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FORT ONTARIO STUDY ACT

JUNE 14, 2017.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 46]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 46) to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Ontario Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means Fort Ontario in Oswego, New York.

SEC. 3. FORT ONTARIO SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

PURPOSE

The purpose of H.R. 46 is to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

BACKGROUND AND NEED

H.R. 46 authorizes the Secretary of the Interior to conduct a special resource study of Fort Ontario, a military installation in Oswego, New York. In conducting the study, the Secretary of the Interior shall evaluate the site's national significance; determine the suitability and feasibility of designating Fort Ontario as a unit of the National Park System; consider other alternatives for preservation, protection, and interpretation of the lands by Federal, State, or local governmental entities, or private and nonprofit organizations; consult with Federal agencies and interested parties; and identify the cost of acquisition and maintenance of alternative National Park Service (NPS) units.

Fort Ontario was originally built by the British in 1755 to protect the area around the east end of Lake Ontario. Located at the mouth of the Oswego River in Oswego, New York, Fort Ontario directly overlooks the shores of Lake Ontario. In 1756, the French Army destroyed the fort, also known as the "Fort of the Six Nations." In 1759, the British built a much stronger and larger fort on the same site.

During the American Revolution, the British abandoned Fort Ontario, and in 1778 American troops destroyed the fort. Despite the surrender at Yorktown in 1781, the British reoccupied Oswego in 1782 and rebuilt Fort Ontario for the third time. The British held it until 1796, 13 years after the end of the Revolutionary War, before finally turning it and other British forts in the Northwest Territory over to the United States pursuant to the Jay Treaty of 1795.

During the War of 1812, British forces captured and destroyed the fort. After a period of abandonment, new construction started in part due to tensions with Great Britain as well as to check smuggling activities between Canada and the United States. Construction of a fourth Fort Ontario commenced in 1839, amidst tensions arising from Canada's Patriot War. Later, amid fears of British intervention in the Civil War, the United States upgraded defenses of the fort in 1860.

Fort Ontario later served as a training post from 1903 to 1905, a hospital camp during World War I, and a training installation for military police and anti-aircraft units in World War II. Additionally, from August 1944 to February 1946, Fort Ontario operated as the nation's only emergency refugee shelter during World War II

and housed approximately 982 refugees, predominantly of Jewish descent.

After nearly two hundred years of active military use, the United States Army abandoned the fort in 1946 and transferred it to the State of New York. In 1953, Fort Ontario opened as a New York state historic site. The fort was added to the National Register of Historic Places in 1970 and remains open to the public today.

LEGISLATIVE HISTORY

H.R. 46 was introduced in the House of Representatives by Representatives Katko, Slaughter, and Tenney on January 3, 2017, and referred to the House Committee on Natural Resources. On January 30, 2017, H.R. 46 passed the House of Representatives by a voice vote. H.R. 46 was received in the Senate on January 31, 2017.

Senators Gillibrand and Schumer introduced a companion measure, S. 55, on January 5, 2017.

In the 114th Congress, Senators Gillibrand and Schumer introduced a similar measure, S. 2622, on March 3, 2016. The companion bill, H.R. 4202, was introduced in the House of Representatives by Representative Katko on December 9, 2015.

The Senate Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered H.R. 46 and S. 55 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 46, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 46, the Committee on Energy and Natural Resources adopted an amendment in the nature of a substitute to strike the findings and make conforming changes to the special resource study language. The amendment is further described in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides a short title for the measure.

Section 2. Definitions

Section 2 provides the definitions of key terms.

Section 3. Fort Ontario special resource study

Section 3(a) requires the Secretary to conduct a special resource study.

Subsection (b) requires the special resource study to evaluate the national significance of the area; determine suitability and feasibility of the study area; consider alternatives provided by stakeholders; consult with federal, state and local stakeholders; and identify costs of alternatives.

Subsection (c) requires the study to be conducted in accordance with 54 U.S.C. 100507.

Subsection (d) requires the Secretary to submit a report on the study to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources no later than three years after which funds are made available to carry out the study.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 46 would require the National Park Service (NPS) to conduct a special resource study of Fort Ontario, a state historic site in Oswego, New York. (Fort Ontario was used during the French and Indian War, the Revolutionary War, and the War of 1812.) The study would determine whether the site meets NPS criteria for inclusion in the National Park System. Based on information provided by the NPS, CBO estimates that implementing the legislation would cost about $250,000; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 46 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 46 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 46 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.

On April 7, 2017, CBO transmitted a cost estimate for S. 55, the Fort Ontario Study Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. The two pieces of legislation are similar and CBO's estimate of their budgetary effects is the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, 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. 46. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 46, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 46, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

Executive Communications on H.R. 46 were not requested by the Committee on Energy and Natural Resources in the 115th Congress.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

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