

Calendar No. 616

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 111-330

BOUNDARY REVISION OF THE GETTYSBURG NATIONAL MILITARY PARK

SEPTEMBER 27, 2010.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 4395]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4395) to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 4395 is to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station in the State of Pennsylvania, and expand the Park boundaries to include approximately 45 acres adjacent to the park.

BACKGROUND AND NEED

On July 1, 1863, a critical battle of the Civil War began in Gettysburg, Pennsylvania. Among the areas that saw some of the most intense fighting that first day was an area along a nearby railway road cut. The Battle of Gettysburg would be the bloodiest single battle of the Civil War, with over 51,000 soldiers killed, wounded, captured, or missing. The train station that was the site of some of the most intense fighting on the first day later became one of the first field hospitals of the battle.

First established as a national cemetery for the Union dead by the local residents, Soldier's National Cemetery was dedicated by President Lincoln on November 19, 1863, with solemn words that

would become known as the Gettysburg Address. In 1895, Gettysburg National Military Park was established when the property was transferred to the federal government. Administration was transferred to the National Park Service, Department of the Interior, in 1933, along with many other sites.

Since its establishment, several planning documents, including the 1999 General Management Plan, have called for further expansion of cooperative efforts to protect resources closely linked to the park. Specifically addressed in the Plan were the David Wills House, where President Lincoln stayed the night before giving the Gettysburg Address, and the train station. The Wills House was added to the Park's boundary through Public Law 106-290, and through a Memorandum of Understanding, is operated by Main Street Gettysburg, a non-profit organization, at no cost to the taxpayer.

The Gettysburg Train Station, the station at which President Lincoln arrived to deliver the Gettysburg Address, is next to Gettysburg's shuttle system, Freedom Transit. Rehabilitation of the historic train station was completed by the Borough of Gettysburg in 2006 with Pennsylvania grant funding. Operational funds from the Borough to maintain visitor information and orientation services have been lacking, leading the Borough of Gettysburg Council formally to request that the National Park Service take ownership of the site and provide the funding needed. The site is listed on the National Register of Historic Places. Much as is the case with the Wills House, a partnership with the Gettysburg Convention and Visitors Bureau is expected to provide staffing for the site, with National Park Service expenditures limited to covering utility costs.

The additional land that the legislation would include within the Park boundary is near Big Round Top along Plum Run in Cumberland Township, Pennsylvania. It is comprised of a 45-acre tract of land adjacent to the Park within the Battlefield Historic District and at the southern end of the Gettysburg Battlefield. This area witnessed cavalry skirmishes, and is significant due to the presence of wetlands and wildlife habitat. The property was donated to the Gettysburg Foundation in 2009. The Foundation has indicated its intention to donate the parcel to the National Park Service once the area is within the Park boundary.

LEGISLATIVE HISTORY

H.R. 4395 was introduced by Representative Platts on December 16, 2009, and was passed by the House of Representatives, as amended, on March 19, 2010, by a vote of 372 to 31 (H. Rept. 111-438). Senators Specter and Casey introduced a similar bill (S. 3159) on March 24, 2010. The Subcommittee on National Parks held a hearing on the bills on May 19, 2010.

The Committee considered H.R. 4395 at its business meeting on July 22, 2010, at which time it rejected an amendment offered by Senator Murkowski to prohibit the use of Federal funds to acquire lands from willing sellers for the Gettysburg National Battlefield. At its business meeting on August 5, 2010, the Committee on Energy and Natural Resources ordered H.R. 4395 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on August 5, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 4395.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill amends section 1 of the Act entitled “An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes” (Public Law 101–377; 16 U.S.C. 430g–4), to expand the boundary of Gettysburg National Military Park in Pennsylvania to include the Gettysburg Train Station and its immediate surroundings. Section 1 further amends the same Act to expand the Park boundary to include 45 acres along Plum Run in Cumberland Township, adjacent to Park lands. The additional land to be included in the Park is depicted on the map titled “Gettysburg National Military Park Proposed Boundary Addition”, numbered 305/80,045 and dated January 2010.

