

RECONSTRUCTION ERA NATIONAL HISTORICAL PARK ACT

SEPTEMBER 7, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 5532]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5532) to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 “Reconstruction Era National Historical Park Act”.

SEC. 2. RECONSTRUCTION ERA NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Reconstruction Era National Historical Park.

(2) MAP.—The term “map” means the maps entitled “Reconstruction Era National Monument Old Beaufort Firehouse,” numbered 550/135,755 and dated January 2017; “Reconstruction Era National Monument Darrah Hall and Brick Baptist Church,” numbered 550/135,756 and dated January 2017; and “Reconstruction Era National Monument Camp Saxton,” numbered 550/135,757 and dated January 2017, collectively.

(3) NETWORK.—The term “Network” means the Reconstruction Era National Historic Network established pursuant to this Act.

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

(b) ESTABLISHMENT.—

(1) REDESIGNATION OF RECONSTRUCTION ERA NATIONAL MONUMENT.—

(A) IN GENERAL.—The Reconstruction Era National Monument is redesignated as the Reconstruction Era National Historical Park, as generally depicted on the map.

(B) AVAILABILITY OF FUNDS.—Any funds available for the purposes of the Reconstruction Era National Monument shall be available for the purposes of the historical park.

(C) REFERENCES.—Any references in a law, regulation, document, record, map, or other paper of the United States to the Reconstruction Era National Monument shall be considered to be a reference to the historical park.

(2) BOUNDARY EXPANSION.—

(A) BEAUFORT NATIONAL HISTORIC LANDMARK DISTRICT.—Subject to subparagraph (D), the Secretary is authorized to acquire land or interests in land within the Beaufort National Historic Landmark District that has historic connection to the Reconstruction Era. Upon finalizing an agreement to acquire land, the Secretary shall expand the boundary of the historical park to encompass the property.

(B) ST. HELENA ISLAND.—Subject to subparagraph (D), the Secretary is authorized to acquire the following and shall expand the boundary of the historical park to include acquisitions under this authority:

(i) Land and interests in land adjacent to the existing boundary on St. Helena Island, South Carolina, as reflected on the map.

(ii) Land or interests in land on St. Helena Island, South Carolina, that has a historic connection to the Reconstruction Era.

(C) CAMP SAXTON.—Subject to subparagraph (D), the Secretary is authorized to accept administrative jurisdiction of Federal land or interests in Federal land adjacent to the existing boundary at Camp Saxton, as reflected on the map. Upon finalizing an agreement to accept administrative jurisdiction of Federal land or interests in Federal land, the Secretary shall expand the boundary of the historical park to encompass that Federal land or interests in Federal land.

(D) LAND ACQUISITION AUTHORITY.—The Secretary may only acquire land under this Act by donation, exchange or purchase with donated funds.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act and with the laws generally applicable to units of the National Park System.

(2) MANAGEMENT PLAN.—If the management plan for the Reconstruction Era National Monument—

(A) has not been completed on or before the date of enactment of this Act, the Secretary shall incorporate all provisions of this Act into the planning process and complete a management plan for the historical park within 3 years; and

(B) has been completed on or before the date of enactment of this Act, the Secretary shall update the plan incorporating the provisions of this Act.

SEC. 3. RECONSTRUCTION ERA NATIONAL HISTORIC NETWORK.

(a) IN GENERAL.—The Secretary shall—

(1) establish, within the National Park Service, a program to be known as the “Reconstruction Era National Historic Network”;

(2) not later than 1 year after the date of the enactment of this Act, solicit proposals from sites interested in being a part of the Network; and

(3) administer the Network through the Reconstruction Era National Historical Park.

(b) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

(1) review studies and reports to complement and not duplicate studies of the historical importance of Reconstruction Era that may be underway or completed, such as the National Park Service Reconstruction Handbook and the National Park Service Theme Study on Reconstruction;

(2) produce and disseminate appropriate educational and promotional materials relating to the Reconstruction Era and the sites in the network, such as handbooks, maps, interpretive guides, or electronic information;

(3) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance;

(4)(A) create and adopt an official, uniform symbol or device for the Network; and

(B) issue regulations for the use of the symbol or device adopted under subparagraph (A); and

(5) conduct research relating to Reconstruction and the Reconstruction Era.

(c) ELEMENTS.—The Network shall encompass the following elements—

(1) all units and programs of the National Park Service that are determined by the Secretary to relate to the Reconstruction Era;

(2) other Federal, State, local, and privately owned properties that the Secretary determines—

(A) relate to the Reconstruction Era; and

(B) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places; and

(3) other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are directly related to the Reconstruction Era.

(d) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the Network and units and programs of the National Park Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.

(e) NETWORK DEFINED.—The term “Network” means the Reconstruction Era National Historic Network established pursuant to this Act.

PURPOSE OF THE BILL

The purpose of H.R. 5532 is to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park.

BACKGROUND AND NEED FOR LEGISLATION

The years following the Civil War, known as the Reconstruction Era, were a time of significant transformation for the United States. Reconstruction addressed how the 11 States that had seceded from the Union would be re-integrated, as well as how the civil rights and integration into free society of four million formerly enslaved individuals could be secured. Intense controversy and even violence erupted over these issues.

