

## PATRIOT ACT

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MAY 13, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

## REPORT

[To accompany H.R. 659]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, 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 out all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect America’s Treasures of the Revolution for Independence for Our Tomorrow Act” or the “PATRIOT Act”.

## TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

### SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the “Paoli Battlefield”, located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled “Paoli Battlefield” numbered 80,000 and dated April 1999 (referred to in this title as the “Paoli Battlefield”). The map shall be on file in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$1,250,000 to carry out this section. Such funds shall be expended in the ratio of \$1 of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the land's resources.

**SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.**

(a) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled “Brandywine Battlefield—Meetinghouse Road Corridor”, numbered 80,000 and dated April 1999 (referred to in this title as the “Brandywine Battlefield”). The map shall be on file in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Interests in land shall be acquired pursuant to this section only from willing sellers or donors.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 to carry out this section. Such funds shall be expended in the ratio of \$1 of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the land's resources.

**SEC. 103. STUDY OF BATTLEFIELDS.**

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in sections 101 and 102.

(b) CONTENTS.—The study shall—

(1) identify the full range of resources and historic themes associated with the Paoli Battlefield and the Brandywine Battlefield, including their relationship to the American Revolutionary War and the Valley Forge National Historical Park; and

(2) identify alternatives for National Park Service involvement at the sites and include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

## **TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Valley Forge Museum of the American Revolution Act of 1999”.

**SEC. 202. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) Valley Forge National Historical Park, formerly a State park, was established as a unit of the National Park System in 1976. The National Park Service acquired various lands and structures associated with the park, including a visitor center, from the Commonwealth of Pennsylvania.

(2) Valley Forge National Historical Park maintains an extensive collection of artifacts, books, and other documents associated with the Continental Army's winter encampment of 1777–1778 at Valley Forge, Revolutionary War-era arti-

facts of military life, important archaeological resources, and numerous structures and associated artifacts.

(3) Between 1982 and 1997 the National Park Service completed a general management plan, long-range interpretive plan, and strategic business plan for Valley Forge National Historical Park that establish goals and priorities for management of the park.

(4) These plans identify inadequacies in the park's current visitor center and interpretive programs. The plans call for the development of a new or significantly renovated visitor center that would make the collection accessible to the public through exhibits and research facilities. Plans also call for improving the interpretation of the landscape and improving the circulation into and through the park.

(5) The Valley Forge Historical Society was established in 1918 as a nonprofit organization to preserve and interpret for future generations the significant history and artifacts of the American Revolution in their historic setting at Valley Forge. The Valley Forge Historical Society has amassed valuable holdings of artifacts, art, books, and other documents relating to the 1777-1778 encampment of Washington's Continental Army at Valley Forge, the American Revolution, and the American colonial era. The Society continues to pursue additional important collections through bequests, exchanges, and acquisitions.

(6) The Society's collection is currently housed in a facility inadequate to properly maintain, preserve, and display their ever-growing collection. The Society is interested in developing an up-to-date museum and education facility.

(7) The Society and the National Park Service have discussed the idea of a joint museum and education and visitor facility. Such a collaborative project would directly support the historical, educational, and interpretive activities and needs of Valley Forge National Historical Park and those of the Valley Forge Historical Society. A joint facility would combine 2 outstanding museum collections and provide an enhanced experience at Valley Forge for visitors, scholars, and researchers.

(8) The Society has proposed to raise funds to construct a new museum and education and visitor center on park property at Valley Forge National Historical Park that would be planned, developed, and operated jointly with Valley Forge National Historical Park.

(b) **PURPOSE.**—The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

**SEC. 203. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.**

(a) **AGREEMENT AUTHORIZED.**—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Valley Forge Historical Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) **CONTENTS AND IMPLEMENTATION OF AGREEMENT.**—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park, related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of a museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the structure(s) so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of America of all right, title, and interest in the structure(s) to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the structure(s) shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the Society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions as may be determined by the Secretary.

#### SEC. 204. PRESERVATION AND PROTECTION.

Nothing in this Act shall authorize the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

#### PURPOSE OF THE BILL

The purpose of H.R. 659 is to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, and to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park.

