

TO AUTHORIZE THE EXPANSION OF THE FORT DAVIS NATIONAL HISTORIC SITE IN FORT DAVIS, TEXAS, AND FOR OTHER PURPOSES

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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. 6176]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6176) to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, 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. 6176 is to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 6176 would increase the acreage ceiling for the Fort Davis National Historic Site in west Texas, and authorize the National Park Service to acquire, from willing sellers, approximately 55 acres adjacent to the historic site.

Fort Davis National Historic Site, authorized in 1961 (P.L. 87-213) is regarded as one of the best preserved forts in the American Southwest. Named for then-Secretary of War Jefferson Davis, the fort was strategically located to protect emigrants, mail coaches, and freight wagons traveling through the southwest from 1854 to 1891.

Fort Davis is also important to understanding the impact of African Americans in the West and in the frontier military, as the 24th

and 25th U.S. Infantry and the 9th and 10th U.S. Cavalry (the all-black “Buffalo Soldier” regiments established after the Civil War) were stationed at this post.

The bill would expand the boundary of the historic site to encompass some already-completed acquisitions and permit the acquisition of several parcels that total approximately 55 acres on the southwestern boundary of the fort on a prominent bluff. Purchase of the land will protect the rural backdrop behind the officers’ quarters and other portions of the fort so that visitors will be able to see the land that surrounds the fort as it appeared in the mid- to late-1800s.

This acquisition will also benefit the adjacent Davis Mountains State Park. The land proposed to be added to Fort Davis National Historic Site by H.R. 6176 is land that is visible from Davis Mountains State Park’s Skyline Drive, one of that park’s significant attractions. For that reason, the Texas Parks and Wildlife Department strongly supports the passage of this bill.

#### COMMITTEE ACTION

H.R. 6176 was introduced on June 4, 2008, by Representative Ciro Rodriguez (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. At a hearing before the Subcommittee on National Parks, Forests and Public Lands on July 15, 2008, a representative of the National Park Service testified that the administration supports the bill.

On July 16, 2008, the Full Natural Resources Committee met to consider H.R. 6176. The Subcommittee on National Parks, Forest and Public Lands was discharged from further consideration of the bill. H.R. 6176 was ordered favorably reported to the House of Representatives by unanimous consent.

#### 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 authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, 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 Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 6176—A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas*

H.R. 6176 would expand the boundary of the Fort Davis National Historic Site in Texas. The bill would authorize the National Park Service (NPS) to acquire about 55 acres within the expanded boundary.

Based on information provided by the NPS and assuming the availability of appropriations, CBO estimates that implementing the bill would cost about \$1 million over the next two years. That amount would be used to purchase about three parcels of land totaling 55 acres near the park. We estimate that additional costs to develop and operate the new acreage would be minimal. Enacting H.R. 6176 would not affect revenues or direct spending.

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 Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 6176 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

##### 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):

# **ACT OF SEPTEMBER 8, 1961**

(Public Law 87-213)

AN ACT Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas.

*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] (a) The Secretary of the Interior shall acquire, on behalf of the United States, by gift, purchase, condemnation, or otherwise, all right, title, and interest in and to such lands, not to exceed [476 acres] 646 acres in all, together with any improvements thereon, as the Secretary may deem necessary for the purpose of establishing a national historic site at the site of Fort Davis, near the town of Fort Davis, Jeff Davis County, Texas.*

*(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled "Fort Davis Proposed Boundary Expansion", numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.*

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**[SEC. 3. There are hereby authorized to be appropriated such sums, but not more than \$115,000 for land acquisition, as are necessary to carry out the provisions of this Act.]**

