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HOUSE OF REPRESENTATIVES
REPORT
107–513

# JOHN MUIR NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

JUNE 18, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

# REPORT

[To accompany H.R. 3942]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3942) to adjust the boundary of the John Muir National Historic Site, 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. 3942 is to adjust the boundary of the John Muir National Historic Site, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

On August 31, 1964, the John Muir National Historic Site (NHS), located in Martinez, California, became a Unit of the National Park System. The 344 acre NHS preserves the 14 room mansion and surrounding property where naturalist John Muir lived from 1890 to his death in 1914.

In 1988, the city of Martinez, California, donated a 3.3 acre parcel of land to the John Muir National Historic Site. In 1991, the General Management Plan (GMP) for the NHS proposed that the acquired land be developed as a 32-car/2-bus visitor parking area and a site of the new Park maintenance facility. In 1994, a boundary survey was conducted by the National Park Service (NPS) where it was discovered that the donated parcel did not include all of the land between Franklin Canyon Road and the Atchison Topeka and Santa Fe Railroad, where the parking lot was proposed. A small triangle of land (approx. 0.2 acres/9500 sq. ft) was found

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not to be part of the parcel donated by the city of Martinez. In fact, the NPS found that no one was listed with the County tax assessor parcel number, and thus no taxes had been collected or paid on the 0.2 acres since the 1960's.

Without issuance of clear title for the 0.2 acre parcel, development cannot precede on the parking lot expansion and maintenance facility. H.R. 3942 would simply allow for the acquisition and clear title of the 0.2 acre parcel of land by the NPS so that the parking facility may be built.

## COMMITTEE ACTION

H.R. 3942 was introduced on March 12, 2002, by Congressman George Miller (D–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On May 7, 2002, the Subcommittee held a hearing on the bill. On May 22, 2002, the Full Resources Committee met to consider the bill. By unanimous consent, the Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of H.R. 3942. No amendments were offered and the bill was then ordered favorably reported by unanimous consent to the House of Representatives.

## 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 Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 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 carrying 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. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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 Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 14, 2002.*

HON. JAMES V. HANSEN,
*Chairman, Committee on Resources,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3942, the John Muir National Historic Site Boundary Adjustment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), Marjorie Miller (for the state and local impact), and Lauren Marks (for the private-sector impact).

Sincerely,

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

Enclosure.

*H.R. 3942—John Muir National Historic Site Boundary Adjustment Act*

H.R. 3942 would adjust the boundary of the John Muir National Historic Site and authorize the National Park Service (NPS) to acquire the added 0.2-acre parcel of land by purchase, donation, or exchange. Based on information provided by the NPS, we expect the agency to condemn the small tract to establish its current ownership, which is unknown. Depending on the outcome of the condemnation proceeding, CBO expects that the NPS would then: (1) annex the property without further cost to the government (if no owner is located), (2) accept donation of the tract (if the owner is another government agency), or (3) purchase the property (if a private owner is located). In any event, CBO estimates that the cost of acquiring the property (including legal expenses) would be less than $50,000, assuming appropriation of the necessary amounts.

H.R. 3942 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill may contain an intergovernmental or private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs of any such mandate would not be significant and would fall well below the thresholds established in UMRA. The thresholds in 2002 are $58 million and $115 million per year, respectively, for intergovernmental and private-sector mandates, adjusted annually for inflation.

Because the owner of the 0.2 acres cannot be found, condemnation may be the only course of action for the NPS to gain title. CBO has generally found that when legislation is expected to result in condemnation of property, it contains a mandate. However, because in this case the NPS cannot identify the current owner of the parcel, CBO cannot determine whether this mandate would fall on a government, on the private sector, or on both. In any event, based on information provided by the NPS, CBO estimates that the value of the property is less than $50,000.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), Marjorie Miller (for the state and local impact), and Lauren Marks (for the private-sector impact). The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

## 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.

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