

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER
ACT

SEPTEMBER 29, 2000.—Ordered to be printed

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September 22), 2000

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

REPORT

[To accompany H.R. 2919]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2919) to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 2919 is to promote preservation and public awareness of the history of the Underground Railroad by authorizing the Secretary of the Interior to provide financial assistance to the Freedom Center in Cincinnati, Ohio.

BACKGROUND AND NEED

In 1990 Congress directed the National Park Service (NPS) to study how to best interpret and commemorate the Underground Railroad (Public Law 101-628). This study was accomplished in coordination with an Underground Railroad Advisory Committee. In 1995, the NPS and Committee issued their final report, which concluded that the Underground Railroad is not individual sites or trails, but rather, networks and geographic regions that encompass a variety of partnerships among individuals, Federal, State, and local governments, and the private sector. There are 27 units of the National Park System directly related to the Underground Railroad experience, and 55 sites that relate to the African-American experience in America. Furthermore, the study identified 380 sites and

structures in 29 States, Canada, Mexico, and the Caribbean islands, under state and local government stewardship, or privately owned, that have important direct association with the Underground Railroad. Of that number, 42 were identified as having potential for designation as national historic landmarks.

The National Underground Railroad Network to Freedom Act of 1998 (Public Law 105–203) facilitated the establishment of partnerships among the Federal, State, and local governments, and the private sector, to assist in interpreting and commemorating the historical network of buildings, interpretive centers, museums, geographic areas and routes that were part of the movement to resist slavery in the United States in the decades prior to the Civil War. The Act did not create any new National Park System units, but authorized the NPS to coordinate, produce and distribute appropriate educational materials, and enter into cooperative agreements to provide technical assistance to state and local governments and the private sector.

One of the organizations with which the National Park Service has been working is the National Underground Railroad Freedom Center. The Freedom Center was founded in 1995 as a non-profit organization to interpret the history of the Underground Railroad through development of a national cultural center in Cincinnati, Ohio. The Freedom Center is expected to open in 2003, and will include an interpretive center, museum, and educational and research facilities. It will employ state-of-the-art technology and advanced interdisciplinary education to commemorate, educate, inspire, and promote reconciliation among all races. In 1999, the National Park Service entered into a memorandum of understanding with the National Underground Railroad Freedom Center for the purpose of sharing information, developing educational materials, and using the Center's facilities.

H.R. 2919 authorizes the appropriation of \$16 million over the four-year period beginning with fiscal year 1999 for the Federal share of constructing the Freedom Center facility and developing programs and exhibits. The funds would be contingent on a non-Federal match of 80 percent of the total project cost. In addition, H.R. 2919 amends the National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 469l and following) to provide the Secretary of the Interior authority to make grants for the preservation and restoration of historic buildings or structures associated with the Underground Railroad. The Secretary may also make grants for related research and documentation of sites programs, or facilities that have been included in the national network. The measure authorizes the appropriation of \$2,500,000 for such grants in fiscal year 2001 and each subsequent fiscal year.

LEGISLATIVE HISTORY

H.R. 2919 passed the House of Representatives on July 25, 2000. A similar bill, S. 1617 was introduced by Senators DeWine, Voinovich, and McConnell on September 29, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 1617 on May 11, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered H.R. 2919 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a voice vote of a quorum present, recommends that the Senate pass H.R. 2919.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Underground Railroad Freedom Center Act."

Section 2 contains congressional findings regarding the National Underground Railroad Freedom Center (Freedom Center) and outlines the bill's purposes, which are: (1) to promote preservation and public awareness of the history of the Underground Railroad; (2) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and (3) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (112 Stat. 679; 16 U.S.C. 469l and following).

Section 3 provides definitions for terms used in the bill.

Section 4(a) authorizes and directs the Secretary of the Interior, using funds appropriated pursuant to subsection (d), to provide financial assistance to the Freedom Center in order to pay up to 20 percent of the cost of activities described in section 5.

