

CLAUDE MOORE FARM LAND CONVEYANCE ACT

NOVEMBER 27, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 6678]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6678) to direct the Secretary of the Interior to convey certain National Park Service land in Fairfax County, Virginia, to the Friends of the Claude Moore Farm, 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. 6678 is to direct the Secretary of the Interior to convey certain National Park Service land in Fairfax County, Virginia, to the Friends of Clause Moore Farm.

BACKGROUND AND NEED FOR LEGISLATION

The Claude Moore Colonial Farm is a living history site in McLean, Virginia, that depicts life for a typical tenant farm family in 1771.¹ Cultivated fields and livestock set the stage for the Farm's staff and volunteers to provide demonstrations of 18th century skills and educational programs for visitors. The Farm is part of the George Washington Memorial Parkway and was initially operated by the National Park Service (NPS). A few years after open-

¹"Facts about the Farm: A Public/Private Partnership." Claude Moore Colonial Farm website. <http://1771.org/about/>.

ing in 1973, budget constraints led NPS to redirect staff and funding away from the Farm operation, threatening its future viability.² Local community members stepped up with an offer to operate the Farm as a non-profit cooperative.³ The Friends of the Claude Moore Colonial Farm at Turkey Run was chartered, and in 1981 signed a cooperative agreement with NPS to operate the Farm and provide visitor services.⁴

The Farm has a uniquely independent status in the National Park System and is a model of a successful public-private partnership. Under the agreement, the Friends assumed responsibility for funding, maintaining, improving, staffing, and operating the Farm. The annual operating budget of the Farm grew from \$87,000 in 1982 to more than \$400,000 in recent years, due to the increased support of the community and the popularity of the Farm's programs.⁵ Over the past 37 years, more than \$8 million in private funds have been raised and expended for the operations of the Farm, and over \$2 million in additional private contributions have gone into capital improvements.⁶ Since opening, the Farm has welcomed over two million visitors.⁷

The initial cooperative agreement between the Friends and NPS was for 25 years and subsequently extended multiple times. There were several amendments made to the agreement through the years that further defined the terms of the arrangement.⁸ The current agreement is set to expire on December 21, 2018.

The Friends and NPS have considered long-term solutions for the continued operation of the Farm including a potential lease, a concessions contract, and a revised cooperative agreement.⁹ Despite multiple attempts to reach consensus on a path forward, differences remain on both sides. While NPS wishes to update the agreement to bring it in-line with existing park policies and regulations, the Friends believe the stipulated requirements will be unduly burdensome and threaten the viability of the Farm.¹⁰

H.R. 6678 will begin a new chapter for the Claude Moore Colonial Farm by transferring the 69-acre tract currently assigned for Farm operations to the Friends. Entrusting the Friends with full ownership of the Farm site that they have successfully operated for over three decades will allow the group to operate and make capital improvements in the most efficacious manner, and will ensure the stable, long-term future of a local and national treasure. The

²"Facts about the Farm: A Public/Private Partnership." Claude Moore Colonial Farm website. <http://1771.org/savethefarm/#1492393009739-13c6f134-d84c>.

³*Id.*

⁴Agreement Between Friends of Turkey Run Farm, Inc. and United States of America, Department of the Interior, National Park Service, National Capital Region, George Washington Memorial Parkway—with Amendments and Extensions. Entered into June 5, 1981. <https://www.nps.gov/clmo/learn/management/upload/CMCF-Agreement-compiled-Accessible.pdf>.

⁵"Over Forty Years of Service and Growth". About Us. Claude Moore Colonial Farm website. <http://1771.org/about/>.

⁶*Id.*

⁷"Organizational Background". About Us. Claude Moore Colonial Farm website. <http://1771.org/about/>.

⁸Agreement Between Friends of Turkey Run Farm, Inc. and United States of America, Department of the Interior, National Park Service, National Capital Region, George Washington Memorial Parkway—with Amendments and Extensions. Entered into June 5, 1981. <https://www.nps.gov/clmo/learn/management/upload/CMCF-Agreement-compiled-Accessible.pdf>.

⁹"Information About Claude Moore Colonial Farm". Claude Moore Colonial Farm. National Park Service website. <https://www.nps.gov/clmo/learn/management/information-about-claude-moore-colonial-farm.htm>.

¹⁰"Clarifications, and Why We Couldn't Accept the Ultimatum from the Park Service". Blog post dated May 8, 2018. Claude Moore Colonial Farm website. <http://1771.org/clarity/>.

Friends will pay any costs associated with the conveyance, and the Secretary of the Interior must complete the conveyance within a year of receiving a request from the Friends. If the land conveyed ceases to be used as an 18th century living history museum open to the public, the land will revert back to the United States.

