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NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM AMENDMENTS ACT OF 2007

APRIL 10, 2008.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 1239]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1239) to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1239 is to increase the authorization ceiling for the operation of the National Underground Network to Freedom program, and to reduce the authorization for the Underground Railroad grant program.

BACKGROUND AND NEED

The National Underground Network to Freedom program was authorized by Congress in 1998 (Public Law 105-203) to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad. The law authorizes the Secretary of the Interior to produce and disseminate educational materials, enter into agreements to provide technical assistance to a variety of public and private entities in the United States, Mexico, Canada, and the Caribbean, and to create a symbol for the network. The network was to include both units and programs within the National Park Service and other entities outside the Service that had a verifiable connection to the Underground Railroad story.

Since the program was established, 328 sites, programs, and facilities in 30 States and the District of Columbia have been included in the Network to Freedom. Through this program, the National Park Service coordinates preservation and education efforts nationwide, integrating local historical sites, museums, and interpretive programs into a mosaic of community, regional, and national stories of the Underground Railroad.

H.R. 1239 would increase the authorization for operating the program from its current annual level of \$500,000 to \$2 million, and reduce the authorization for related grant programs from \$2.5 million annually to \$500,000.

LEGISLATIVE HISTORY

H.R. 1239, sponsored by Congressman Hastings, passed the House of Representatives by a voice vote on July 23, 2007. S. 1709 was introduced by Senators Biden and others on June 27, 2007. The Subcommittee on National Parks held a hearing on both bills on September 27, 2007. (S. Hrg. 110–266.)

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered H.R. 1239 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1239.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “National Underground Railroad Network to Freedom Amendments Act of 2007.”

Section 2 amends Public Law 105–203 (16 U.S.C. 4691 et seq.) to authorize \$2 million annually for the National Underground Railroad Network to Freedom program, authorized in section 3 of that law. The section authorizes \$500,000 annually for the grant program authorized in section 4 of that Act, a reduction from the current \$2.5 million annual authorization.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 1239—National Underground Railroad Network to Freedom Amendments Act of 2007

Summary: H.R. 1239 would authorize the appropriation of \$2.5 million a year to carry out activities of the National Underground Railroad Network to Freedom, a program administered by the National Park Service (NPS) that is dedicated to the preservation, interpretation, and dissemination of Underground Railroad history. Under the legislation, \$2 million of the amounts authorized for each year would be spent on NPS projects and \$0.5 million would be provided to nonfederal entities for historic preservation of eligible sites.

Assuming appropriation of the authorized amount, CBO estimates that implementing H.R. 1239 would cost between \$2 million and \$3 million annually over the 2009–2013 period. Enacting the legislation would have no effect on direct spending or revenues.

H.R. 1239 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1239 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	3	3	3	3	3
Estimated Outlays	2	3	3	3	3

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted before the start of fiscal year 2009 and that the authorized amount will be appropriated for each year.

The Network to Freedom encompasses over 250 programs, sites, and partners in 27 states and the District of Columbia. H.R. 1239 would amend the National Underground Railroad Network to Freedom Act to authorize the appropriation of \$2.5 million per year to carry out activities under the program. For fiscal year 2008, NPS received an appropriation of about \$1 million for those activities.

Intergovernmental and private-sector impact: H.R. 1239 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On July 18, 2007, CBO transmitted a cost estimate for H.R. 1239 as ordered reported by the House Committee on Natural Resources on June 28, 2007. The two pieces of legislation are identical, and the cost estimates are the same.

Estimate prepared by: Federal costs: Matthew Pickford; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, 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. 1239. The Act 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. 1239, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1239, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the September 27, 2007 Subcommittee hearing on H.R. 1239 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1709 and H.R. 1239, bills to amend the National Underground Railroad Network to Freedom Act of 1998. Both bills would adjust the authorized funding levels for the National Underground Railroad Network to Freedom program and for the associated grant program. S. 1709 would also require a minimum number of staff for the program.

The Department supports enactment of H.R. 1239 as passed by the House. We support increasing the authorization ceiling for operation of the National Underground Railroad Network to Freedom program and decreasing the authorization for the associated grant program, as both H.R. 1239 and S. 1709 would do. However, we object to requiring a minimum number of staff for the program, as S. 1709 would do. That provision was also included H.R. 1239 as introduced, but H.R. 1239 was amended to remove that provision before it was passed by the House.

The Network to Freedom program was authorized by Congress in 1998 through Public Law 105–203 to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad—the story of extraordinary actions of ordinary men and women working in common purpose to free a people. The law calls for producing and disseminating educational materials, entering into agreements to provide technical assistance to a variety of public and private entities in the United States, Mexico, Canada, and the Caribbean, and creating a symbol for the network. The network was to include both units and programs within the National Park Service and other entities outside the Service that had a verifiable connection to the Underground Railroad story.

