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HOMESTEAD NATIONAL MONUMENT OF AMERICA ADDITIONS ACT

SEPTEMBER 9, 2002.—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. 38]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 38) to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, 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. 38 is to authorize the Secretary of the Interior to acquire approximately 18.98 acres of privately owned land and 13.9 acres of State-owned land to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska.

BACKGROUND AND NEED

The Homestead National Monument of America, located in southeast Nebraska near the town of Beatrice, commemorates one of the first documented Nebraska homesteads claimed after the passage of the Homestead Act of 1862. The Homestead Act provided that any citizen or intended citizen could claim 160 acres of surveyed government land. The Homestead National Monument is located on the site of the original land claim of Daniel Freeman, a Union Scout and one of the first claimants under the Homestead Act. Homestead National Monument includes a pioneer cabin, an old school house, nearly one hundred acres of restored tall grass prairie, and a visitor center.

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H.R. 38 authorizes the acquisition of four additional parcels of land for the Monument, the total amount of which would be less than 30 acres. The two private landowners involved have agreed in principle to the proposed legislation and the State of Nebraska has also agreed to donate its lands as provided in the bill.

The two privately owned parcels of land to be added to the Monument are the Graff property and the Pioneer Acres Green. The Graff property consists of approximately 15.98 acres adjacent to the Monument grounds. This acquisition will protect a portion of the Nation's second oldest restored prairie. In addition, it will provide an alternative location, outside of the flood plain, to house the Monument's primary cultural resources. The new Homestead Heritage Center visitor facility on the acquired land would hold the Monument's collections, exhibits, public research facilities and administrative offices. Funds to build the visitor center were appropriated in fiscal year 2001, but the National Park Service intends to wait to build the new center until land above the flood plain has been acquired.

The second privately owned property, Pioneer Acres Green, consists of approximately 3 acres of land. The purpose of this addition is to limit development of lands immediately adjacent to major park historical resources.

The two publicly owned parcels of land to be added to the Monument are a segment of State Highway 4 and the property known as State Triangle. The National Park Service has arranged with the Nebraska Department of Roads to move State Highway 4 from the monument and create the Homestead Heritage Parkway. The Parkway would allow for educational displays along the road as well as pedestrian and bicycle path that would connect the park to Beatrice, four miles to the east.

LEGISLATIVE HISTORY

H.R. 38 was introduced by Representative Bereuter on January 3, 2001 and was passed by the House of Representatives on December 11, 2001. The Subcommittee on National Parks held a hearing on H.R. 38 on June 12, 2002. At its business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 38 to be favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by voice vote of a quorum present, recommends that the Senate pass H.R. 38.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Homestead National Monument of America Additions Act."

Section 2 provides a series of definitions.

Section 3(a) authorizes the Secretary to acquire private lands from willing sellers only, and State-owned lands by donation only.

Subsection (b) describes the four parcels of land the Secretary may acquire.

Subsection (c) requires the Secretary to modify the boundary of the Monument after acquiring the land and to administer the new parcels included within the boundary.

Subsection (d) requires the Secretary to purchase the Graff property within 5 years after enactment of this Act. If the property is not acquired within 5 years, the authority expires and it will not become part of the Monument.

Subsection (e) requires the National Park Service to keep on file a map to reflect these additions to the Monument.

Subsection (f) authorizes $400,000 to carry out the Act.

Section 4 authorizes the Secretary to enter into cooperative agreements with State and local governments and other interested entities for the operation, maintenance, interpretation, recreation, and other purposes for the proposed Homestead Heritage Highway.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 8, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 38, the Homestead National Monument of America Additions Act.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 38—Homestead National Monument of America Additions Act

H.R. 38 would authorize the Secretary of the Interior to acquire four parcels of land totaling almost 33 acres in Nebraska. The land would be added to the Homestead National Monument of America in Gage County, Nebraska. The legislation would allow the Secretary to acquire approximately 19 acres of privately owned land by donation or purchase. The Secretary would be permitted to acquire approximately 14 acres of state-owned property by donation only. Finally, section 3 would authorize the appropriation of $400,000 to implement the legislation.

