

FORT SAN GERÓNIMO PRESERVATION ACT

NOVEMBER 16, 2022.—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. 2444]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2444) to establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort San Gerónimo Preservation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FORT SAN GERÓNIMO DEL BOQUERÓN.—The term “Fort San Gerónimo del Boquerón” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF AFFILIATED AREA.

(a) IN GENERAL.—Fort San Gerónimo del Boquerón in Puerto Rico is established as an affiliated area of the National Park System.

(b) DESCRIPTION OF AFFILIATED AREA.—The affiliated area shall consist of the area generally depicted on the map titled “Fort San Gerónimo Proposed Affiliated Area”, numbered 910/176698, and dated July 2021.

(c) ADMINISTRATION.—The affiliated area shall be managed in accordance with—

(1) this Act; and

(2) any law generally applicable to units of the National Park System.

(d) MANAGEMENT ENTITY.—The Institute of Puerto Rican Culture shall be the management entity for the affiliated area.

(e) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance and enter into cooperative agreements with the management entity for the purpose

of providing financial assistance for the marketing, marking, interpretation, and preservation of the affiliated area.

(f) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to acquire property at the affiliated area or to assume managerial or financial responsibility for the operation, maintenance, or management of the affiliated area.

(g) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity, shall develop a management plan for the affiliated area.

(2) TRANSMITTAL.—Not later than 3 years after the date on which funds are first made available to carry out this section, the Secretary shall submit the management plan developed under paragraph (1) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(h) PRIVATE PROPERTY PROTECTION.—Nothing in this Act affects the land use rights of private property owners adjacent to Fort San Gerónimo del Boquerón.

(i) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act shall be construed to create buffer zones outside of Fort San Gerónimo del Boquerón.

(2) ACTIVITY OR USE OUTSIDE FORT SAN GERÓNIMO DEL BOQUERÓN.—The fact that an activity or use can be seen, heard, or detected from within Fort San Gerónimo del Boquerón shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of Fort San Gerónimo del Boquerón.

PURPOSE OF THE BILL

The purpose of H.R. 2444 is to establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2444 would establish Fort San Gerónimo del Boquerón as an affiliated area of the National Park System. The affiliated area would consist of the Fort and grounds listed on the National Register of Historic Places located near Old San Juan, Puerto Rico, and be managed in accordance with the laws applicable to units of the National Park System. As affiliated areas are sites that are managed and owned by non-federal entities, the bill identifies the Institute of Puerto Rican Culture, a state government agency in Puerto Rico, as the management entity for the site and authorizes NPS to enter into cooperative agreements with the Institute for technical and financial assistance.

Fort San Gerónimo del Boquerón was built as part of the massive fortification system by Spanish military engineers between the 16th and 19th centuries to protect San Juan from foreign invasions and became a centerpiece of the city's first line of defense. The Fort played a crucial role in the British siege on San Juan in April 1797—the last attack on Puerto Rico by a major European power—and is the only surviving fortification on the Island from the 1797 Battle of San Juan. The Fort was repaired by 1799, largely in its original design, and continued to be used as a Spanish military post in the 19th century. After Puerto Rico became a U.S. territory in 1898, the U.S. Navy used Fort San Gerónimo as a military post until 1921. It was then transferred into private possession and was eventually acquired by the Government of Puerto Rico in the 1940s. In 1983, Fort San Gerónimo was listed individually in the National Register of Historic Places¹ and, in 1997, it was listed as

¹ NPS, Nat'l Reg. of Historic Places Inventory—Nomination Form, Fortín de San Gerónimo de Boquerón (1983), available at <https://catalog.archives.gov/id/131518690> (showing approval at page 4).

a contributing resource of the “Advanced Defense Line” National Register of Historic Places historic district.² Today, Fort San Gerónimo is owned and managed by the Institute of Puerto Rican Culture.

COMMITTEE ACTION

H.R. 2444 was introduced on April 12, 2021, by Representative Jenniffer González-Colón (R-PR). 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 May 27, 2021, the Subcommittee held a hearing on the bill. On July 14, 2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. González-Colón offered an amendment designated González-Colón #1. The amendment was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on May 27, 2021.

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) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 7, 2022.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2444, the Fort San Gerónimo Preservation Act.

²NPS, Nat’l Reg. of Historic Places Registration Form, *Línea Avanzada* [Advanced Defense Line] (1997), available at <https://catalog.archives.gov/id/131518706>.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2444, Fort San Gerónimo Preservation Act			
As ordered reported by the House Committee on Natural Resources on July 14, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2444 would designate Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System to be managed by the Institute of Puerto Rican Culture. The bill would authorize the National Park Service (NPS) to provide technical and financial assistance to the Institute to assist with marketing, interpretation, and preservation efforts. H.R. 2444 also would require the NPS to develop a management plan for the area within three years of enactment.

Based on the cost of the NPS assisting other affiliated areas, CBO estimates that implementing H.R. 2444 would cost \$1 million over the 2022–2026 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Sofia Guo. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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 establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System.

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

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

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

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

