

TO AUTHORIZE THE ADDITION OF 100 ACRES TO  
MORRISTOWN NATIONAL HISTORICAL PARK

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NOVEMBER 16, 2009.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 118]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 118) to authorize the addition of 100 acres to Morristown National Historical Park, 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 all after the enacting clause and insert the following:

**SECTION 1. ADDITION TO THE PARK.**

The first section of the Act entitled “An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved September 18, 1964 (16 U.S.C. 409g), is amended—

(1) by inserting “, from a willing owner only,” after “the Secretary of the Interior is authorized to procure”; and

(2) by striking “615” each place it appears and inserting “715”.

PURPOSE OF THE BILL

The purpose of H.R. 118 is to authorize the addition of 100 acres to Morristown National Historical Park.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 118 would raise the acquisition ceiling for Morristown National Historical Park in New Jersey from 615 acres to 715 acres. The park was established to preserve an area of great importance to the Continental Army, which was quartered in Morristown during January 1777 and the winter of 1779–1780.

General George Washington chose Morristown for the main quarters of his troops because the area offered several strategic advantages. The town was a two-day march from the main British base in New York City. The Watchung Mountains and the Great Swamp, which stand between New York and Morristown acted as natural defensive works. As a result, Morristown could not be taken by a surprise attack. The various roads passing through Morristown allowed the army to move in any direction to counter the movements of the British. Because of its roads and safe location, Morristown served as a military supply depot for much of the war.

The park was established in 1933, and was the first national historical park in the National Park System. The park includes the Ford Mansion, where Washington made his headquarters. Boundary changes have been enacted six times since the park was established. According to the park's 2003 general management plan, residential development is intensifying around the park boundary, and increasing the acreage ceiling would allow the park to respond quickly to opportunities for land acquisition from willing sellers.

The general management plan calls for a range of conservation tools including easements and outright purchase, with an emphasis on protecting resources from the encampment period and preserving the historic character and solitude of the park.

## COMMITTEE ACTION

H.R. 118 was introduced by Representative Rodney P. Frelinghuysen (R–NJ) on January 6, 2009. 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 an October 1, 2009, hearing before the Subcommittee, a representative of the Department of the Interior testified in support of the bill.

On October 28, 2009, the Subcommittee was discharged from further consideration of H.R. 118 and the full Natural Resources Committee met to consider the bill. Representative Rob Bishop (R–UT) offered an amendment in the nature of a substitute to add language ensuring that additions to the park must be acquired from willing sellers only. The amendment was adopted by voice vote. The bill, as amended, was then 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 Natural 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. 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 addition of 100 acres to Morristown National Historical Park.

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. 118—A bill to authorize the addition of 100 acres to Morristown National Historical Park*

H.R. 118 would authorize the National Park Service (NPS) to acquire an additional 100 acres of land for the Morristown National Historical Park (MNHP). CBO estimates that implementing the legislation would cost about \$10 million over the 2010–2014 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

The 1,700-acre Morristown National Historical Park consists of four noncontiguous units in heavily populated northern New Jersey. Under H.R. 118, the NPS would acquire up to 100 acres for the MNHP as properties located near one of the park units become available for donation or sale from willing landowners. Acquired properties would remain in their natural state and would be used to buffer the park from local development.

Based on recent sale prices of land near the MNHP, CBO estimates that acquiring land under H.R. 118 would cost the NPS about \$10 million over the next five years. For this estimate, we assume that 9 acres of land would be donated to the NPS and that the remaining 91 acres would be purchased. Total acquisition costs could be lower if more acreage can be acquired by donation or, alternatively, protected by purchasing conservation easements.

Based on information provided by the NPS, CBO estimates that additional costs to revise signs, maps, and other materials would be less than \$100,000. We estimate that annual costs to administer newly acquired properties would be minimal.

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. 118 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 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 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 18, 1964**

(Public Law 88-601)

An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to preserve for the benefit and inspiration of the public certain lands historically associated with the winter encampment of General George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure, *from a willing owner only*, by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed **[615]** 715 acres of land and interests therein which **[615]** 715 acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park: *Provided*, That title to the property known as the Cross estate my not be accepted until the property is vacant.

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## ADDITIONAL VIEWS

Twice during the Revolutionary War George Washington decided on Morristown, New Jersey as the place to station the Continental Army for the winter lull in fighting. There were both military and civilian reasons to choose this area. With the redcoats in firm control of New York City and the Atlantic, it was essential that an inland route connecting rebel held New England with South be kept open and Morristown was positioned just right to keep this link from being severed. Morristown was also the right place because George Washington had won over the local population to support the American cause. He won their support by insisting that his troops respect the property of the people—even the property of Tory sympathizers.

Not only did Washington give strict orders that forbade the Patriot forces from looting—in sharp contrast to the practice of the British and Hessian forces—but he also gave the New Jersey Militia as its major assignment, the mission of protecting the property of New Jersey farmers from the foraging parties of King George's Army. One of the leaders of the New Jersey Militia who carried out the task of protecting property from seizure was a young colonel named Frederick Frelinghuysen, an ancestor of the bill's sponsor.

Therefore it is fitting that that the bill contains a “willing seller” provision to require the government today to respect the property rights of the people just as the cold, hungry and ill-equipped American soldiers did in and around Morristown 233 years ago.

DOC HASTINGS.  
ROB BISHOP.

