

## Calendar No. 178

107TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
107-76

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### WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 2001

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OCTOBER 1, 2001.—Ordered to be printed

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

### REPORT

[To accompany H.R. 1000]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1000) to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, 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. 1000 is to adjust the boundary of the William Howard Taft National Historic Site in Ohio to authorize an exchange of two parcels of less than one acre of land and to authorize the further acquisition of another  $\frac{3}{4}$ -acre parcel in conjunction with the historic site.

#### BACKGROUND AND NEED

The William Howard Taft National Historic Site, situated in a designated historic district in the Mount Auburn section of Cincinnati, Ohio, is the only memorial to Taft, who served as both President of the United States and as Chief Justice of the Supreme Court. The site, which includes Taft's home for the first 29 years of his life, has been a unit of the National Park System since 1969. Public Law 91-132, the enabling legislation, established the site to "preserve in public ownership historically significant properties associated with the life of William Howard Taft."

H.R. 1000 would amend the boundary of the historic site to include two contiguous parcels of land. With respect to the first parcel, the Act authorizes a land exchange that would benefit both the

historic site and the surrounding Mount Auburn community. A parking lot of less than one acre of land which is currently part of the Taft site would be transferred to the SABIS International School of Cincinnati (SABIS), a private educational institution in Cincinnati. The parking lot is better situated to access the SABIS school than the Taft site. In return, SABIS would transfer another tract of land of less than one acre to the Taft site, which could be developed as a parking lot, and is closer to the historic site than the existing lot. This exchange would benefit both the SABIS school and the national historic site.

H.R. 1000 also expands the boundary of the national historic site to include a second contiguous parcel of land comprising approximately three-fourth of an acre. This property includes a building where the Park Service has rented office space for the last 18 years. The property has been identified in the park's master plan as land that would further the park's mission.

#### SUMMARY OF H.R. 1000

H.R. 1000 authorizes adjustments to the boundary of the William Howard Taft National Historic Site. The Act authorizes both an exchange of two parcels of less than one acre of land with the SABIS school, and the acquisition of another  $\frac{3}{4}$ -acre parcel. The Secretary of the Interior is authorized to acquire the  $\frac{3}{4}$ -acre property by donation, purchase from willing sellers with donated or appropriated funds, or by exchange. If the values of the parcels to be exchanged are not equal, the difference may be equalized by a donated, payment using donated or appropriated funds, or the conveyance of additional land.

#### LEGISLATIVE HISTORY

H.R. 1000, introduced by Representative Portman, was passed by the House on June 6, 2001. A companion measure, S. 921, was introduced by Senator DeWine on May 21, 2001. The Subcommittee on National Parks held a hearing on both bills on July 27, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered H.R. 1000 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 2001, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1000 as described herein.

#### 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, August 10, 2001.*

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. 1000, the William Howard Taft National Historic Site Boundary Adjustment Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 1000—William Howard Taft National Historic Site Boundary Adjustment Act of 2001*

H.R. 1000 would revise the boundary of the William Howard Taft National Historic Site (Taft NHS). Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost the federal government between \$0.9 million and \$1.4 million over the next three years. Because the legislation also could affect receipts, pay-as-you-go procedures would apply, but we expect any change in receipts would be insignificant.

The legislation contains no intergovernmental or private-sector mandates as defined in the unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 1000 would expand the boundary of the TAFT NHS to include a small parcel of contiguous land, which the National Park Service (NPS) could then acquire by purchase, donation, or exchange. The legislation also would authorize the NPS to acquire an additional contiguous property in exchange for a similarly sized tract within the Taft NHS. The site's boundary would then be redrawn to reflect the transfer. Any difference in the values of the two properties could be equalized by a donation to the government from the current property owner, or by a cash payment to the party from the NPS.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the cost of acquiring the property added to the Taft NHS by the legislation would be between \$0.7 million and \$1.2 million over the next three years. Because a cash equalization payment would be authorized by the legislation, pay-as-you-go procedures would apply. We expect that the exchange for the second parcel of land would have no significant effect on the federal budget, however, because the properties are similar in value. CBO estimates that additional costs to develop the property that would be acquired under H.R. 1000 would total \$0.2 million over the next three years, and that annual costs to administer the new lands would be minimal.

