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RENAMING WOLF TRAP FARM PARK AS “WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS,” AND FOR OTHER PURPOSES

JUNE 26, 2002.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 2440]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2440) to rename Wolf Trap Park as “Wolf Trap National Park for the Performing Arts,” and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 2440 is to rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts,” and for other purposes.

BACKGROUND AND NEED

Catherine Filene Shouse donated 100 acres of her Vienna, Virginia farmland to the U.S. Government, as well as funds to build a 6,800 seat theater, in order to reserve the former farm as a park where people could enjoy nature and the performing arts. Congress accepted her gift in 1966 and in 1971 Wolf Trap’s Filene Center was built. The Wolf Trap Farm Park was authorized as the first National Park System unit for the performing arts.

Wolf Trap Farm Park now encompasses approximately 130 acres of rolling countryside in Virginia. The National Park Service collaborates with the Wolf Trap Foundation, a 501(c)(3) non-profit organization in a public-private partnership to offer cultural, natural and educational opportunities to the public. The National Park Service maintains the grounds of Wolf Trap Farm Park while the

Wolf Trap Foundation selects and develops the educational programming, handles ticket sales, marketing, and publicity, and raises the necessary funds to support these programs.

The name change proposed by this legislation would alleviate public confusion about the park's name, while recognizing the role this facility plays in the nation's natural, cultural and educational life.

LEGISLATIVE HISTORY

H.R. 2440, sponsored by Representative Tom Davis, was passed by the House of Representatives on November 28, 2001. The Subcommittee on National Parks held a hearing on H.R. 2440 on February 14, 2002. The Committee on Energy and Natural Resources considered H.R. 2440 at its business meeting on May 15, 2002, and ordered the bill 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. 2440.

SECTION-BY-SECTION ANALYSIS

Section 1 amends the Wolf Trap Farm Park Act (Public 89-671; 16 U.S.C. 284) to—

- (1) rename Wolf Trap Farm Park as the “Wolf Trap National Park for the Performing Arts”;
- (2) exempt Wolf Trap National Park for the Performing Arts from laws, rules, and regulations that are applicable solely to units of the National Park System that are designated as a “National Park”; and
- (3) require any map, publication, sign, notice, or other official document or communication of the Federal Government or the Wolf Trap Foundation to refer to the park as “Wolf Trap National Park for the Performing Arts.”

Section 2 makes technical corrections in the Wolf Trap Farm Park Act.

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. 2440, an act to rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for this estimate 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. 2440—An act to rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts”

H.R. 2440 would rename the Wolf Trap Farm Park as the Wolf Trap National Park for the Performing Arts. Implementing this change would have no significant effect on the budget of the National Park Service, which administers the park as a unit of the National Park System. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2440 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would require that any sign or notice pertaining to the park refer to it by the complete new name—a requirement that would apply to signs erected by the state of Virginia. Based on information provided by state officials, however, CBO estimates that the costs of complying with this mandate would be minimal, and so would be well below the threshold established by UMRA (\$58 million in 2002, adjusted annually for inflation).

Enactment for this legislation would have no other impact on the budgets of state, local, or tribal governments. The act contains no new private-sector mandates as defined in UMRA.

On December 6, 2001, CBO transmitted a cost estimate for H.R. 2440 as ordered reported by the House Committee on Resources on November 28, 2001. The two versions of the legislation are identical, as are our cost estimates.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact). This 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. 2440. 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 property.

Little, if any, additional paperwork would result from the enactment of H.R. 2440.

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 appear before you today to present the views of the Department of the Interior on S. 202 and H.R. 2440, bills that would rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts.”

The Department supports the intent of both bills, but recommends the approval of H.R. 2440 as passed by the House of Representatives on December 11, 2001.

A name change from “Wolf Trap Farm Park” to “Wolf Trap National Park for the Performing Arts” has been sought by the Wolf Trap Foundation as a way of increasing its visibility as a venue for performing arts and a part of the National Park System, which could potentially help with fundraising. The Wolf Trap Foundation has been an extraordinary partner for the park, bringing a high degree of professionalism to both its operational responsibilities and its fundraising initiatives, and running excellent educational and artistic programs.