Section 2 of the bill amends section 2(a) of the same Act (16 U.S.C. 430g–5) to impose certain requirements on the Secretary with respect to the acquisition of the land and interests in land commonly known as the Gettysburg Train Station and its immediate surroundings. Specifically, with respect to the Gettysburg Train Station and its immediate surroundings, the section authorizes the Secretary of the Interior to purchase publicly-owned property from a willing seller only after all other efforts to acquire the publicly-owned land without cost to the federal government are exhausted. Section 2 also prohibits the use of eminent domain as a method of acquiring any of the property described in section 1(d), *i.e.*, the Gettysburg Train Station and its immediate surroundings and the land along Plum Run referred to in section 1(d).

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 4395—An act to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes

H.R. 4395 would expand the boundaries of the Gettysburg National Military Park in Pennsylvania to include two nearby properties. CBO expects that the National Park Service (NPS), which administers the park, would probably purchase a small parcel of land containing the newly refurbished Gettysburg Train Station and would accept (from the Gettysburg Foundation) the donation of a 45-acre tract of land along Plum Run in Cumberland Township.

Based on information provided by NPS, we estimate that implementing H.R. 4395 would cost about \$1 million over the next year or two, assuming the availability of appropriated funds. That sum would be used to purchase the train station and conduct minor development projects at the added sites. We estimate that annual costs to operate and maintain the new properties after that time would be minimal because the train station would continue to be

operated by local or nonprofit organizations and the Plum Run acreage would be left undeveloped.

Enacting H.R. 4395 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The act 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. If enacted, the legislation would benefit the Borough of Gettysburg, Pennsylvania.

On March 2, 2010, CBO transmitted a cost estimate for H.R. 4395, as ordered reported by the House Committee on Natural Resources on February 24, 2010. The two versions of the legislation and CBO's estimate of their costs are similar.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, 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. 4395.

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. 4395, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 4395, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Department of the Interior were included in testimony received by the Committee at a hearing on S. 3159 and H.R. 4395 on May 19, 2010, which is printed below:

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 3159 and H.R. 4395, bills that would add the historic Lincoln Train Station in the Borough of Gettysburg and 45 acres at the base of Big Round Top to Gettysburg National Military Park in the Commonwealth of Pennsylvania.

The Department supports enactment of this legislation. The Department previously testified in support of H.R.

4395 on January 21, 2010, before the House Subcommittee on National Parks, Forests and Public Lands.

Gettysburg National Military Park protects major portions of the site of the largest battle waged during this nation's Civil War. Fought in the first three days of July 1863, the Battle of Gettysburg resulted in a victory for Union forces and successfully ended the second invasion of the North by Confederate forces commanded by General Robert E. Lee. Historians have referred to the battle as a major turning point in the war—the “High Water Mark of the Confederacy.” It was also the Civil War's bloodiest single battle, resulting in over 51,000 soldiers killed, wounded, captured or missing.

The Soldiers' National Cemetery within the park was dedicated on November 19, 1863, when President Abraham Lincoln delivered his immortal Gettysburg Address. The cemetery contains more than 7,000 interments including over 3,500 from the Civil War. The park currently includes nearly 6,000 acres, with 26 miles of park roads and over 1,400 monuments, markers, and memorials.

Gettysburg's Lincoln Train Station was built in 1858 and is listed on the National Register of Historic Places. The station served as a hospital during the Battle of Gettysburg, and the wounded and the dead were transported from Gettysburg through this station in the aftermath of battle. President Abraham Lincoln arrived at this station when he visited to give the Gettysburg Address.

Gettysburg National Military Park's 1999 General Management Plan called for expanding cooperative relationships and partnerships with the Borough of Gettysburg and other sites “to ensure that resources closely linked to the park, the battle, and the non-combatant civilian involvement in the battle and its aftermath are appropriately protected and used.” In particular, the plan stated that the National Park Service would initiate “cooperation agreements with willing owners, and seek the assistance of the Borough of Gettysburg and other appropriate entities to preserve, operate and manage the Wills House and Lincoln Train Station.”