On May 24, 2001, CBO transmitted a cost estimate for H.R. 1000 as ordered reported by the House Committee on Resources on May

16, 2001. Both versions of the legislation are identical, as are our cost estimates.

The staff contact for this estimate is Deborah Reis. The estimate was approved by Robert A. Sunshine, 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. 1000. The Act 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 privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1000.

#### EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1000. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

#### STATEMENT OF JOHN PARSONS, ASSOCIATE REGIONAL DIRECTOR, LANDS, RESOURCES, AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee to present the position of the Department of the Interior on H.R. 1000, and S. 921, bills to adjust the boundary and authorize an exchange of certain lands at William Howard Taft National Historic Site located in Cincinnati, Ohio. The Department of the Interior supports these bills.

With one minor exception of a technical nature, H.R. 1000 and S. 921 are identical bills. H.R. 1000 was the subject of a hearing before the House Subcommittee on National Parks, Recreation, and Public Lands, on April 26, 2001. At the hearing the witness for the Department of the Interior, NPS Associate Director Katherine H. Stevenson, recommended several amendments to the bill that would enable it to better address the needs of the William Howard Taft National Historic Site. One of these amendments would allow the Park Service to purchase one of the properties involved in the bill with appropriated funds, the other two proposed amendments were primarily technical in nature. The House Resources Committee adopted these amendments and reported the bill out of committee on May 16, 2001. The bill was passed by the House on June 6, 2001. With one technical exception which would be cor-

rected by the amendment proposed at the conclusion of this testimony, S. 921 is identical to the House-passed version of H.R. 1000, and was introduced in the Senate on May 21, 2001.

The William Howard Taft National Historic Site, situated in a designated Historic District of the Mount Auburn section of Cincinnati, Ohio, is the only memorial to William Howard Taft, the nation's 27th President and 10th Chief Justice of the United States. William Howard Taft lived at the property that became the historic site from his birth in 1857 until his marriage to Helen "Nellie" Herron, in 1886. The Taft family sold the property in 1889.

This unit of the National Park System was established by Public Law 91-132 on December 2, 1969. The site was established specifically to "preserve in public ownership historically significant properties associated with the life of William Howard Taft." Prior to the establishment of the historic site the William Howard Taft Memorial Association began efforts to acquire and restore the Taft family home. In 1963 the association leased part of the house and began to restore it. In 1968 the association bought the property. In 1969 the home and its ½ acre of land was transferred to the United States Government. In 1972 an additional ⅓ acre of adjacent land was cleared of an existing apartment building and also donated to the Government by the William Howard Taft Memorial Association.

H.R. 1000 and S. 921 would redraw the boundary of the Taft historic site to include two parcels of land that are presently contiguous to the site. The inclusion of these tracts within the site would benefit park visitors by giving them easier access to the site, and by enabling the Park Service to better tell the story associated with the site. In addition, these bills would benefit the local community of Mount Auburn, as it would authorize the National Park Service to transfer a tract of land to a leading private educator of Cincinnati, the SABIS International School of Cincinnati (SABIS). This tract would enable SABIS, which operates a school across the street from the site, to better carry out its educational mission.

The Taft Historic Site is bordered by Southern Avenue on the north, Auburn Avenue on the west, Young Street on the east, and Bodman Avenue on the south. The primary attractions for visitors are the Taft Home, and the Taft Education Center, which are both accessed from Auburn Avenue. However, to reach the Home or the Education Center, visitors must park along either heavily trafficked Auburn Avenue, or at the NPS parking lot, which is at the other end of the block, at the corner of Young Street and Southern Avenue. This lot is situated between two tracts owned by SABIS, and across the street from other land owned by SABIS. Thus, the lot is far more convenient for faculty, and parents of students attending the SABIS school, than it is for Taft site visitors.

