

## Calendar No. 623

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SENATE

{ REPORT  
{ 114-348

### U.S. CIVIL RIGHTS NETWORK ACT OF 2015

SEPTEMBER 8, 2016.—Ordered to be printed

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

### R E P O R T

[To accompany S. 2309]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2309) to amend title 54, United States Code, to establish within the National Park Service the U.S. Civil Rights Network, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “African American Civil Rights Network Act of 2016”.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize—

- (A) the importance of the African American civil rights movement; and
- (B) the sacrifices made by the people who fought against discrimination and segregation; and

(2) to authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret—

- (A) the history of the African American civil rights movement;
- (B) the significance of the civil rights movement as a crucial element in the evolution of the Civil Rights Act of 1964 (42 U.S.C. 2000a *et seq.*); and
- (C) the relevance of the African American civil rights movement in fostering the spirit of social justice and national reconciliation.

#### SEC. 3. AFRICAN AMERICAN CIVIL RIGHTS NETWORK PROGRAM.

(a) IN GENERAL.—Subdivision 1 of Division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3083 the following:

“CHAPTER 3084—AFRICAN AMERICAN CIVIL RIGHTS NETWORK

**“§ 308401. Definition of Network**

“In this chapter, the term ‘Network’ means the African American Civil Rights Network established under section 308–402(a).

**“§ 308402. African American Civil Rights Network**

“(a) IN GENERAL.—The Secretary shall establish, within the Service, a program to be known as the ‘African American Civil Rights Network’.

“(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 the African American civil rights movement that may be underway or completed, such as the Civil Rights Framework Study;

“(2) produce and disseminate appropriate educational materials relating to the African American civil rights movement, such as handbooks, maps, interpretive guides, or electronic information;

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

“(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).

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

“(1) All units and programs of the Service that are determined by the Secretary to relate to the African American civil rights movement during the period from 1939 through 1968.

“(2) Other Federal, State, local, and privately owned properties that—

“(A) relate to the African American civil rights movement;

“(B) have a verifiable connection to the African American civil rights movement; and

“(C) are included in, or determined by the Secretary to be eligible for inclusion in, 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 African American civil rights movement.

**“§ 308403. Cooperative agreements and memoranda of understanding**

“To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the Network described in section 308402(c) with System units and programs of the 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.”.

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is amended by inserting after the item relating to chapter 3083 the following:

“3084. African American Civil Rights Network.”.

2. Amend the title so as to read: “A bill to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.”.

PURPOSE

The purpose of S. 2309 is to amend title 54, United States Code, to establish within the National Park Service the U.S. Civil Rights Network.

BACKGROUND AND NEED

The National Park Service (NPS) and the Organization of American Historians conducted a theme study that identified and interpreted sites related to the Civil Rights movement in accordance with the National Park Service Studies Act of 1999 (as enacted in title III of Appendix C of Public Law 106–113; 113 Stat. 1501A–194).

In conducting the theme study, the NPS and Organization of American Historians found that many sites relating to the African American civil rights movement have been identified and recog-

nized in existing National Park System units. However, according to testimony received by the Committee on behalf of the NPS, “[f]rom this effort, NPS found that a number of sites related to the African American role in the Civil Rights movement had not been recognized, with many in immediate danger of being lost or destroyed.”

S. 2309 would create a national program at the NPS to educate the people of the United States about the story and significance of the African American civil rights movement. The network approach would link, in a unified and flexible manner, the historic buildings, structures, sites, geographic areas, interpretive centers, museums, institutions, programs, activities, community projects, exhibits, and multimedia materials relating to the African American civil rights movement.

#### LEGISLATIVE HISTORY

S. 2309 was introduced in the Senate by Senators Brown and Alexander on November 19, 2015. The Subcommittee on National Parks held a hearing on S. 2309 on March 17, 2016.

In the House of Representatives, Representative Clay introduced similar legislation to S. 2309, H.R. 3683, on October 5, 2015.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 2309 favorably reported as amended.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2309, if amended as described herein.