Subsection (b) authorizes the Secretary to expend the funds to assist in the construction of the Freedom Center and the development of programs and exhibits for the facility, which will be funded primarily through private and non-Federal funds and located on non-Federal property.

Subsection (c) describes the site of the Freedom Center in Cincinnati, Ohio.

Subsection (d) authorizes the appropriation of funds totaling \$16 million over the 4 fiscal year period beginning October 1, 1999. The funds may be appropriated in one or more fiscal years, but may not be disbursed until the Freedom Center has commitments for at least 50 percent of the non-Federal share.

Subsection (e) states that the funds will remain available for obligation and expenditure until the end of the fiscal year succeeding the one in which they are appropriated.

Subsection (f) contains provisions concerning: (1) a requirement that no alteration may be made to the Freedom Center except with the agreement of its owner and the Secretary; (2) the Secretary's rights with respect to access to the Freedom Center for interpretive and other purposes; and (3) the rights of the United States should the Freedom Center be converted to uses contrary to the purposes of this legislation.

Section 5 authorizes the Freedom Center to engage in any activities related to its objectives described in section 2(a), and directs the Freedom Center to give priority to (1) construction of the Freedom Center facility, (2) development of programs and exhibits, and (3) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

Section 6 describes the procedures to be used by the Freedom Center in applying to the Secretary for financial assistance.

Section 7 requires the Freedom Center to submit financial reports to Congress.

Section 8 amends section 4 of the National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 469l et seq.) to authorize the Secretary of the Interior to make grants for the preservation and restoration of historic buildings or structures associated with the Underground Railroad. The Secretary may also make grants for related research and documentation of sites programs, or facilities that have been included in the national network. The measure authorizes the appropriation of \$2,500,000 for such grants in fiscal year 2001 and each subsequent fiscal year.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 2000.

Hon. FRANK H. MURKOWSKI,
*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. 2919, the National Underground Railroad Freedom Center 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 Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2919—National Underground Railroad Freedom Center Act

H.R. 2919 would direct the Secretary of the Interior to provide financial assistance to the National Underground Railroad Freedom Center in Cincinnati, Ohio. The act would authorize the appropriation of \$16 million through fiscal year 2003 to finance 20 percent of the costs of the center's activities, primarily constructing a facility and developing related programs and exhibits. H.R. 2919 also would authorize the appropriation of \$2.5 million annually beginning in fiscal year 2001 for grants to preserve and restore historic structures associated with the Underground Railroad.

Assuming appropriation of the authorized amounts, CBO estimates that the National Park Service would spend \$27.5 million over the 2001–2005 period, including \$15 million for the Freedom Center facility and \$2.5 million for each of the five years for historic preservation grants. (The center received an appropriation of \$1 million in fiscal year 2000.) H.R. 2919 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State

and local governments might incur some costs to match federal funds authorized by H.R. 2919, but these costs would be voluntary.

On June 28, 2000, CBO submitted a cost estimate for H.R. 2919 as ordered reported by the House Committee on Resources on June 20, 2000. The two versions of this legislation are identical, as are our cost estimates.

The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy 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. 2919. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic 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. 2919, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 6, 2000, 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 S. 1617, a bill which is similar to H.R. 2919. These reports had not been received at the time the report on H.R. 2919 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1617, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance to the Freedom Center in Cincinnati, Ohio.

The Department opposes the enactment of S. 1617. Our opposition to this legislation should not be interpreted as a negative view of the Freedom Center. Indeed, the National Park Service is working in partnership with the Center as part of our program to increase knowledge and public understanding of historical events associated with the Underground Railroad, and we hope to continue that relationship in the future. Rather, our opposition is due to our belief that it is inappropriate to use limited National Park Service appropriations to fund construction projects and operations for institutions that are not part of the National Park System.

