

PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK
BOUNDARY EXPANSION AND REDESIGNATION ACT OF
2008

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JULY 29, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4828]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4828) to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes, 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. SHORT TITLE.

This Act may be cited as the “Palo Alto Battlefield National Historical Park Boundary Expansion and Redesignation Act of 2008”.

SEC. 2. DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) **IN GENERAL.**—The Palo Alto Battlefield National Historic Site is hereby designated the “Palo Alto Battlefield National Historical Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper or other record of the United States to Palo Alto Battlefield National Historic Site is deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(c) **CONFORMING AMENDMENTS.**—The Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102-304; 106 Stat. 256; 16 U.S.C. 461) is amended—

(1) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(2) in the heading for section 3, by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”; and

(3) by striking “historic site” each place it appears and inserting “historical park”.

SEC. 3. BOUNDARY EXPANSION.

Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102-304; 106 Stat. 256; 16 U.S.C. 461) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The historical park also shall consist of approximately 34 acres as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(3) in paragraph (3), as so redesignated, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

PURPOSE OF THE BILL

The purpose of H.R. 4828 is to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Located in Brownsville, Texas, the Palo Alto Battlefield National Historic Site is the only National Park System unit dedicated to the preservation and interpretation of the Mexican-American War. First established by Congress in 1978 and updated in 1992, the park preserves the site of the Battle of Palo Alto, the first battle of the Mexican-American War. However, fighting was not limited to the parcel of land currently preserved by the park. Fighting at a site called Resaca de la Palma proved pivotal in permanently repulsing the Mexican army from the north bank of the Rio Grande and is significant to the history preserved by the National Park Service at Palo Alto Battlefield.

H.R. 4828 would amend the act creating the Palo Alto Battlefield National Historic Site to designate the 34 acres of the Resaca de la Palma site as a unit of the park. The parcel in question is currently owned by the Brownsville Community Foundation, and would be operated pursuant to a cooperative agreement between the Foundation and the National Park Service.

COMMITTEE ACTION

H.R. 4828 was introduced on December 18, 2007, by Representative Solomon Ortiz (D-TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On June 5, 2008, the Subcommittee held a hearing on the bill during which the National Park Service testified in support of the legislation.

On July 16, 2008, the Subcommittee was discharged from further consideration of H.R. 4828 and the Full Natural Resources Committee met to consider the bill. Representative Ortiz offered an amendment in the nature of a substitute to correct the map reference in the bill and to change the designation of the site from a “National Historic Site” to a “National Historical Park” in keeping with National Park Service naming conventions for historic sites with non-contiguous units. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as the “Palo Alto Battlefield National Historical Park Boundary Expansion and Re-designation Act of 2008.”

Section 2. Designation of Palo Alto Battlefield National Historical Park

Section 2 redesignates the national historic site as the “Palo Alto Battlefield National Historical Park,” amends the Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102–304) to effect the change in designation, and states that any legal references to Palo Alto Battlefield National Historic Site shall be construed to be references to Palo Alto Battlefield National Historical Park.

Section 3. Boundary expansion

Section 3 amends the Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102–304) to include in the designation of the historical park the 34 acres generally depicted on the map entitled “Palo Alto Battlefield NHS Proposed Boundary Expansion.”

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.

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.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

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:

H.R. 4828—Palo Alto Battlefield National Historical Park Boundary Expansion and Redesignation Act of 2008

H.R. 4828 would expand the boundary of the Palo Alto Battlefield National Historic Site in Texas to include an additional 34 acres. The bill also would redesignate the historic site as a historical park.

Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that implementing the bill would cost \$1.2 million over the 2009–2013 period. Of that amount, we estimate that about \$400,000 would be used to construct trails, a parking lot, and other visitor facilities on the 34-acre parcel to be added to the park, which CBO expects would remain in nonfederal ownership. The remaining amounts (\$200,000 annually beginning in 2010) would be used to operate the site under a cooperative agreement with the Brownsville Community Foundation, which owns the property. Enacting H.R. 4828 would not affect revenues or direct spending.

H.R. 4828 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.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4828 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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):

**PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE
ACT OF 1991**

SECTION 1. SHORT TITLE.

This Act may be cited as the “Palo Alto Battlefield [National Historic Site] *National Historical Park Act of 1991*”.

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SEC. 3. PALO ALTO BATTLEFIELD [NATIONAL HISTORIC SITE] NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the education, benefit, and inspiration of present and future generations the nationally significant site of the first battle of the Mexican-American War, and to provide for its interpretation in such manner as to portray the battle and the Mexican-American War and its related political, diplomatic, military and social causes and consequences, there is hereby established the Palo Alto Battlefield [National Historic Site] *National Historical Park* in the State of Texas (hereafter in this Act referred to as the “[historic site] *historical park*”).

(b) BOUNDARY.—(1) The [historic site] *historical park* shall consist of approximately 3,400 acres as generally depicted on the map entitled “Palo Alto Battlefield [National Historic Site] *National Historical Park*”, numbered 469–80,002, and dated March 1991. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

(2) *The historical park also shall consist of approximately 34 acres as generally depicted on the map entitled “Palo Alto Battlefield NHS Proposed Boundary Expansion”, numbered 469/80,012, and dated May 21, 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.*

[(2)] (3) Within 6 months after the date of enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall file a legal description of the [historic site] *historical park* with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographic errors in such legal description and in the [map referred to in paragraph (1)] *maps referred to in paragraphs (1) and (2)*. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may, from time to time, make minor revisions in the boundary of the [historic site] *historical park*.

SEC. 4. ADMINISTRATION.

The Secretary, acting through the Director of the National Park Service, shall manage the [historic site] *historical park* in accordance with this Act and the provisions of law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666). The Secretary shall protect, manage, and administer the [historic site] *historical park* for the purposes of preserving and interpreting the cultural and natural resources of the [historic site] *historical park* and providing for the public understanding and appreciation of the [historic site] *historical park* in such a manner as to perpetuate these qualities and values for future generations.

SEC. 5. LAND ACQUISITION.

Within the [historic site] *historical park*, the Secretary is authorized to acquire lands and interest in lands by donation, pur-

chase with donated or appropriated funds, or exchange. Lands or interests in lands owned by the State of Texas or political subdivisions thereof may be acquired only by donation.

SEC. 6. COOPERATIVE AGREEMENTS.

In furtherance of the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with the United States of Mexico, in accordance with existing international agreements, and with other owners of Mexican-American War properties within the United States of America for the purposes of conducting joint research and interpretive planning for the [historic site] *historical park* and related Mexican-American War sites. Interpretive information and programs shall reflect historical data and perspectives of both countries and the series of historical events associated with the Mexican-American War.

SEC. 7. MANAGEMENT PLAN.

Within 3 years after the enactment of this Act, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate, a general management plan for the [historic site] *historical park*. The plan shall be consistent with section 12 of the Act of August 18, 1970 (16 U.S.C. 1a-7) and with the purposes of this Act and shall include (but not be limited to) each of the following:

(1) * * *

* * * * *

(3) A general development plan including such roads, trails, markers, structures, and other improvements and facilities as may be necessary for the accommodation of visitor use in accordance with the purposes of this Act and the need to preserve the integrity of the [historic site] *historical park*.

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SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$6,000,000 for acquisition of lands and interests in lands for purposes of the Palo Alto Battlefield [National Historic Site] *National Historical Park*.