fund, and the Izaak Walton League) already own or hold easements on approximately 1,040 acres of the recommended additions.

COMMITTEE ACTION

H.R. 3388 was introduced on July 29, 2009 by Rep. J. Randy Forbes (R–VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On November 5, 2009, the Subcommittee held a hearing on the bill. The Administration testi-

fied favorably on the bill with the recommendation that it be amended to insert a correct map reference.

On November 18, 2009, the Subcommittee was discharged from further consideration of H.R. 3388 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment to insert the correct map reference as recommended by the Administration; it 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. Short title

Section 1 provides that this Act may be cited as the "Petersburg National Battlefield Boundary Modification Act."

Section 2. Boundary modification

Section 2 expands the boundary of Petersburg National Battlefield by approximately 7,238 acres to include areas in and around the city of Petersburg that retain historic character and significance related to the 1864–1865 Civil War campaign in the area.

Section 2(b) limits acquisition of new land or interests in lands to only those from willing sellers through donation, purchase with donated or appropriated funds, exchange, or transfer. Condemnation is not authorized.

Section 2(c) specifies that newly acquired lands or interests in lands shall be administered as part of Petersburg National Battlefield in accordance with applicable laws and regulations.

Section 3. Administrative jurisdiction transfer

Section 3 authorizes the Secretaries of the Army and Interior to exchange, within 120 days of the appropriation of necessary funds, approximately 1.17 acres of land along the shared boundary between Petersburg National Battlefield and Fort Lee, a U.S. Army post, without reimbursement or consideration to either agency. This transfer resolves an administrative problem by allowing for better management of a new security fence for Fort Lee that encroached on the boundary between the base and the battlefield.

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.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

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 modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia 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:

H.R. 3388—Petersburg National Battlefield Boundary Modification Act

H.R. 3388 would expand the area of the Petersburg National Battlefield in Virginia by over 7,000 acres. The bill would allow the National Park Service (NPS) to acquire the land by purchase, easement, exchange, and donation from private and non-profit landowners, and through a land transfer from the Department of the Army.

Based on information provided by NPS, and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3388 would cost about $5 million over the 2010–2014 period to acquire a portion of that acreage. Currently NPS estimates the entire parcel has a value of about $30 million and would take 15 to 20 years to acquire. Based on that information, CBO expects that over half of the property would be acquired through purchase (about $20 million over the next 15 to 20 years.), while the rest would be accomplished through easements and donations. In addition, CBO estimates that NPS would spend less than $500,000 annually for new trails, exhibits, surveys, and studies as the new acreage is acquired. Finally, we estimate that the NPS would need about $500,000 annually for operations and management costs. Enacting H.R. 3388 would have no effect on direct spending or revenues.

The 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 contact for this estimate is Matthew Pickford. The estimate was 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. 3388 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 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

If enacted, this bill would make no changes in existing law.

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