CBO estimates that implementing H.R. 38 would have no significant impact on the federal budget. The $400,000 needed to purchase the two parcels of privately owned land for the monument was already appropriated for fiscal year 2001, and we estimate that annual costs to manage those parcels (and any property donated by the state) would not be significant. The legislation would not affect direct spending; therefore, pay-as-you-go procedures would not apply.

H.R. 38 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. Any actions taken by the state of Nebraska or local governments in the state as a result of this legislation, including donating land for the monument, would be voluntary.

On December 4, 2001, CBO transmitted a cost estimate for H.R. 38 as ordered reported by the House Committee on Resources on November 28, 2001. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Deborah, Reis. The estimate was approved by Peter H. Fontaine, 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. 38. 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. 38.

EXECUTIVE COMMUNICATIONS

On July 30, 2002, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 38. These reports had not been received at the time the report on H.R. 38 was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF P. DANIEL SMITH, ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of H.R. 38. This bill provides for additional lands to be included within the boundaries of Homestead National Monument of America in the State of Nebraska. The House passed this legislation on December 11, 2001.

The Department supports the enactment of H.R. 38, as passed by the House, Acquisition of these additional lands has been recommended by the Homestead National Monument of America's 1999 General Management Plan, and costs to administered this boundary modification are expected to be minimal. Funding to acquire the privately owned properties was included in the Fiscal Year 2001 Interior Appropriations Act, and we anticipate that management of the acquired lands can be accomplished with existing park resources.

Homestead National Monument of America (Monument) was established in 1936. The Monument's enabling legislation states that the purpose of the Monument is to establish "* * * a proper memorial emblematical of the hardships and the pioneer life through which the early settlers passed in settlement, cultivation, and civilization of, the Great West * * *" The legislation also specifies that the Secretary of the Interior will "* * * erect suitable buildings to be used as a specific museum in which shall be preserved literature applying to such settlement and agriculture implements used to bring the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law."

If enacted, the bill will add four small, but important, parcels of land to the Monument. These additions will allow the opportunity for greater protection of the Monument's primary cultural resource, will protect the Monument from encroaching development, and will provide the opportunity for improved visitor and interpretive services. The total amount of land to be added is approximately 33 acres. The private landowners affected have agreed in principle to this proposed legislation and the State of Nebraska has agreed, as well, to donate its lands as provided for in the bill.

The four parcels to be added to the Monument and the purposes for the addition of each are as follows:

The Graff property: This privately owned parcel consists of approximately 15.98 acres adjacent to and overlooking the Monument's grounds. Addition of the property would serve two purposes. First, it would ensure protection for the nation's second oldest restored prairie, which holds important educational, research, and scientific values. Second, this property, located on higher ground, could be used as an alternative location, outside of the floodplain, for the Monument's primary cultural resource, the Palmer-Epard cabin, as well as the visitor facility.

Pioneer Acres Green: This parcel consists of approximately 3 acres of privately owned land. Inclusion of this property in the boundary will provide additional protection to park resources from nearby development.

Segment of State Highway 4: This parcel consists of approximately 5.6 acres of Nebraska State Highway and its addition will protect natural and archaeological resources and provide a site to support education efforts through interpretive wayside exhibits. The State of Nebraska is currently examining proposals to reroute State Highway 4, which would allow for this existing road to serve as an access road to the Monument.

State Triangle: This parcel consists of approximately 8.3 acres and is bounded by the Monument on two sides and by State Highway 4 on the third side. The property is immediately adjacent to the site of the original homestead cabin and will allow for maximizing interpretive efforts

and maintaining the integrity of the Monument's boundaries.

At the request of the landowner, the property described in subsection (b)(1)—the Graff Property—must be acquired within five years after the date of the enactment of this Act. The family, which has been a strong supporter of the Monument, made this request in order to better plan for the future and to minimize the impacts on their lives. If this legislation is enacted, meeting the requests should not be difficult since the funds for acquisition have already been appropriated.

Mr. Chairman, the Department supports the enactment of H.R. 38, as passed by the House, and we thank you again for the opportunity to appear today. This concludes my prepared remarks. I will be pleased to answer any questions you or other committee members might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing laws are made by the Act H.R. 38 as ordered reported.

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