S. 1617 would authorize appropriations of \$16 million for Fiscal Year 2000 through Fiscal Year 2004 for assistance to the Freedom Center, subject to a non-Federal match of 80 percent. Funds could be used for construction of the Freedom Center facility and the development of programs and exhibits for the facility. In addition, S. 1617 would authorize the Secretary of the Interior to use employees of the National Park Service to carry out agreements between the Secretary and the Freedom Center for construction, development and operation of the Center.

The Freedom Center developed from a proposal by the Cincinnati chapter of the national Conference of Christians and Jews (now called the National Conference for Community and Justice) and was incorporated as a non-profit organization in 1995. The idea for the Center was similar to one of the recommendations of the 1995 special resource study on the Underground Railroad the National Park Service conducted pursuant to Title VI of Public Law 101-628. That recommendation called for establishing a commemorative, interpretive, educational, and research center for the Underground Railroad.

However, in the National Underground Railroad Network to Freedom Act of 1998 (Public Law 105-203), Congress noted that the Underground Railroad Advisory Committee had found that "no single site or route completely reflects and characterizes the Underground Railroad since its story and associated resources involve networks and regions of the country rather than individual sites and trails". The Act established a program to support a range of activities throughout the country to commemorate, honor, and interpret the history of the Underground Railroad. Congress declined to act on the recommendation to establish one primary site for that purpose.

As part of our implementation of the National Underground Railroad Network to Freedom Act, the National Park Service has been working with the Freedom Center. In July 1999, the National Park Service entered into a memorandum of understanding with the Center for the purpose of sharing information, developing educational materials, and using the Center facilities.

However, the Freedom Center is only one of many organizations with whom we are working to preserve and interpret resources associated with the Underground Railroad. Most of the National Park Service's efforts have involved providing technical assistance to States, local governments, non-profit organizations, community groups, and individuals that are struggling to preserve the tangible remains of the history of the Underground Railroad in their areas. The National Park Service's authorized annual budget for the program of \$500,000 enables us to respond to requests for technical assistance, but there is an enormous demand for financial assistance for all aspects of preserving and interpreting Underground Railroad resources that is far beyond our means and jurisdiction.

Many of the requests we receive involve community efforts to document and preserve Underground Railroad properties and to develop interpretive centers within them. These communities typically have high hopes these sites will generate tourism revenue that could be used to assist in preservation and to rejuvenate their communities. Some organizations have approached us about making their Underground Railroad sites units of the National Park System.

In these circumstances, providing funding through the National Park Service for construction and operation to the Freedom Center would likely lead to similar requests from other groups that want to establish Underground Railroad interpretive sites in their communities. It would also undoubtedly strain the trust and relationships with other organizations that the National Park Service has worked hard to develop, and upon which the success of this relatively modest Federal program depends.

Mr. Chairman, to emphasize again, our opposition to the legislation is not a judgment about the Freedom Center. The Department recently testified against two other bills that authorized funding for two worthy institutions that are not part of the National Park System—the Palace of Governors in New Mexico and the Lincoln Interpretive Center in Illinois. We opposed those bills, as we oppose this one, because unless there were unexpected substantial increases in funding for the National Park Service in coming years, funding for institutions that are not part of the National Park System will compete directly with funding that the NPS needs to manage units of the National Park System. That includes funding for the long and costly list of deferred construction projects in our national parks.

In addition, we have serious concerns about Section 4(f) of S. 1617, which would authorize the Secretary to use National Park Service staff for the center. We believe it would be unwise to allow National Park Service employees to work for institutions that are not part of the National Park System, and we believe such a provision would set a troubling precedent.

Mr. Chairman, this concludes my statement. I would be pleased to respond to questions from you or other committee members.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 2919, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 105–203

AN ACT To establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.

(a) *AUTHORITY TO MAKE GRANTS.*—*the Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.*

(b) *GRANT CONDITIONS.*—*Any grant made under this section shall provide that—*

(1) *no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;*

(2) *the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and*

(3) *conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.*

(c) *MATCHING REQUIREMENT.*—*The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.*

(d) *FUNDING.*—*There are authorized to be appropriated to the Secretary for purposes of this section \$2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.*