COMMITTEE ACTION

H.R. 6678 was introduced on August 24, 2018, by Congresswoman Barbara Comstock (R-VA). The bill was referred to the Committee on Natural Resources. On September 5, 2018, the Natural Resources Committee met to consider the bill. Congressman Raul M. Grijalva (D-AZ) offered an amendment designated 111; it was not adopted by a roll call vote of 14 yeas and 18 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09.05.18

Recorded Vote #:1

Meeting on / Amendment on: FC Markup Grijalva [111] to HR 6678 (Rep. Barbara Comstock)

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman		X		Mr. Cook, CA		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. McEachin, VA</i>	X		
Mr. Young, AK, Chairman Emeritus		X		Mr. Westerman, AR		X	
<i>Mrs. Napolitano, CA</i>				<i>Mr. Brown, MD</i>	X		
Mr. Gohmert, TX, Vice Chairman		X		Mr. Graves, LA		X	
<i>Ms. Bordallo, Guam</i>	X			<i>Mr. Clay, MO</i>	X		
Mr. Lamborn, CO		X		Mr. Hice, GA		X	
<i>Mr. Costa, CA</i>				<i>Mr. Gomez, CA</i>	X		
Mr. Wittman, VA				Mrs. Radewagen, AS			
<i>Mr. Sablan, CNMI</i>	X			<i>Ms. Velázquez, NY</i>			
Mr. McClintock, CA		X		Mr. Webster, FL		X	
<i>Ms. Tsongas, MA</i>				Mr. Bergman, MI			
Mr. Pearce, NM				Ms. Cheney, WY		X	
<i>Mr. Huffman, CA</i>	X			Mr. Johnson, LA		X	
Mr. Thompson, PA				Ms. González-Colón, PR			
<i>Mr. Lowenthal, CA</i>	X			Mr. Gianforte, MT		X	
Mr. Gosar, AZ		X		Mr. Curtis, UT		X	
<i>Mr. Beyer, VA</i>	X						
Mr. Labrador, ID		X					
<i>Mr. Gallego, AZ</i>	X						
Mr. Tipton, CO		X					
<i>Ms. Hanabusa, HI</i>	X						
Mr. LaMalfa, CA		X					
<i>Ms. Barragán, CA</i>	X						
Mr. Denham, CA							
<i>Mr. Soto, FL</i>	X			TOTAL:	14	18	

No further amendments were offered, and the bill was ordered favorably reported to the House of Representatives by a roll call vote of 18 yeas and 14 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09.05.18

Recorded Vote #:2

Meeting on / Amendment on: FC Markup Favorably Report HR 6678 (Rep. Barbara Comstock)

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. McEachin, VA</i>		X	
Mr. Young, AK, Chairman Emeritus	X			Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>				<i>Mr. Brown, MD</i>		X	
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA	X		
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Clay, MO</i>		X	
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>				<i>Mr. Gomez, CA</i>		X	
Mr. Wittman, VA				Mrs. Radewagen, AS			
<i>Mr. Sablan, CNMI</i>		X		<i>Ms. Velázquez, NY</i>			
Mr. McClintock, CA	X			Mr. Webster, FL	X		
<i>Ms. Tsongas, MA</i>				Mr. Bergman, MI			
Mr. Pearce, NM				Ms. Cheney, WY	X		
<i>Mr. Huffman, CA</i>		X		Mr. Johnson, LA	X		
Mr. Thompson, PA				Ms. González-Colón, PR			
<i>Mr. Lowenthal, CA</i>		X		Mr. Gianforte, MT	X		
Mr. Gosar, AZ	X			Mr. Curtis, UT	X		
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID	X						
<i>Mr. Gallego, AZ</i>		X					
Mr. Tipton, CO	X						
<i>Ms. Hanabusa, HI</i>		X					
Mr. LaMalfa, CA	X						
<i>Ms. Barragán, CA</i>		X					
Mr. Denham, CA							
<i>Mr. Soto, FL</i>		X		TOTAL:	18	14	

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6678, the Claude Moore Farm Land Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 6678—Claude Moore Farm Land Conveyance Act

H.R. 6678 would direct the National Park Service (NPS) to convey, at the request of the Friends of the Claude Moore Colonial Farm at Turkey Run, Inc. (Friends), the Claude Moore Colonial Farm in McLean, Virginia. The bill would require the Friends to pay all the costs of the conveyance. The Friends' current agreement to operate the farm expires on December 21, 2018. Although CBO has no information on the NPS's plans for the farm after that, the agency could pursue several options under existing authority.

