

FORT PULASKI NATIONAL MONUMENT LEASE
AUTHORIZATION ACT

DECEMBER 1, 2011.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany S. 535]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, 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 S. 535 is to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument.

BACKGROUND AND NEED FOR LEGISLATION

Fort Pulaski is located on Cockspur Island in the Savannah River and was constructed as part of a system of coastal fortifications ordered by President James Madison after the War of 1812. The fort became a national monument in 1924 and was transferred from the War Department to the National Park Service (NPS) in 1933.

In 1940, NPS authorized, by special use permit, exclusive use of land and improvements within the national monument to the Savannah Bar Pilots Association to operate a vessel-piloting business. The Bar Pilots Association operates pilot vessels to help steer commercial shipping through the waters of the Savannah River, where shifting sand bars create dangerous conditions that make navigation difficult. The Bar Pilots Association has occupied the same spot at the west end of Cockspur Island since 1940.

In 1973, NPS issued a twenty-year special use permit allowing the Association to continue to use the tract, and to construct and upgrade living quarters, a dock, a fuel supply system and a parking lot. While the permit has been renewed, the terms of these permits have ranged in length from one year to a 20-year permit that existed from 1973 to 1993. The current special use permit the parties are operating under expires on March 15, 2013.

NPS has been advised by the Department of the Interior's Solicitor's Office that the Association's continued use of national monument land should be authorized through a non-competitive lease, rather than a special use permit. S. 535 would authorize NPS to enter into such a lease. Proceeds from the lease may be used under current law for infrastructure needs at units of the National Park System.

COMMITTEE ACTION

S. 535 was introduced on March 9, 2011, by Senator Johnny Isakson (R-GA). On November 2, 2011, the bill passed the Senate by unanimous consent. The bill was then referred to the House Committee on Natural Resources. On September 15, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the House companion bill, H.R. 2687, sponsored by Congressman Jack Kingston (R-GA). On November 17, 2011, the Full Resources Committee met to consider S. 535. No amendments were offered, and the bill 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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

S. 535—Fort Pulaski National Monument Lease Authorization Act

S. 535 would authorize the National Park Service (NPS) to lease to the Savannah Bar Pilots Association a small site at the Fort Pulaski National Monument in Georgia. Under the bill, the NPS would charge the association a rental fee based on the market value of the land and use the proceeds, without further appropriation, for site maintenance and other expenses.

Based on information provided by the NPS, CBO estimates that implementing the bill would have no significant net effect on the federal budget. The nonprofit association already operates a 30,000-square-foot site, including a dock and associated facilities, under a special-use permit. Fees collected under the permit are used, without appropriation, for purposes similar to those authorized by the bill. CBO estimates that rental proceeds under the bill would be less than \$25,000 a year, slightly more than the NPS currently collects in permit fees.

Because enacting S. 535 would affect direct spending (through the collection and spending of additional fees), pay-as-you-go procedures apply. CBO estimates, however, that the net effect of any annual changes on the federal budget would be insignificant.

S. 535 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service, CBO estimates that implementing the bill would have no significant net effect on the federal budget.

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 Secretary of the Interior to lease certain lands within Fort Pulaski National Monument.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

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.