

TO PROVIDE FOR THE BOUNDARY OF THE PALO ALTO BATTLEFIELD NATIONAL HISTORIC PARK TO BE ADJUSTED, TO AUTHORIZE THE DONATION OF LAND TO THE UNITED STATES FOR ADDITION TO THAT HISTORIC PARK, AND FOR OTHER PURPOSES

DECEMBER 14, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4139]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4139) to provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted, to authorize the donation of land to the United States for addition to that historic park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4139 is to provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted, to authorize the donation of land to the United States for addition to that historic park, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The U.S. annexation of the Republic of Texas as the 28th state entailed an unresolved border dispute. Mexico, which had not recognized the independence of Texas in the first place, considered the Nueces River to be the southern border of what it considered to be its Texas province. Texas, having recently won its independence, considered its southern border to be further south, at the Rio Grande.

Driven by the beliefs of Manifest Destiny and the desire to establish the Rio Grande River as the southern boundary of the new state of Texas, U.S. General Zachary Taylor ordered the construction of Fort Texas, also called Fort Taylor, on the north bank of the

Rio Grande near the Gulf of Mexico in March 1846.¹ The six-sided star-shaped fort consisted of 9-foot-high and 15-foot-wide walls and a 20-foot-wide by 8-foot-deep moat encircling the fort.²

In early May 1846, after General Taylor had departed, Mexican General Mariano Arista crossed the Rio Grande with forces he had gathered at a fort in the city of Matamoros, Mexico, just across the river and began a siege.³ On May 3, 1846, Mexican forces bombarded the fort from across the river.⁴ Meanwhile, General Arista continued north with some of his army in pursuit of General Taylor, and Taylor began a return to defend Fort Texas.⁵ On May 8, 1846, 3,200 Mexican soldiers prepared a blockade on the prairie of Palo Alto, Texas, to prevent further advancement of the U.S. forces who were headed back to Fort Texas—setting the stage for the first major battle of the Mexican-American War.⁶ The U.S. Army’s artillery proved superior to the Mexican cannons, and the Army’s infantry was able to fend off two flank attacks from Mexican cavalry troops.⁷ Following the Battle of Palo Alto, the generals’ forces met again the next day in the Battle of Resaca de la Palma, which resulted in Arista’s retreat and allowed Taylor to reach Fort Texas and end the siege.⁸

U.S. Major Jacob Brown and his troops successfully defended the well-constructed fort in the interim, with only two U.S. deaths suffered in the bombardment.⁹ Tragically, Major Brown was one of those casualties. The fort was renamed in his honor on May 17, 1846.¹⁰ Fort Brown would later be occupied by both U.S. and Confederate troops during the Civil War and remained an active post until around World War II.¹¹

Palo Alto Battlefield was designated as a National Historic Landmark in 1960, a National Historic Site in 1978, and a National Historical Park in 2009. Today, the Palo Alto Battlefield National Historical Park is the only unit of the National Park Service focused on the Mexican-American War.

H.R. 4139 expands the boundary of Palo Alto Battlefield National Historical Park to include approximately 166 acres of land that is to be donated to the Department of the Interior. The donated land was the site of Fort Brown, which includes the remains of the last structure associated with the Mexican-American War.¹²

¹ See generally NAT’L PARK SERV., NATIONAL REGISTER OF HISTORIC PLACES INVENTORY—NOMINATION FORM, FORT BROWN (1986), https://npgallery.nps.gov/NRHP/GetAsset/NHLS/66000811_text.

² *Fort Texas/Fort Brown*, NAT’L PARK SERV., <https://www.nps.gov/paal/learn/historyculture/siegeofforttexas.htm> (last updated June 15, 2018).

³ *Id.*

⁴ *Id.*

⁵ NOMINATION FORM, *supra* note 1, at 3.

⁶ Palo Alto Battlefield, NAT’L PARK SERV., <https://www.nps.gov/paal/learn/historyculture/paloalto.htm> (last updated June 15, 2018).

⁷ *Id.*

⁸ NOMINATION FORM, *supra* note 1, at 3, 11.

⁹ *Fort Texas/Fort Brown*, *supra* note 2.

¹⁰ NOMINATION FORM, *supra* note 1, at 11.

¹¹ *Id.* (reporting the post as abandoned in 1944); *Fort Texas/Fort Brown*, *supra* note 2 (describing the post as active until “after World War II”).

¹² *Hearing Before the Subcomm. on Nat’l Parks, Forests & Pub. Lands of the H. Comm. on Nat. Res.*, 116th Cong. (Oct. 29, 2019) (not printed), <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=110148>, (statement of Filemon Vela, U.S. Representative), <https://docs.house.gov/meetings/II/II10/20191029/110148/HHRG-116-II10-Wstate-V00013220191029.pdf>.

COMMITTEE ACTION

H.R. 4139 was introduced on July 30, 2019, by Representative Filemon Vela (D–TX). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On October 29, 2019, the Subcommittee held a hearing on the bill. On September 30, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 4139: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on October 29, 2019.

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.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of 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 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted and to authorize the donation of land to the United States for addition to that historic park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e),

9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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 italics, and existing law in which no change is proposed is shown in roman):

SECTION 3 OF THE PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE ACT OF 1991

SEC. 3. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—In order to preserve for the education, benefit, and inspiration of present and future generations the nationally significant site of the first battle of the Mexican-American War, and to provide for its interpretation in such manner as to portray the battle and the Mexican-American War and its related political, diplomatic, military and social causes and consequences, there is hereby established the Palo Alto Battlefield National Historical Park in the State of Texas (hereafter in this Act referred to as the “historical park”).

(b) **BOUNDARY.**—

(1) **IN GENERAL.**—The historical park shall consist of approximately 3,400 acres as generally depicted on the map entitled “Palo Alto Battlefield National Historical Park”, numbered 469-80,002, and dated March 1991. The map shall be on file

and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

(2) ADDITIONAL LAND.—

(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall **【**consist of approximately **】** consist of—

(i) *the approximately 34 acres of land, as generally depicted on the map entitled “Palo Alto Battlefield NHS Proposed Boundary Expansion”, numbered 469/80,012, and dated May 21, 2008**【.**】*; and

(ii) *on the date that such land is donated to the United States, the approximately 166.44 acres of land generally depicted on the map entitled “PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK Proposed Boundary Addition, Fort Brown Unit”, numbered 469/143,589, and dated April 2018.*

(B) AVAILABILITY OF MAP.—The **【**map**】** maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) LEGAL DESCRIPTION.—Not later than 6 months **【**after the date of enactment of this Act, the Secretary of the Interior**】** *after the addition of lands to the historic park boundary, the Secretary of the Interior* (hereafter in this Act referred to as the “Secretary”) shall file a legal description of the historical park with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographic errors in such legal description and in the maps referred to in paragraphs (1) and (2). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may, from time to time, make minor revisions in the boundary of the historical park.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