During Reconstruction, Congress passed three constitutional amendments that permanently abolished slavery, defined birth-right citizenship, guaranteed equal protection under the law, and prohibited voter discrimination based on race, color, or previous condition of servitude (13th, 14th, and 15th amendments).¹ Congress also established the Freedmen’s Bureau to undertake needed relief efforts and assist newly freed individuals with reaching full citizenship. With the assistance of the Bureau, African Americans established schools and independent churches, negotiated employment contracts, began voting, and were elected to political office.²

Many in the South, however, believed that these new official actions had been illegally imposed on them by the government and amplified their resistance. Election fraud and State laws passed to circumvent equal voting rights resulted in disenfranchisement for African Americans. Some Southern whites resorted to intimidation and violence to restore the antebellum social order.³ For a brief time, the U.S. Army was used to protect the rights of new voters and quell violence. In the late 1870s and 1880s, as Congress grew wary of using military force to enforce African American rights, the political tides turned and the Reconstruction Era came to a close.

¹“Landmark Legislation: Thirteenth, Fourteenth, & Fifteenth Amendments”. The Civil War—The Senate’s Story. United States Senate website. <https://www.senate.gov/artandhistory/history/common/generic/CivilWarAmendments.htm>

²“African American Records: Freedmen’s Bureau”. National Archives. <https://www.archives.gov/research/african-americans/freedmens-bureau>

³“The Era of Reconstruction 1861–1900”. A National Historic Landmarks Theme Study. National Park Service. <https://www.nps.gov/nhl/learn/themes/Reconstruction.pdf>

The Reconstruction Era National Monument was established in January 2017 as a unit of the National Park System by a proclamation issued by President Obama under the Antiquities Act (54 U.S.C. 320301). It consists of a collection of federally-owned historic sites located in Beaufort County, South Carolina—an area that has been called the birthplace of Reconstruction.⁴ For example, Beaufort County was home to the “Port Royal Experiment” initiated in 1861, just months after the Civil War began. With the backing of President Lincoln and the assistance of Northern charity organizations, 10,000 former slaves were allocated land and worked to build a new community at this site.⁵ In and around Beaufort County during Reconstruction, some of the first African Americans enlisted as soldiers and founded the first African American schools and hospitals. Beaufort was also the home of Robert Smalls, a former slave who became a political leader—serving on two State constitutional conventions, in the State legislature, and in the U.S. Congress.⁶

The National Park Service completed a theme study on the Reconstruction Era in 2017. The report reiterated the significance of historic sites in Beaufort County that were already listed as National Historic Landmarks and supported the decision to designate the sites as the Reconstruction Era National Monument. The report also recommended other locations in Beaufort County that could be considered for further study to evaluate their significance and integrity for possible nomination as National Historic Landmarks.⁷

H.R. 5532 designates the Reconstruction Era National Monument as the Reconstruction Era National Historical Park to provide more permanent recognition of the site. The bill also establishes the Reconstruction Era National Historic Network, much like the National Underground Railroad Network to Freedom to coordinate preservation and education efforts nationwide and integrate local historical places, museums and interpretative programs.

COMMITTEE ACTION

H.R. 5532 was introduced on April 17, 2018, by Congressman James E. Clyburn (D–SC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 17, 2018, the Subcommittee held a hearing on the legislation. On July 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

⁴ Presidential Proclamation 9567, January 12, 2017. “Establishment of the Reconstruction Era National Monument”. <https://www.gpo.gov/fdsys/pkg/DCPD-201700017/pdf/DCPD-201700017.pdf>

⁵ “Port Royal Experiment”. VCU Libraries Social Welfare History Project. Virginia Commonwealth University. <https://socialwelfare.library.vcu.edu/eras/civil-war-reconstruction/port-royal-experiment/>

⁶ “Reconstruction Era” brochure. Reconstruction Era National Monument. National Park Service. https://www.nps.gov/reer/planyourvisit/upload/REER-Site-Bulletin-Final_3_08_2016.pdf

⁷ “The Era of Reconstruction 1861–1900”. A National Historic Landmarks Theme Study. National Park Service. <https://www.nps.gov/nhl/learn/themes/Reconstruction.pdf>

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, 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, August 30, 2018.

Hon. ROB BISHOP,
*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. 5532, the Reconstruction Era National Historical Park Act.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 5532—Reconstruction Era National Historical Park Act

H.R. 5532 would redesignate the Reconstruction Era National Monument in Beaufort County, South Carolina, as the Reconstruction Era National Historical Park. The bill also would direct the National Park Service (NPS) to establish the Reconstruction Era National Historic Network, which would comprise existing units and programs of the NPS related to the history of the Reconstruction Era as well as the properties and programs of other federal, state, local, and private entities that join the network.

Redesignating the Reconstruction Era National Monument may require the NPS to update maps, informational materials, and signage. Based on the costs of similar tasks, CBO estimates that those costs would be insignificant. The bill also would permit the NPS to acquire additional lands for that park by means of donation, purchase using donated funds, or through a land exchange. CBO has no information on whether the NPS would expand the park; however, based on the experience of other NPS units, CBO expects that any such expansion would not occur for several years, and any associated management costs would be less than \$500,000 over the 2019–2023 period.

As part of establishing the Reconstruction Era National Historic Network, the NPS would produce and distribute maps and interpretive guides, create and adopt an official symbol for the network,

and provide assistance to participating entities. Using information from the NPS about the costs of administering similar efforts and based on the expected scope of the program, CBO estimates that the agency would need less than \$500,000 in the first year following enactment for basic planning, developing educational materials, and coordinating activities with participating entities. In subsequent years, CBO estimates that the NPS would need about \$1 million each year to manage the network and provide technical assistance to participating entities through cooperative agreements.

In total, CBO estimates that implementing H.R. 5532 would cost \$5 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 5532 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5532 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5532 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical 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.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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.

