

## FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

SEPTEMBER 3, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 2059]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 2059 is to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

Fort Bayard was established in 1866 in southeastern New Mexico to protect Silver City and other nearby mining communities during ongoing fights with Apache Indians living in the area. Fort Bayard functioned as an Army post until 1899. Its soldiers, many of them African-American, or Buffalo Soldiers, protected area settlers. These Buffalo Soldiers were a mainstay of the Army during the late Apache wars and fought heroically in numerous skirmishes. Like many soldiers who served at Fort Bayard, some of the Buffalo Soldiers remained in the area following their discharge. Lines of headstones noting the names of men and their various Buffalo Soldier units remain in the older section of what is now Fort Bayard National Cemetery. In 1992, these soldiers were recognized for their bravery when a Buffalo Soldier Memorial statue was dedicated at the center of the Fort Bayard parade ground.

By the end of the 19th century, it was clear that the era of the western frontier, at least from the Army's perspective, had ended. Following the departure of the 9th U.S. Cavalry, the War Department authorized the surgeon-general to establish a general hospital for use as a military sanatorium, the first dedicated to the treatment of officers and enlisted men of the Army suffering from pulmonary tuberculosis. In 1920, the War Department closed the sanatorium and the United States Public Health Service assumed control of the facility. The facility was later transferred to the Veterans' Bureau. In 1965, the Fort Bayard facility, comprising over 480 acres, was transferred to the State of New Mexico, which continues to operate the facility for various medical treatment programs. The Fort Bayard Historic District was listed on the National Register for Historic Places in July 2002, reflecting the historic significance of both the original Army post and the subsequent medical facility. Designating the site as an Historic Landmark would enable the community to receive economic assistance which could help fuel more investment in the region.

#### COMMITTEE ACTION

H.R. 2059 was introduced on May 9, 2003, by Congressman Stevan Pearce (R-NM). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 9, 2003, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

#### 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 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 grants 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 designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark.

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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 11, 2003.*

Hon. RICHARD POMBO,  
*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. 2059, the Fort Bayard National Historic Landmark Act.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 2059—Fort Bayard National Historic Landmark Act*

H.R. 2059 would designate the Fort Bayard Historic District in New Mexico as the Fort Bayard National Historic Landmark. The bill would authorize the Department of the Interior to execute cooperative agreements with nonfederal entities and to provide technical and financial assistance to such entities for historic preservation and interpretive activities. For those purposes, the bill would authorize the appropriation of whatever amounts are necessary.

The cost of providing technical and financial assistance under H.R. 2059 is uncertain because the National Park Service (NPS) has not conducted any evaluation of the landmark's resources. Based on preliminary information available from the NPS at this time and assuming the availability of appropriated funds, CBO estimates that such assistance would cost about \$100,000 over the next three to four years.

H.R. 2059 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.

On February 7, 2003, CBO transmitted a cost estimate for S. 214, the Fort Bayard National Historic Landmark Act, as ordered reported by the Senate Committee on Energy and Natural Resources on February 5, 2003. S. 214 and H.R. 2059 are very similar, and the estimated cost of the two versions of the legislation are identical.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

