

NEW PHILADELPHIA, ILLINOIS, STUDY ACT

SEPTEMBER 20, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 930]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 930) to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, 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 “New Philadelphia, Illinois, Study Act”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;
- (2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;
- (3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and
- (4) the New Philadelphia site—
 - (A) is a registered National Historic Landmark;
 - (B) is covered by farmland; and
 - (C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) **STUDY AREA.**—The term “Study Area” means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) **STUDY.**—The Secretary shall conduct a special resource study of the Study Area.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

- (1) evaluate the national significance of the Study Area;
- (2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;
- (3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—
 - (A) Federal, State, or local governmental entities; or
 - (B) private and nonprofit organizations;
- (4) consult with—
 - (A) interested Federal, State, or local governmental entities;
 - (B) private and nonprofit organizations; or
 - (C) any other interested individuals;
- (5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3); and
- (6) determine the effect of the designation of the Study Area as a unit of the National Park System on—
 - (A) existing commercial and recreational activities, including but not limited to hunting, fishing, recreational shooting, and on the authorization, construction, operation, maintenance or improvement of energy production and transmission infrastructure; and
 - (B) the effect of the authority of State and local governments to manage those activities; and
- (7) identify any authorities, including condemnation, that will compel or permit the Secretary to influence or participate in local land use decisions (such as zoning) or place restrictions on nonfederal land if the Study Area is designated a unit of the National Park System.

(c) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) **REPORT.**—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any conclusions and recommendations of the Secretary.

PURPOSE OF THE BILL

The purpose of H.R. 930 is to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois.

BACKGROUND AND NEED FOR LEGISLATION

Born enslaved in South Carolina and moved to Kentucky by his enslaver, New Philadelphia founder Frank McWorter purchased freedom for his wife in 1817, thus ensuring their soon to be born child and future children would be born free. McWorter purchased his own freedom in 1819 and subsequently freed an additional 14 family members from slavery.

In 1836, he founded a town with the intention of applying proceeds earned through lot sales to free children and grandchildren who remained in bondage. McWorter called the town he founded Philadelphia and sold lots to African and European Americans. An integrated town, New Philadelphia, as it came to be known, was a place where free-born and formerly enslaved African Americans

lived alongside European Americans in a region and era of intense racial strife.

Situated on fertile prairie land between the Illinois and Mississippi Rivers and near major transportation networks, the town grew from a small settlement with three dwellings in the 1840s, and peaked in the 1860s with as many as 160 residents. However, when the Hannibal to Naples Railroad bypassed the town in 1869, New Philadelphia fell into a decline from which it could not recover. Although a few families remained, most of the population moved away by the late 1940s. The once thriving town is now an archaeological site with only a few building foundations visible on the landscape.

New Philadelphia was listed on the National Register of Historic Places in 2005 and in 2009, the town site was designated a National Historic Landmark for its potential to yield information of major scientific importance and to affect archaeological theories, concepts and ideas. New Philadelphia was included in the National Park Service National Underground Railroad Network to Freedom Program in 2013 for its participation in the movement to resist and end slavery by concealing, harboring and sometimes accompanying runaway African Americans seeking freedom to Canada.

H.R. 930 authorizes the National Park Service to conduct a special resource study to determine the suitability and feasibility of establishing as a unit of the park system the resources associated with the New Philadelphia archeological site.

During full Committee markup, the Committee adopted an amendment offered by Congressman Rob Bishop (R-UT) adding clear guidance that in the course of the study, the National Park Service must consider the impact of a designation on important commercial and recreational activities. The Committee is aware of examples where Park boundaries are exploited to prohibit activities that could benefit communities. This amendment requires that the Park Service document the effect a designation could have on such things as energy transmission, or even hunting and fishing.

The amendment also requires the Park Service to identify those authorities that allow it to condemn private property, or insert itself into local matters such as zoning. It is appropriate that communities are made aware of the consequences that come with the National Park Service as their new neighbor.

COMMITTEE ACTION

H.R. 930 was introduced on February 28, 2013, by Congressman Aaron Schock (R-IL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 23, 2013, the Subcommittee held a hearing on the bill. On July 31, 2013, the full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 930—New Philadelphia, Illinois, Study Act

H.R. 930 would direct the Secretary of the Interior to conduct a study of the New Philadelphia archaeological site in Illinois to evaluate the national significance of the area and to determine the feasibility of designating the site as a unit of the National Park System. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that conducting the study would cost about \$250,000 over the next three years. Enacting H.R. 930 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 930 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gull, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by 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, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that conducting the study would cost about \$250,000 over the next three years.

3. 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 authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois.

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. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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.

