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REPORT
107–372

AUTHORIZING THE SECRETARY OF THE INTERIOR TO MAKE ADJUSTMENTS TO THE BOUNDARY OF THE NATIONAL PARK OF AMERICAN SAMOA TO INCLUDE CERTAIN PORTIONS OF THE ISLANDS OF OFU AND OLOSEGA WITHIN THE PARK, AND FOR OTHER PURPOSES

MARCH 12, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1712]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1712) to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.

Section 2(b) of the Act entitled "An Act to establish the National Park of American Samoa" (16 U.S.C. 410qq–1(b)), approved October 31, 1988, is amended—

(1) by striking "(1)", "(2)", and "(3)" and inserting "(A)", "(B)", and "(C)", respectively;

(2) by inserting "(1)" after "INCLUDED.—"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled 'National Park of American Samoa, Proposed Boundary Adjustment', numbered 82,035 and dated Feb 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.".

Amend the title so as to read:

A bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 1712, as ordered reported, is to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Park of American Samoa (NPAS) was created in 1988 to ". . . preserve and protect the tropical forest and archeological and cultural resources of American Samoa, and of associated reefs, to maintain the habitat of flying foxes, preserve the ecological balance of the Samoan tropical forest, and, consistent with the preservation of these resources, to provide for the enjoyment of the unique resources of the Samoan tropical forest by visitors from around the world." The NPAS is the only paleotropical rainforest in the United States and preserves native Samoa's traditions, culture, and archeological integrity. Currently, the National Park Service (NPS) manages, via a 50-year lease, 9,000 acres of land and water on the islands of Tutuila, Ofu and Ta'u. American Samoa also includes the islands of Olosega and Anunu. Additional lands to the park would also be leased by the NPS.

Expanding park boundaries to include land and water on the island of Ofu and Olosega would help protect vast coral communities which harbor a great diversity of different species and offer excellent scuba diving opportunities. Shoreline reef flats and back-reef also flourish on the islands. Flying foxes, a candidate for listing, could forage on both islands, helping to expand that species habitation. Land birds, sea birds, and sea turtles (both the endangered hawksbill and threatened green sea turtle) are present.

Currently, the NPS manages 350 acres of reef and 70 acres of land on the island of Ofu, but no land or water on Olosega. The addition of rainforest and coral reef on Ofu and Olosega would provide greater hiking opportunities and help to diversify visitor use and lessen impact on the reef. In addition, high concentration of medicinal plants growing in the area would be protected. Many of these plants are disappearing and are in need of preservation.

The amount of land being considered on the island of Olosega, based on a Geographic Information System projection, would be 1,012 terrestrial and 935 marine acres. Lease payments, subject to negotiation with the High Court of American Samoa, would be $122,000 annually. For the island of Ofu, 344 terrestrial and 577 marine acres would be considered for incorporation into the park. Cost projections based on present values of the Ofu lands currently managed by the NPS are $163,000. Thus, total cost for both islands would be $285,000 annually. Although letters of support have been received from local village councils, it still remains unclear which specific lands have been consented to by landowners for lease by NPS.

COMMITTEE ACTION

H.R. 1712 was introduced on May 3, 2001, by Delegate Eni F.H. Faleomavaega (D–AS). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On February 14, 2002, the Subcommittee held a hearing on the bill. On February 27, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman Radanovich (R–CA) offered an amendment in the nature of a substitute that added the map number, title and date to the bill as well as removed the word minor from the bill title as it related to the boundary adjustment. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

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 and Article IV, section 3 of the Constitution of the United States grant 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 Committee 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, March 5, 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. 1712, a bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.

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

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1712—A bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park

H.R. 1712 would allow the National Park Service (NPS) to modify the boundary of the National Park of American Samoa, if the lands and adjacent waters to be added to the park can be leased by the federal government.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1712 would cost the federal government less than $500,000 annually beginning within a year following enactment. This amount would be used to lease and manage up to about 1,500 acres of land on the islands of Ofu and Olosega. (An additional 1,500 acres of adjacent waters might also be leased, at no cost to the government.)

H.R. 1712 would not affect direct spending; therefore, pay-as-you-go procedures would not apply. The bill 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, 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 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 omit-

ted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE ACT OF OCTOBER 31, 1988

AN ACT To establish the National Park of American Samoa

SEC. 2. ESTABLISHMENT.

(a) * * *

(b) AREA INCLUDED.—*(1)* The park shall consist of three units as generally depicted on the following maps entitled "Boundary Map, National Park of American Samoa": **[**(1)**]** *(A)* map number NP–AS 80,000A, dated August 1988, **[**(2)**]** *(B)* map number NP–AS 80,000B, dated August 1988, and **[**(3)**]** *(C)* map number NP–AS 80,000C, dated August 1988. Before publication of the maps, the Secretary, after consultation with the Governor of American Samoa and other appropriate leaders, may adjust the boundaries of the park to correspond with the appropriate village boundaries and modify the maps accordingly. The maps shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may at any time make revisions of the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following), pursuant to agreement with the Governor of American Samoa, and contingent upon the lease to the Secretary of lands within the new boundaries.

(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled "National Park of American Samoa, Proposed Boundary Adjustment", numbered 82,035 and dated Feb 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.

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