

PRISON SHIP MARTYRS' MONUMENT PRESERVATION ACT

APRIL 1, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1501]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1501) to direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System, 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. PRISON SHIP MARTYRS' MONUMENT STUDY; REPORT.

(a) **SHORT TITLE.**—This section may be cited as the “Prison Ship Martyrs' Monument Preservation Act”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall complete a study to determine the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System.

(2) **APPLICABLE LAW.**—The study required under this subsection shall be conducted in accordance with section 8(c) of the National Park System General Authorities Act (16 U.S.C. 1a-5(c)).

(3) **CONTENT OF STUDY.**—The study shall include—

(A) an analysis of operational issues that should be considered if the Prison Ship Martyrs' Monument were to be designated as a unit of the National Park System;

(B) an analysis of the feasibility of administering the Prison Ships Martyrs' Monument, considering its size, configuration, and other factors, including an annual cost estimate;

(C) an analysis of the economic, educational, and other impacts of the designation of the Prison Ship Martyrs' Monument as a unit of the National Park System;

(D) an analysis of the effect of the designation of the Prison Ship Martyrs' Monument as a unit of the National Park System on—

- (i) existing commercial and recreational activities, and on the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and
- (ii) the authority of State and local governments to manage those activities; and

(E) an identification of any authorities, including condemnation, that will compel or permit the Secretary of the Interior to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal lands if the Prison Ship Martyrs' Monument is designated as a unit of the National Park System.

(c) NOTIFICATION OF PRIVATE PROPERTY OWNERS.—Upon commencement of the study, owners of private property in or adjacent to the Prison Ship Martyrs' Monument shall be notified of the study's commencement and scope.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the conclusions of the study required by subsection (b).

PURPOSE OF THE BILL

The purpose of H.R. 1501 is to direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1501 authorizes the National Park Service to conduct a study of the Prison Ship Martyrs' Monument in Brooklyn, New York, to determine its eligibility to become a unit of the National Park System.

The Prison Ship Martyrs' Monument in Fort Greene Park is a memorial to the more than 11,500 American prisoners of war who died in captivity aboard 16 British prison ships during the American Revolutionary War.

Dedicated on November 15, 1908, the granite monument consists of a single doric column 149 feet in height. Currently, the New York City Department of Parks and Recreation is responsible for the monument and completed a restoration project in 2008.

H.R. 1501 authorizes a “special resource study” to be conducted by the National Park Service. The study will determine if the site meets the test for suitability and national significance to become a unit of the National Park System and provide different federal, local and non-governmental management proposals. The study is informational; Congress would still have to act on separate legislation to designate the park.

Legislative language has been included to require that the study consider potential impacts on recreational uses. The study will also have to identify those authorities, including condemnation, which will allow the Park Service to become involved in local zoning issues, or have influence over private property.

COMMITTEE ACTION

H.R. 1501 was introduced on April 11, 2013, by Congressman Hakeem S. Jeffries (D-NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On

February 26, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On March 13, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; the amendment was adopted by unanimous consent. The bill as amended was then adopted and ordered favorably 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.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(1) 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)(2)(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. 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. 1501—Prison Ship Martyrs' Monument Preservation Act

H.R. 1501 would require the National Park Service (NPS) to conduct a study of the Prison Ship Martyrs' Monument in New York City to determine the suitability and feasibility of designating the monument as a unit of the National Park System. Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that carrying out the study required by H.R. 1501 would cost about \$150,000. Enacting H.R. 1501 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1501 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.

2. **Section 308(a) of 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. Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that carrying out the study required by H.R. 1501 would cost about \$150,000.

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 direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.