#### COMMITTEE AMENDMENTS

During its consideration of S. 2309, the Committee adopted an amendment in the nature of a substitute and amendment to the title. The bill was reorganized by removing the findings and by reinserting after subdivision 1, division B of subtitle III of title 54, U.S. Code, “Chapter 3084—African American Civil Rights Network”, to reflect a clerical amendment to the title and any reference thereafter.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 provides the short title.

##### *Section 2. Purposes*

Section 2 states that the purposes of the bill are: to recognize the importance of the African American civil rights movement and the sacrifices made by the people who fought against discrimination and segregation; and to authorize the NPS to coordinate Federal and non-Federal activities to honor and interpret the history, significance, and relevance of the African American civil rights movement commemorating and fostering the spirit of social justice and national reconciliation.

*Section 3. African American Civil Rights Network Program*

Section 3(a) amends subdivision 1 of division B of subtitle III of title 54, U.S. Code, by inserting a new “Chapter 3084—African American Civil Rights Network”.

Section 308401 of the new chapter defines the term “Network.”

Section 308402 directs the Secretary of the Interior to establish the Network.

Subsection (b) lists the duties of the Secretary. The Secretary shall: review civil rights studies and reports that may already be underway or complete to complement, not duplicate, aspects of the African American civil rights movement; produce and disseminate educational materials such as handbooks, maps, interpretive guides, or electronic information; and adopt an official, uniform symbol or device for the Network and issue regulations for the symbol’s use.

Subsection (c) lists the elements of the Network. The Network will encompass all NPS units and programs that relate to the African American civil rights movement during the period from 1939 through 1968. It will also include federal, state, local, and privately owned properties that relate to the African American civil rights movement and that are included in, or eligible for, the National Register of Historic Places. Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature directly related to the African American civil rights movement will be part of the establishment of the Network.

Subsection 308403 authorizes the Secretary to enter into cooperative agreements and memoranda of understanding and provide technical assistance with Federal and non-Federal elements of the Network to ensure effective coordination and for carrying out the purpose of the bill.

Section 3(b) identifies the clerical amendment to the table of contents for title 54, U.S. Code to reference “3084. African American Civil Rights Network”.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 2, 2016.*

Hon. LISA MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2309, the African American Civil Rights Network Act of 2016.

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

Sincerely,

KEITH HALL.

Enclosure.

*S. 2309—African American Civil Rights Network Act of 2016*

S. 2309 would require the Secretary of the Interior to establish, within the National Park Service (NPS), the African American Civil Rights Network, the purpose of which would be to coordinate federal and nonfederal activities to commemorate, honor, and interpret the history of the African American civil rights movement during the period from 1939 through 1968. The network would comprise existing units and programs of the NPS related to that historical period as well as the properties and programs of other federal, state, local, and private entities that join the network.

Under the bill, the NPS would produce and distribute educational materials, create and adopt an official symbol for the proposed network, establish regulations for participation, and provide technical assistance to other entities interested in joining. To support the network and its activities, the bill would authorize the agency to execute cooperative agreements and memoranda of understanding with private organizations and state and local governments.

Based on information from the NPS about the costs of administering similar programs, and assuming appropriation of the necessary amounts, CBO estimates that the agency would spend about \$375,000 in the first several months following enactment to create the network. That work would include basic planning, developing educational materials and interpretive exhibits, and coordinating federal activities with those of other interested entities. In subsequent years, CBO expects that the agency would spend about \$1.5 million per year to manage the network and provide assistance to participating entities under cooperative agreements. In total, CBO estimates that implementing the legislation would cost about \$5.5 million over the 2017–2021 period and an additional \$1.5 million annually thereafter.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 2309 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 2309 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 Jon Sperl. The estimate was approved by Theresa Gullo, 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 S. 2309. 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 S. 2309, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 2309, as ordered 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 March 17, 2016, National Parks Subcommittee hearing on S. 2309, follows:

## STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 2309, a bill to establish within the National Park Service, the U.S. Civil Rights Network.

The Department strongly supports S. 2309, with amendments.