H.R. 1000 and S. 921 would enable the National Park Service to transfer this land to SABIS, which would en-

hance SABIS's ability to serve the community. In exchange, SABIS would transfer to the National Park Service a tract of land that it owns along Southern Avenue. The National Park Service would then develop part of this land into a parking lot, which would enable visitors to park one-half block closer to the Taft Home and Education Center than the present lot allows. The National Park Service would allow another part of this land to revert to the same character it possessed during the Taft years of 1857 to 1899—green space. The National Park Service would also develop a handicapped accessible walking trail connecting to the site on part of this land to give visitors a better feel for how this land influenced the life of William Howard Taft. The bills also provide that if a real estate appraisal shows the NPS tract to be of a different value than the SABIS tract, additional funds or land may be used to equalize the transaction.

These bills would also bring within the park's boundary another tract, approximately three-fourths of an acre that is located at the intersection of Southern and Auburn Avenues. This property presently contains a residential building with 40 apartments. For the past 18 years the National Park Service has rented administrative office space in this building. The parking lot for this building, which includes a Park Service easement, was brought within the boundary of the park by a 1981 boundary modification. Over the last 15 years, this tract has come up for sale on two occasions. Both times the NPS wanted to acquire the property, but was unable to submit an offer because the property was not within the park boundary. This property has been identified in the master plan for the park as land that would further the mission of the park. While the National Park Service does not have definitive plan for the use of this property at present, the tract could be used for a variety of purposes that would further the park mission. In determining the best use for this tract we would examine several alternatives, including using it to improve access to the site because of its location as a corner lot, and its potential for parking spaces; using it to aid us in telling the William Howard Taft story, as at least part of it could be restored to a condition similar to that which existed during the Taft years; and using at least part of it for administrative space, which would help the park carry out its business. H.R. 1000 and S. 921 would give the National Park Service the authority to buy this property when it goes on the market in the future. Any potential modifications to the property would be accomplished only after consultation and collaboration with all identified stakeholders.

While the two tracts of land that would be brought into the historic site by H.R. 1000 and S. 921 were no part of the original Taft estate, their acquisition would be consistent with the historic site's enabling legislation, which provides that the purpose of the site is to "preserve in public ownership historically significant properties associated with the life of William Howard Taft." These tracts are

portions of land that was contiguous to the Taft property during the time William Howard Taft resided at the site, and are therefore historically significant properties associated with the life of William Howard Taft. In addition, these properties take on even greater significance in light of the fact that a large piece of the original Taft estate that fronts Bodman Avenue will in all likelihood never be available to the Park Service. Hamilton County constructed several buildings on this site in 1995, which it uses for a juvenile detention center. Thus, the acquisition of the tracts involved in H.R. 1000 and S. 921 may represent the last chance the Park Service has to deal with encroaching urban development that impedes its ability to carry out its mission at the historic site. Their acquisition is also consistent with the park's 1981 Master Plan, which provides for the preservation of "those elements from the historic period", and states that the park shall "provide the appropriate opportunities for visitor use" and "coordinate area planning and management activities with those of neighboring communities to attain mutual objectives".

The costs to the treasury associated with the two land transactions involved in H.R. 1000 and S. 921 are expected to be minimal. The annual operating costs that the Park Service would incur in taking over the SABIS parking lot would be offset by the costs the Park Service would forgo as a result of conveying the parking lot at Young Street and Southern Avenue to SABIS. The Park Service would incur nominal costs in developing a parking lot and walking trail along this property of approximately \$65,000. Additionally, the government would not incur any significant cost in carrying out this land exchange, as the both properties are substantially equal in value.

The property at Southern and Auburn Avenues has been assessed at \$505,000. The level of operational costs associated with this site is unclear at this time because we do not have a definitive plan for the use of this property.

As noted above, S. 921 differs from the House-passed version of H.R. 1000 in one technical respect. To correct this oversight, the word "Historic" should be inserted prior to "Site" on page 2, line 6, of the bill.

This concludes my testimony. I would be happy to answer any of our questions.

#### 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 Act H.R. 1000 as ordered reported.