

THOMAS COLE NATIONAL HISTORIC SITE ACT

SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 3109]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3109) to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Thomas Cole National Historic Site Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings and purposes.

Sec. 4. Establishment of Thomas Cole National Historic Site.

Sec. 5. Retention of ownership and management of historic site by Greene County Historical Society.

Sec. 6. Administration of historic site.

Sec. 7. Authorization of appropriations.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term “historic site” means the Thomas Cole National Historic Site established by section 4 of this Act.

(2) The term “Hudson River artists” means artists who were associated with the Hudson River school of landscape painting.

(3) The term “plan” means the general management plan developed pursuant to section 6(d).

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Society” means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

SEC. 3. FINDINGS AND PURPOSES.

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

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America's most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole's Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretative, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) **DESCRIPTION.**—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as general depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 5. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.

The Greene County Historical Society of Green County, New York, shall continue to own, manage, and operate the historic site.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) **APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.**—The historic site shall be administered by the Society in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) **COOPERATIVE AGREEMENT.**—

(1) **ASSISTANCE TO SOCIETY.**—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) **OTHER ASSISTANCE.**—To further the purposes of this Act, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) **ARTIFACTS AND PROPERTY.**—

(1) **PERSONAL PROPERTY GENERALLY.**—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(2) WORKS OF ART.—The Secretary may acquire works of art associated with Thomas Cole and other Hudson River artists for the purpose of display at the historic site.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, a general management plan shall be developed for the historic site by the Society, with the assistance of the Secretary. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et. seq.; commonly known as the National Park System General Authorities Act).

Amend the title so as to read:

A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

PURPOSE OF THE BILL

The purpose of H.R. 3109 is to establish the Thomas Cole National Historic Site in the State of New York.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3109 would establish the Thomas Cole National Historic Site in New York. The Thomas Cole House is currently listed on the National Register of Historic Places and has been designated as a National Historic Landmark. The bill, as introduced, establishes the Thomas Cole National Historic Site as a unit of the National Park System. H.R. 3109 also authorizes the Secretary of the Interior to enter into cooperative agreements with both public and private entities relating to the preservation, interpretation, and use of the Historic Site. A general management plan for the Site will be developed by the Greene County Historical Society, with assistance from the Secretary, within two fiscal years after the date of enactment of this bill.

The purpose of the proposed Thomas Cole House National Historic Site is to preserve, protect, and interpret the historic landscape and home of an extremely important American artist, Thomas Cole. Thomas Cole (1801-1848) founded the Hudson River School of art, an important cultural movement with great significance to the beginning of the conservation movement.

Cole's home and studio are located on 3.4 acres of the original 88 acre property, and are largely unchanged since his residence there. Within a 15-mile radius of this home there are more than 20 sites which were painted by the Hudson River School of artists, including 10 sites painted by Cole. Nearby museums have many original Hudson River School paintings. Together these sites offer an excellent opportunity for interpreting the artists' lives and work in conjunction with the Hudson River School art movement.

The Historic Site will consist of 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York. The bill authorizes the Secretary to procure the necessary lands and personal property, with appropriated money or donated funds, for the establishment of the Site. The management plan for the Site shall include, among other things, recommendations for regional exhibits to be carried out through cooperative agreements with the State of New York and other public and private entities.

During the Full Committee mark-up of H.R. 3109 an amendment in the nature of a substitute was adopted which modified the introduced bill by authorizing the Thomas Cole Site as an affiliated area of the National Park System rather than a unit of the National Park System. This allows the current owner of the Site, the Greene County Historical Society, to continue to own, manage, and operate the Site; however, the Site will be administered by the Society in a manner consistent with National Park Service laws and regulations.

COMMITTEE ACTION

H.R. 3109 was introduced on January 27, 1998, by Congressman Gerald Solomon (R-NY). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On May 12, 1998, the Subcommittee held a hearing where William Shaddox, Acting Associate Director of Professional Services for the National Park Service, testified in support of the bill if amended. On June 11, 1998, the Subcommittee met to consider H.R. 3109. The bill was reported to the Full Committee without amendment by voice vote. On July 22, 1998, the Full Resources Committee met to consider H.R. 3109. Congressman James V. Hansen (R-UT) offered an amendment in the nature of a substitute, as described above. The amendment was adopted by voice vote. The amended version of H.R. 3109 was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X 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 H.R. 3109.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 3109. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3109 does not contain

any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 3109.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 3109 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 13, 1998.

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. 3109, the Thomas Cole National Historic Site 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 Lesley Frymier (for the private-sector impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 3109—Thomas Cole National Historic Site Act

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3109 would cost the federal government between \$5 million and \$10 million over the next five years. H.R. 3109 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3109 would establish as an affiliated area of the National Park System the Thomas Cole National Historic Site in New York. The site, consisting of about three acres of land on which the former home and studio of the artist are located, would continue to be owned and operated by the Greene County Historical Society. The bill would authorize the National Park Service (NPS) to execute cooperative agreements with the society, a local nonprofit organization, to preserve the house and other on-site structures and to assist with educational programs. The NPS may also enter into such agreements with the society, the state, the Thomas Cole Foundation, or other groups to assist them in developing and funding art exhibits, resident artist programs, and other activities. H.R. 3109 also would authorize the NPS to acquire art work and other personal property associated with the historic site. The bill would require the NPS to develop a general management plan for the site. Finally, the bill would authorize the appropriation of whatever sums are necessary for these purposes.

Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend about \$5 million over the next few years to develop an interpretive program for the new historic site, restore and improve site structures, perform needed research and studies, and, finally, to finance the society's general management plan. In addition to this amount, and again assuming appropriation of amounts requested for this purpose, the agency could purchase art work as authorized by the bill. CBO estimates that such acquisitions could cost as much as \$5 million. Routine operating and maintenance expenses of the historic site would remain the responsibility of the historical society. The NPS could provide assistance to the society for interpretive activities, but we estimate that the annual costs of such assistance or assistance under other cooperative agreements would not be significant. These estimates are based on information provided by the NPS and the historical society. H.R. 3109 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

The bill would impose new private-sector mandates on the Greene County Historical Society. As requested by the society, the bill would require the society to administer the historic site in a manner consistent with all laws generally applicable to units of the NPS and to develop a general management plan for the site with the assistance of the Secretary of the Interior. Based on information provided by the society and the NPS, CBO estimates that the direct costs of complying with these private-sector mandates would fall well below the statutory threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation) in any of the first five parts, in part because the society already manages the site as a historic landmark.

The CBO staff contacts are Deborah Reis (for federal costs), and Lesley Frymier (for the private-sector impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3109 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

CHANGES IN EXISTING LAW

If enacted, H.R. 3109 would make no changes in existing law.