The NPS would be proud to be part of this program to commemorate, preserve, and interpret this important and inspiring era in American history. Well over a decade ago, the National Park Service and the Organization of American Historians conducted a theme study that helped to identify and interpret sites associated with the modern Civil Rights Movement. From this effort, NPS found that a number of sites related to the African American role in the Civil Rights Movement had not been recognized, with many in immediate danger of being lost or destroyed. If enacted, S. 2309 would provide a structure to identify and commemorate the activities and sites of African Americans involved in the Civil Rights Movement and create a framework that could promote public education regarding this crucial chapter of the American story. This bill would allow NPS to build critical partnerships with other public and private entities, to raise public awareness, and help preserve the remaining sites and stories of the Civil Rights Movement.

The modern Civil Rights Movement arose in the face of systematic oppression, discrimination, and violence. The figures of this movement fought against these forces and many deservedly have become national heroes. But this movement was also powered forward on the backs of ordinary men and women and their efforts and stories are equally important to preserve and share. These stories and sites can be found in almost every community in this nation, some of which are deeply interwoven into the narrative of the units of the National Park System. But most of these resources are cared for outside of the National Park System and often need further documentation, interpretation, identification, and protection.

No single site reflects the full story of the role of African Americans in the Civil Rights narrative, and a network

would help to recognize and preserve these places. With the creation of the U.S. Civil Rights Network, the NPS will be directed to produce and share educational materials, become part of cooperative agreements to provide much-needed technical assistance, and create an official symbol to help with the identification of these sites and stories. This network will be made up of existing units and programs of the NPS; Federal, State, local and privately owned property, and other governmental and nongovernmental facilities that are directly related to the African American role in the Civil Rights Movement.

The fundamental purpose of the U.S. Civil Rights Network Act is to honor the courage and sacrifice of those African American champions for justice; those who fought against discrimination and segregation to bring forth the vision laid out in the very foundations of our national doctrine that all men and women are created equal. We must honor their legacy and continue to carry forward their work of national reconciliation and social justice.

To that end, we recommend changing the title of the network to the African American Civil Rights Network to avoid any confusion as to the bill's purpose or the potential sites that would be eligible to participate. We would be pleased to work with the committee on the amendments need to implement this change.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or the other members of the subcommittee may have.

#### 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 original bill, as 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):

#### UNITED STATES CODE

\* \* \* \* \*

#### TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

\* \* \* \* \*

#### DIVISION B—ORGANIZATIONS AND PROGRAMS

#### Subdivision 1—Administered by National Park Service.

- 3081. American Battlefield Protection Program.
- 3083. National Underground Railroad Network to Freedom.
- 3084. *African American Civil Rights Network.*
- 3085. National Women's Rights History Project.
- 3087. National Maritime Heritage.
- 3089. Save America's Treasures Program.
- 3091. Commemoration of Former Presidents.

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CHAPTER 3084—AFRICAN AMERICAN CIVIL RIGHTS  
NETWORK

**§ 308401. Definition of Network**

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**§ 308402. African American Civil Rights Network**

(a) *IN GENERAL.*—*The Secretary shall establish, within the Service, a program to be known as the “African American Civil Rights Network”.*

(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 the African American civil rights movement that may be underway or completed, such as the Civil Rights Framework Study;*

(2) *produce and disseminate appropriate educational materials relating to the African American civil rights movement, such as handbooks, maps, interpretive guides, or electronic information;*

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

(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).*

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

(1) *All units and programs of the Service that are determined by the Secretary to relate to the African American civil rights movement during the period from 1939 through 1968.*

(2) *Other Federal, State, local, and privately owned properties that—*

(A) *relate to the African American civil rights movement;*

(B) *have a verifiable connection to the African American civil rights movement; and*

(C) *are included in, or determined by the Secretary to be eligible for inclusion in, 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 African American civil rights movement.*

**§ 308403. Cooperative agreements and memoranda of understanding**

*To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the Network described in section 308402(c) with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical as-*



*sistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.*

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