The Borough of Gettysburg Interpretive Plan called for the Lincoln Train Station to be used as a downtown information and orientation center for visitors—where all park visitors would arrive after coming downtown—to receive information and orientation to downtown historic attractions, including the David Wills House. This is the house where Lincoln stayed the night before delivering the Gettysburg Address. The Interpretive Plan also called for rehabilitation of the Wills House, which was added to the park's boundary through Public Law 106-290 in October 2000, and is now a historic house museum in the borough and an official site within Gettysburg National Military Park. Through a Memorandum of Understanding, the David Wills House is operated by Main Street Gettysburg at no cost to the National Park Service.

The Lincoln Train Station is next to the downtown terminus of Freedom Transit, Gettysburg's shuttle system, which started operations in July 2009 with a grant from the Federal Transit Administration in the Department of Transportation.

In 2006, the Borough of Gettysburg completed rehabilitation of the Lincoln Train Station with funds from a Commonwealth of Pennsylvania grant. Due to a lack of funds, however, the borough has been unable to operate a visitor information and orientation center there. Through formal vote of the Borough Council, the Borough of Gettysburg has asked the National Park Service to take over the ownership and operations of the train station. The anticipated acquisition cost for the completely rehabilitated train station is approximately \$772,000, subject to an appraisal by the federal government. Funding to acquire this land would be subject to the availability of appropriations and NPS priorities.

The park has a preliminary commitment from the Gettysburg Convention and Visitor Bureau (CVB) to provide all staffing requirements for operations of an information and orientation center in the train station, thereby alleviating the park of staff costs. Anticipated operating costs for the train station that will be the responsibility of the NPS are limited to utility costs; the rest will be paid by the Gettysburg CVB. In the event that the Gettysburg CVB is unable to provide staffing and funding for operations, the NPS would seek another park partner to cover these costs and requirements.

S. 3159 and H.R. 4395 would also add 45 acres near Big Round Top along Plum Run in Cumberland Township, Pennsylvania to the boundary of the park. The 45-acre tract of land is adjacent to the Gettysburg National Military Park and is within the Battlefield Historic District. The land is at the southern base of Big Round Top at the southern end of the Gettysburg battlefield. There were cavalry skirmishes in this area during the Battle of Gettysburg, July 1863, but the real significance is environmental. The tract has critical wetlands and wildlife habitat related to Plum Run. Wayne and Susan Hill donated it to the Gettysburg Foundation in April 2009. The Gettysburg Foundation plans to donate "fee title interest" in the parcel to the National Park Service once it is within the park boundary. It abuts land already owned by the National Park Service.

When H.R. 4395 was marked up by the House Committee on Natural Resources, the bill was amended to combine two map references into one map that shows both parcels. If S. 3159 moves forward we recommend that the bill be amended to reflect this newer map.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or members of the committee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 4395 as ordered 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):

Gettysburg National Military Park Boundary Revision

(Public Law 101-377; Approved August 17, 1990)

[16 U.S.C. 430g-4]

AN ACT To revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

* * * * *

(c) **LANDS EXCLUDED FROM THE PARK.**—Lands and interests in lands outside of the boundary so depicted as “Park Boundary” on the maps referred to in subsections (a) and (b) are hereby excluded from the park and shall be disposed of in accordance with the provisions of section 2(c)

(d) **ADDITIONAL LAND.**—*In addition to the land identified in subsections (a) and (b), the park shall also include the following, as depicted on the map titled “Gettysburg National Military Park Proposed Boundary Addition”, numbered 305/80,045 and dated January 2010:*

(1) *The land and interests in land commonly known as the “Gettysburg Train Station” and its immediate surroundings in the Borough of Gettysburg.*

(2) *The land and interests in land located along Plum Run in Cumberland Township.*

* * * * *

SECTION 2. ACQUISITION AND DISPOSAL OF LANDS.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives identified for specific areas and the park. *The Secretary is also authorized to acquire publicly owned property within the area defined in section 1(d)(1) by purchase, from willing sellers only, if efforts to acquire that property without cost have been exhausted. The Secretary may not acquire property within the area defined in section 1(d) by eminent domain.*

* * * * *

APPENDIX