#### BACKGROUND AND NEED FOR LEGISLATION

Both the Paoli and Brandywine battles in Pennsylvania played a significant role in the American Revolutionary War. Near to one another and to Valley Forge, both battles took place in September of 1777 when 18,000 British troops invaded Pennsylvania with the intention of capturing Philadelphia. The Battle of Brandywine was fought between British and American troops commanded by Generals William Howe and George Washington, respectively. This battle was the largest land battle of the Revolutionary War and one of the few times that both senior generals commanding their respective armies engaged in battle. Paoli entailed a rear guard action by "Mad" Anthony Wayne's brigade in which he was overrun by British troops. Even though most of his forces were able to escape, over 50 American soldiers had been killed and another 150 were severely wounded. This became a rallying cry for Colonial troops and led historians to refer to this battle as "The Paoli Massacre." Soon after these military engagements, the Colonial troops made camp at Valley Forge, Pennsylvania, and spent the famous winter of 1777-1778 there.

H.R. 659 is comprised of two titles. Title I authorizes appropriations for the protection of both the Paoli and Brandywine Battlefields in Pennsylvania. This bill also directs the National Park Service to conduct a special resource study of the Paoli and Brandywine Battlefields. The studies are being conducted after the acquisitions because the owners of properties desire to put them on the open real estate market; thus, it is necessary to purchase them beforehand. The resource studies for the two battlefields will be completed not later than 18 months after funds are made available. Appropriations for the Paoli and Brandywine Battlefields will be no

more than \$1.25 million and \$3.0 million respectively. The Committee emphasizes that the monies appropriated for both of these battlefields will only be used for the protection of the park, its resources, and its acquisition and are to be spent per agreement with the Secretary of the Interior. Furthermore, the appropriations must be matched dollar for dollar by non-Federal sources. Title I also directs the Secretary of the Interior to enter into cooperative agreements with appropriate entities for the management of each of the battlefields and to provide technical assistance.

Title II authorizes the establishment of Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, Pennsylvania, by authorizing the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society. The agreement requires that the Society will construct and operate a Revolutionary War museum within the boundaries of the Valley Forge National Historical Park. After the museum has been built, all right, title, and interest in the structure(s) would be conveyed to the federal government. However, the Society would continue to operate the facility. The Society is also authorized to charge fees, conduct events, and sell food and merchandise to museum visitors to raise revenue for its operation. In no case, however, will any action or activity be taken in derogation of the preservation and protection of the values and resources of the Historical Park.

#### COMMITTEE ACTION

H. R. 659 was introduced on February 9, 1999, by Congressman Curt Weldon (R-PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On March 11, 1999, the Subcommittee held a hearing on H.R. 659 where Katherine Stevenson, Associate Director of Cultural Resources Stewardship and Partnerships, testified in favor of the bill. On March 18, 1999, the Subcommittee met to consider the bill. An amendment in the nature of a substitute was offered by Congressman James V. Hansen (R-UT) and adopted by voice vote. The bill was then ordered favorably reported to the Full Resource Committee by voice vote. On April 28, 1999, the Full Resource Committee met to consider H.R. 659. No further amendments were offered and the bill, as amended, was 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. *Government Reform Oversight Findings.*—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, May 7, 1999.*

Hon. DON YOUNG,  
*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. 659, the PATRIOT Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 659—PATRIOT Act*

Assuming appropriation of the authorized and estimated amounts, CBO estimates that implementing H.R. 659 would cost the federal government about \$5 million over the next five years. H.R. 659 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Title I would authorize the National Park Service (NPS) to provide funds to Malvern, Pennsylvania, and the commonwealth of Pennsylvania so that these entities would be able to purchase the Paoli Battlefield and a portion of the Brandywine Battlefield. For these purposes, title I would authorize the appropriation of \$4.25 million. In addition, the title would authorize the appropriation of

whatever sums are necessary for a resource study of the acquired areas, which the NPS would have to complete within 18 months of receiving funding.

Title II would authorize the NPS to execute an agreement with the Valley Forge National Historical Society under which the society would construct a museum within the boundaries of the Valley Forge National Historical Park. This title would authorize the NPS to provide visitor information and interpretive facilities and programs at the museum. Although the museum would be owned by the federal government, the society would operate and maintain it with revenues it collects from fees and sales of merchandise.

Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend \$4.5 million over the next two years to finance the acquisition of the battlefield properties and complete the required resource study. We estimate that the agency would spend an additional \$0.5 million to \$1 million to execute the agreement with the Valley Forge National Historical Society and provide interpretive materials for the museum. These estimates are based on information provided by the NPS.

H.R. 659 contains on intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Pennsylvania and some local governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary. The bill would require that federal funds provided for land acquisition be matched with equal amounts of nonfederal funds, some or all of which might be provided by the commonwealth of Pennsylvania and local governments in that state. Further, these governments could choose to manage these properties under cooperative agreements with the National Park Service. This bill would have no other significant impact on the budgets of state, local, or tribal governments.

The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