Using information on operating costs from recent years, CBO estimates that the NPS would incur costs of about \$2 million over the 2019–2023 period to manage the farm itself. Such spending would be subject to the availability of appropriated funds. CBO expects that under H.R. 6678, the Friends would request a conveyance from the NPS. In that event, implementing the bill could reduce costs for the NPS.

Alternatively, the NPS could enter into a lease or a cooperative agreement with a new partner organization to manage the farm. If the farm was leased, the payments (which would be recorded as offsetting receipts, or reductions in direct spending) would be available to the NPS for spending without further appropriation. Enacting the bill would reduce the likelihood that the NPS would enter into such an arrangement, and would thus reduce offsetting re-

ceipts and the subsequent direct spending. However, CBO estimates that the change in net direct spending would be negligible. Because enacting H.R. 6678 could affect direct spending; pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 6678 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6678 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 convey certain National Park Service land in Fairfax County, Virginia, to the Friends of Claude Moore Farm.

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. This bill does not contain any directed rule makings.

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 to existing law.

DISSENTING VIEWS

H.R. 6678 directs the National Park Service (NPS) to transfer ownership, without consideration, of 69 acres of NPS land in the George Washington Memorial Parkway to the Friends of Claude Moore Colonial Farm at Turkey Run, Inc. (Friends), a partner organization that helps operate the site under a cooperative agreement that has not been updated since the 1980s.

The agreement originally expired in 2006 and was extended multiple times until NPS, rightly, insisted on updates to ensure alignment with current management policies and guidelines. During the latest round of negotiations, NPS offered a 10-year extension with terms including 1) approval of what is sold in the bookstore and giftshop, 2) financial reporting, 3) annual work plans, and 4) guidelines for operation of the pavilion on the farm. Requiring compliance with concessions laws, workplace safety standards, and financial audit requirement is simply good governance. Unfortunately, the Friends group objected to the terms of the new agreement, maintaining that the requirements are “burdensome, oppressive, and impossible.”¹

This bill was originally slated for a legislative hearing—an opportunity to solicit testimony and discuss the issue with those involved in the negotiation—but the Republican Majority decided to send the bill straight to mark-up. As such, there was no opportunity to formally hear the administration’s perspective on the bill. However, according to NPS staff, the Friends group refuses to acknowledge any of the standard practices and procedures NPS uses for similar types of agreements across the nation. As a result, the relationship has deteriorated to the point where the Friends group wrote a letter attempting to bar NPS from accessing the property to perform a standard environmental assessment.

A 2015 draft NPS report evaluating operations at Claude Moore Colonial Farm found revenue generating activity that did not comply with NPS concession law, including allowing a private business to serve as the sole caterer for events on the farm, and selling book and other paraphernalia out of the bookstore that have nothing to do with 18th century life.² The report also documents failure to comply with general industry safety standards, imminent fire risks, deficient food preparation facilities, wastewater contamination, and even employees sleeping at the site.

NPS, as the owner of the site, has an obligation to ensure that it is operated in a manner that complies with all relevant federal laws and regulations.

¹ https://www.washingtonpost.com/local/national-park-service-plans-to-close-claude-moore-colonial-farm-m-mclean/2018/05/01/17e00bc4-4d65-11e8-b292-edc09f8f590a_story.html?utm_term=.6214db7734d7.

² <https://www.washingtonpost.com/apps/g/page/local/nps-report-on-claude-moore-colonial-farm/2325/?noredirect=on>.

This legislation has the potential to disrupt the trust and spirit of collaboration that exists between NPS and the “friends” groups and partner organizations that help operate dozens of sites throughout the National Park System. Transferring this site to the Friends could also disincentivize the agency from utilizing similar arrangements in the future. These are invaluable partnerships that enhance visitor experience and multiply the taxpayer investment in our national parks, but it is critical that NPS is allowed appropriate oversight.

At mark-up, Ranking Member Raúl M. Grijalva offered an amendment to require adoption of a cooperative agreement that ensures compliance with federal workplace safety and financial reporting standards before a land conveyance can occur. Unfortunately, the amendment was not agreed to on a party line vote.

This committee has a responsibility to ensure that public assets like this site are managed in a transparent way that protects public health and prevents financial fraud, waste and abuse. H.R. 6678 fails to meet these responsibilities and as a result, we oppose the bill as reported.

RAÚL M. GRIJALVA,
*Ranking Member, Committee
on Natural Resources.*

GRACE F. NAPOLITANO.

WM. LACY CLAY.

NANETTE DIAZ BARRAGÁN.

