

## Calendar No. 476

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SENATE

{ REPORT  
107-199

### BOOKER T. WASHINGTON NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2001

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JUNE 28, 2002.—Ordered to be printed

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Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

#### R E P O R T

[To accompany H.R. 1456]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1456) to expand the boundary of the Booker T. Washington National Monument, and for the other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 1456 is to expand the boundaries of the Booker T. Washington National Monument to authorize the Secretary of the Interior to acquire an approximately 15-acre parcel for inclusion in the Monument.

#### BACKGROUND AND NEED

On April 2, 1956, the Booker T. Washington National Monument was established in order to create a public national memorial to the great advocate for African-Americans. The Monument preserves and protects the birth site and childhood home of Booker T. Washington while interpreting his life and his significance in American history.

In 1998, the National Park Service conducted a viewshed study for the Monument. The purpose of the study was to survey the surrounding lands in the highly visited areas of the park to determine the impact urban development would have on the preservation of this site. The study identified a 15-acre parcel of land for addition to the boundary based on its proximity to the birthplace site. The parcel has been on and off the real estate market for several years

and is currently for sale. The land is currently in agricultural use. Acquisition of this parcel would provide a buffer zone between nearby development and the park. The expansion has widespread support from the surrounding communities in southwestern Virginia.

#### LEGISLATIVE HISTORY

H.R. 1456 passed the House of Representatives by voice vote on September 12, 2001. S. 1051, an identical companion measure, was introduced by Senators Warner and Allen on June 14, 2001. The Subcommittee on National Parks held a hearing on S. 1051 and H.R. 1456 on February 14, 2002. The Committee on Energy and Natural Resources ordered H.R. 1456 favorably reported at its business meeting on June 5, 2002.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1456.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the Act the "Booker T. Washington National Monument Boundary Adjustment Act of 2001."

*Section 2* amends the enabling legislation for the Booker T. Washington National Monument (16 U.S.C. 450*ll* et seq.) to modify its boundaries to include approximately 15 acres. The Secretary of the Interior is authorized to acquire the land or interests in the land from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

#### 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, June 11, 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. 1456, the Booker T. Washington National Monument Boundary Adjustment Act of 2001.

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.

*H.R. 1456—Booker T. Washington National Monument Boundary Adjustment Act of 2001*

H.R. 1456 would revise the boundary of the Booker T. Washington National Monument. Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost the federal government less than \$500,000. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have not significant impact on the budgets of state, local, or tribal governments.

H.R. 1456 would expand the boundary of the Booker T. Washington National Monument to include above 15 acres of adjacent land, which the National Park Service (NPS) could then acquire by purchase, donation, or exchange. The acquired acreage would be administered by the NPS.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the cost of acquiring the property that would be added to the monument would be less than \$500,000 in fiscal year 2003. We estimate that there would be no significant additional cost to develop or manage the new acreage.

On September 21, 2001, CBO transmitted a cost estimate for H.R. 1456 as ordered reported by the House Committee on Resources on September 12, 2001. The two versions of the legislation are identical, as are our cost estimates.

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. 1456. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant 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. 1456.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DURAND JONES, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1456 and S. 1051, identical bills, both of which would expand the boundary of Booker T. Washington National Monument, Franklin County, Virginia.

The Department gave testimony on H.R. 1456 before the House Subcommittee on National Parks, Recreation, and Public Land on July 24, 2001. The Department supports both H.R. 1456 and S. 1051. The addition would not contribute to the National Park Service (NPS) maintenance backlog because the land would be added to the park agricultural permit program, and no additional facilities, operating funds or staffing will be needed. The current owners have indicated that they would be willing to sell the property to the United States. If authorized, this acquisition would be subject to NPS servicewide priorities and the availability of appropriations.

The legislation will adjust the boundary of Booker T. Washington National Monument to authorize acquiring from willing sellers a parcel of approximately 15 acres abutting the northeast boundary of the park. The addition and preservation of this 15-acre tract will ensure that park visitors may experience an agricultural landscape while inside the park, in a region that is subject to extreme development pressure. Seven of the 15 acres were part of the original Burrough's farm where Booker T. Washington grew up.

Booker T. Washington National Monument was authorized on April 2, 1956, to create a "public national memorial to Booker T. Washington, noted Negro educator and apostle of good will \* \* \*." Booker T. Washington National Monument preserves and protects the birth site and childhood home of Booker T. Washington while interpreting his life experiences and significance in American history as the most powerful African American between 1895 and 1915. The park provides a resource for public education and a focal point of continuing discussions about the legacy of Booker T. Washington and the evolving context of race in American society.

The park is 224 acres of rolling hills, woodlands, and agricultural fields. The primary archaeological resources include the Burrough's house site, or "Big House," two slave cabin sites with a 1960's reconstructed cabin on one of the sites. The agricultural landscape plays a critical role in the park's interpretation of Washington's life as an enslaved child during the Civil War. Many of his stories and experiences are centered on this small tobacco farm. In his autobiography, *Up From Slavery*, Washington frequently refers to the "rural" life and the influences it had upon him.

A 1998 Viewshed Study conducted as a component of the park's March 2000 General Management Plan (GMP) identified this land as the most critical for addition to the boundary based on its elevation and proximity to the birth-place site. The parcel has been on and off the market for several years and is currently for sale. The land is currently used for open agricultural fields.

The park is located near the regional recreation area of Smith Mountain Lake, which has growth in population and development in the last ten years. The park lies a half-mile from a commercial crossroads called Westlake

Corner. This area has become the primary hub of services for the Smith Mountain Lake community and continues to grow. Acquisition of this parcel would provide the necessary buffer between this development and the park so that the visitors will be able to experience the area as it was during Booker T. Washington's life.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any question that you or members of the subcommittee might have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1456, as ordered 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):

#### Public Law 464

AN ACT To provide for the establishment of the Booker T. Washington National Monument

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift, purchase, or condemnation, all right, title, and interest in and to the real property located at Booker Washington Birthplace, Virginia.

\* \* \* \* \*

#### SEC. 5. ADDITIONAL LANDS.

(a) *LANDS ADDED TO MONUMENT.*—*The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled "Boundary Map, Booker T. Washington National Monument, Franklin County, Virginia", numbered BOWA 404/80,024, and dated February 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.*

(b) *ACQUISITION OF ADDITIONAL LANDS.*—*The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.*

(c) *ADMINISTRATION OF ADDITIONAL LANDS.*—*Lands added to the Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations.*