Since the program was established, 328 sites, programs, and facilities in 30 States and the District of Columbia have been included in the Network to Freedom. Through this program, which is national in scope but managed from the Midwest Regional Office, the National Park Service coordinates preservation and education efforts nationwide, integrating local historical sites, museums, and interpretive programs into a mosaic of community, regional, and national stories of the Underground Railroad.

In 2000, Congress authorized the Underground Railroad matching grants program through Public Law 106–291 to provide support for preservation of buildings and other structures and related research to members of the network. Funds for these matching grants have been appropriated three times—\$250,000 in Fiscal 2002; \$295,800 in Fiscal 2005, and \$375,000 in Fiscal 2006. In total, 52 grants have been awarded for projects. Several projects involved stabilizing and preserving historic buildings, such as Eleutherian College in Indiana, Constitution Hall in Topeka, Kansas, Mayhew Cabin in Nebraska, and the Oswego School District Public Library in New York. Other projects focused on expanding research in support of site interpretation, such as the archeological survey at John Rankin House in Ohio, or education, such as the “Discovering New Bedford’s Underground Railroad History” program in Massachusetts, a cooperative project among three local partners.

Through its establishment, the Network to Freedom has brought traditional National Park Service strengths in preservation, interpretation, and planning to new communities. The program carries the message about the cultural and historic aspect of national parks directly to communities of color and opens the door for public participation in the expansion and design of the program at a grassroots level. The program has become an essential part of our ongoing effort to enhance diversity in our parks and programs.

The Network to Freedom’s work with outside partners led to the establishment of Friends of the Network to Freedom in 2006. The Friends group will work to raise funds to support cooperative projects, but the funding will not substitute for regular operations funding.

H.R. 1239 and S. 1709 would increase the authorization ceiling for operating the Network to Freedom program from \$500,000 annually, the amount that was set in the 1998 law, to \$2 million. Along with increasing the funding level, S. 1709 would require the Secretary to appoint at least eight full-time equivalent staff to carry out the program. In addition, both bills would reduce the authorization ceiling for the Underground Railroad grant program from \$2.5 million annually, the amount set in the 2000 law, to \$500,000.

When the Network to Freedom program was first authorized, it appeared that \$500,000 annually would be sufficient to operate the program. However, with the addition of the grant program, the growth of the network to more than 300 members, and nine years worth of increases in pay and other fixed costs, the program could justify more than \$500,000 a year in subsequent budget requests. NPS is spending \$487,000 in FY 2007. An authorization ceiling of \$2 million would enable the Administration to request, and Congress to appropriate, additional funding for this program, subject to overall NPS priorities and the availability of funds.

For the grant program, we believe it is appropriate to reduce the authorization ceiling from \$2.5 million annually to \$500,000. In the seven years of its existence, Congress has not appropriated any amount larger than \$375,000 for grants. With the amounts provided, program staff has been able to provide grants to nearly all network members who have sought them and who have also been able to raise the necessary matching funds.

S. 1709 would require NPS to increase the staff of Network to Freedom program from six to eight. We do not believe it is appropriate to establish a minimum staffing requirement in law. The National Park Service needs to have the flexibility to determine appropriate staffing based on program needs and available funds. Establishing a minimum number of staff in law could hinder efforts to achieve management efficiencies. If the committee acts on S. 1709, we recommend striking Section 2, as was done in the House-passed version of H.R. 1239.

In addition, we do not support providing for funds appropriated pursuant to this authorization to remain available until expended for operations funding, as S. 1709 would do. Allowing such funding to be available until expended would establish budgetary treatment for this program that is different from all other operations funding in the National Park Service. We do support allowing funding for grants to be available until expended, as S. 1709 would also do. If the committee acts on S. 1709, we recommend amending Section 3 to make this distinction. H.R. 1239, as passed by the House, does not provide for funding to be available until expended for either type of spending.

Mr. Chairman, that concludes my testimony and I am prepared to answer any questions that you or other members of the committee might have at this time.

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. 1239, 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

Approved July 21, 1998

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Underground Railroad Network to Freedom Act of 1998”.

* * * * *

SEC. 3. NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM.

(a) **IN GENERAL.**—The Secretary of the Interior (in this Act referred to as the “Secretary”) shall establish in the National Park Service a program to be known as the “National Underground Railroad Network to Freedom” (in this Act referred to as the “national network”). Under the program, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) **ELEMENTS.**—The national network shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) **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 national network referred to in subsection (b) with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to—

(1) the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, the governments of Canada, Mexico, and any appropriate country in the Caribbean.

[(d) **APPROPRIATIONS.**—There are authorized to be appropriated to carry out this Act not more than \$500,000 for each fiscal year. No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in section 3(a).]

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.]

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.*

(a) **AMOUNTS.**—*There are authorized to be appropriated to carry out this Act \$2,500,000 for each fiscal year, to be allocated as follows:*

(1) *\$2,000,000 is to be used for the purposes of section 3.*

(2) *\$500,000 is to be used for the purposes of section 4.*

(b) **RESTRICTIONS.**—*No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.*

* Note: The changes in law take effect at the beginning of the fiscal year immediately following the date of enactment of this Act.