The Department agrees that changing the name of the park to better reflect its purpose and status makes sense. “Wolf Trap Farm” was the name of the property that became Wolf Trap Farm Park, but most people who live in the Washington, D.C. area know the park simply as “Wolf Trap.” The phrase “for the performing arts” is already commonly used in literature about the park and in advertisements for performances there. In addition, most units of the National Park System have the word “national” in their names. For these reasons, the name “Wolf Trap National Park for the Performing Arts” is appropriate for this site.

The proposal to rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts” was first introduced a few years ago. Originally, the National Park Service was concerned that use of the name “National Park” would place Wolf Trap in a category of a type of park unit that implies a large, spectacular natural place that has a wide variety of attributes, often including significant historic assets. Additionally, we were concerned that the park could be subject to laws that apply only to national parks and not other units of the National Park System.

Both S. 202 and H.R. 2440 successfully address these concerns by providing that any laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a “national park” shall not apply to Wolf Trap National Park for the Performing Arts. Both bills also require the use of the full name “Wolf Trap National Park for the Performing Arts,” at least for official purposes. These provisions help make it clear that as a “national park for the performing arts,” Wolf Trap would be in a category of its own within the National Park Sys-

tem that would be separate and distinct from the system's 56 national parks.

The reason we recommend approval of H.R. 2440 as passed by the House is because it contains a simple requirement that Federal employees and Foundation employees use the new name in full in all official documents and communications, and that the full name also be used on directional signs and official signs and notices. S. 202, by contrast, contains a general prohibition on any reference to the park other than by the name "Wolf Trap National Park for the Performing Arts," which presents legal concerns about the ability of the Federal government to enforce this provision with non-Federal entities.

Finally, the proposed name change would not change Wolf Trap's legal status, nor would it alter the way that the park is administered. The National Park Service would continue the same level of management and would maintain Wolf Trap to the same standards that have always been applied at the park.

Mr. Chairman, I conclude my statement. I would be happy to respond to any questions you or other committee members may have regarding these bills.

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. 2440, 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 89-671

AN ACT To provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith, the Secretary of the Interior is authorized to establish, develop, improve, operate, and maintain the **Wolf Trap Farm Park** *Wolf Trap National Park for the Performing Arts* in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.

SEC. 2. The Secretary of the Interior shall administer the park in accordance with the provisions of section 1 of this Act and the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented, *except that laws, rules, or regulations that are applicable solely to units of the National Park System that are des-*

ignated as a “National Park” shall not apply to Wolf Trap National Park for the Performing Arts.

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SEC. 4. (a) * * *

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(c) No grants or loans may be made under this section unless the Secretary has entered into a written agreement with the Foundation under which the Foundation agrees—

(1) * * *

* * * * *

(3) to maintain, during the term of the cooperative agreement described in section (5), and at the Foundation’s expense, insurance on the Center respecting such risks, in such amounts, and containing such terms and conditions, as are satisfactory to the Secretary.

Any repairs or reconstruction carried out with **【Funds】** *funds* obtained from the receipt of the proceeds of any such insurance shall be subject to the approval of the Secretary.

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SEC. 11. As used in this Act, the term—

(1) * * *

(2) “Park” means the **【Wolf Trap Farm Park】** *Wolf Trap National Park for the Performing Arts* established under this Act, including the Center.

SEC. 12. This Act may be referred to as the “**【Wolf Trap Farm Park】** *Wolf Trap National Park for the Performing Arts Act.*”

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SEC. 14. REFERENCES.

(a) **BY FEDERAL EMPLOYEES.**—*The Secretary of the Interior, any other Federal employee, and any employee of the Foundation, with respect to any reference to the park in any map, publication, sign, notice, or other official document or communication of the Federal Government or Foundation shall refer to the park as “Wolf Trap National Park for the Performing Arts”.*

(b) **OTHER SIGNS AND NOTICES.**—*Any directional or official sign or notice pertaining to the park shall refer to the park as “Wolf Trap National Park for the Performing Arts”.*

(c) **FEDERAL LAWS AND DOCUMENTS.**—*Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Wolf Trap Farm Park” shall be considered to be a reference to “Wolf Trap National Park for the Performing Arts”.*