

FORT PULASKI NATIONAL MONUMENT LEASE
AUTHORIZATION ACT

JULY 13, 2010.—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. 4773]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4773) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, 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 H.R. 4773 is to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument.

BACKGROUND AND NEED FOR LEGISLATION

Fort Pulaski, located on Cockspur Island in the Savannah River, was constructed as part of a system of coastal fortifications ordered by President James Madison after the War of 1812. An estimated 25 million bricks were used to build the fort, which was completed in 1837. According to the National Park Service (NPS), before the Civil War, brick forts were America's main defense against overseas enemies. In 1862, however, a 30-hour bombardment by the Union Army's new rifled cannons breached the fort and compelled surrender by Confederates inside Fort Pulaski. After that battle, brick forts were considered obsolete. The fort became a national monument in 1924 and was transferred from the War Department to the NPS in 1933.

H.R. 4773 would allow the NPS to lease, for no more than ten years at a time, no more than 30,000 square feet of land and buildings within the monument to the Savannah Bar Pilots Association. The Bar Pilots are regulated by the Port of Savannah, and are responsible for steering commercial shipping through the waters of the Savannah River, where shifting sand bars create dangerous conditions that are difficult to navigate.

The Pilots have occupied the same spot at the west end of Cockspur Island since 1940. In 1973, the NPS issued a twenty-year special use permit allowing the pilots to continue to use the tract, and to construct or upgrade living quarters, a dock, a fuel supply system and a parking lot. The special use permit was renewed in 1993 and 1998. However, as part of an agency-wide effort to regularize special use permits, NPS wants to convert the agreement to a lease, for which they need congressional approval.

H.R. 4773 would require NPS to charge a rental fee based on fair market value. Revenue from the lease would go into the standard NPS account for lease revenue, to be used for facility refurbishment, repair and replacement, infrastructure projects associated with park resource protection and maintenance of the leased buildings. NPS would have the discretion to renew the lease after ten years and to set any other terms and conditions necessary to protect the resources of the monument and the public interest.

COMMITTEE ACTION

H.R. 4773 was introduced by Representative Jack Kingston (R-GA) on March 4, 2010. 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 on April 27, 2010, before the Subcommittee, a representative of the Department of the Interior testified that the Department supports the bill and recommended amending the measure to limit the lease to five years.

On June 16, 2010, the Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 4773 and the full Natural Resources Committee met to consider the bill. The bill was ordered 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 Natural 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 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 car-

rying 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 certain lands within Fort Pulaski National Monument.

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. 4773—Fort Pulaski National Monument Lease Authorization Act

H.R. 4773 would authorize the National Park Service (NPS) to lease to the Savannah Bar Pilots Association a small site at the Fort Pulaski National Monument in Georgia. Under the bill, the NPS would charge the association a rental fee based on the market value of the land and use the proceeds, without further appropriation, for site maintenance and other expenses.

Based on information provided by the NPS, CBO estimates that implementing the bill would have no net effect on the federal budget. The nonprofit association already operates a 30,000-square-foot site, including a dock and associated facilities, under a special-use permit. Fees collected under the permit are used, without appropriation, for purposes similar to those authorized by the bill. CBO estimates that rental proceeds under the bill would be less than \$25,000 a year, slightly more than the NPS currently collects in permit fees.

The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. Because enacting H.R. 4773 would affect direct spending, pay-as-you-go procedures would apply. CBO estimates, however, that the net effect of any annual changes on the federal budget would be insignificant.

H.R. 4773 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. 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. 4773 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.

