FORT SUMTER AND FORT MOULTRIE NATIONAL HISTORICAL PARK ACT OF 2018

JULY 11, 2018.—Ordered to be printed

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

REPORT

[To accompany S. 1459]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1459) to establish Fort Sumter and Fort Moultrie National Historical Park in the State of South Carolina, 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.

AMENDMENTS

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Sumter and Fort Moultrie National Historical Park Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map entitled “Boundary Map, Fort Sumter and Fort Moultrie National Historical Park”, numbered 392/80,088, and dated August 2009.

(2) PARK.—The term “Park” means the Fort Sumter and Fort Moultrie National Historical Park established by section 3(a).

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

(4) STATE.—The term “State” means the State of South Carolina.

(5) SULLIVAN’S ISLAND LIFE SAVING STATION HISTORIC DISTRICT.—The term “Sullivan’s Island Life Saving Station Historic District” means the Charleston Lighthouse, the boathouse, garage, bunker/sighting station, signal tower, and any associated land and improvements to the land that are located between Sullivan’s Island Life Saving Station and the mean low water mark.
SEC. 3. FORT SUMTER AND FORT MOULTRIE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Fort Sumter and Fort Moultrie National Historical Park in the State as a single unit of the National Park System to preserve, maintain, and interpret the nationally significant historical values and cultural resources associated with Fort Sumter National Monument, Fort Moultrie National Monument, and the Sullivan’s Island Life Saving Station Historic District.

(b) BOUNDARY.—The boundary of the Park shall be as generally depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Park in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

(2) INTERPRETATION OF HISTORICAL EVENTS.—The Secretary shall provide for the interpretation of historical events and activities that occurred in the vicinity of Fort Sumter and Fort Moultrie, including—

(A) the Battle of Sullivan’s Island on June 28, 1776;

(B) the Siege of Charleston during 1780;

(C) the Civil War, including—

(i) the bombardment of Fort Sumter by Confederate forces on April 12, 1861; and

(ii) any other events of the Civil War that are associated with Fort Sumter and Fort Moultrie;

(D) the development of the coastal defense system of the United States during the period from the Revolutionary War to World War II, including—

(i) the Sullivan’s Island Life Saving Station;

(ii) the lighthouse associated with the Sullivan’s Island Life Saving Station; and

(iii) the coastal defense sites constructed during the period of fortification construction from 1898 to 1942, known as the “Endicott Period”; and

(E) the lives of—

(i) the free and enslaved workers who built and maintained Fort Sumter and Fort Moultrie;

(ii) the soldiers who defended the forts;

(iii) the prisoners held at the forts; and

(iv) captive Africans bound for slavery who, after first landing in the United States, were brought to quarantine houses in the vicinity of Fort Moultrie in the 18th century, if the Secretary determines that the quarantine houses and associated historical values are nationally significant.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public and private entities and individuals to carry out this Act.

SEC. 4. REPEAL OF EXISTING LAW.

Section 2 of the Joint Resolution entitled “Joint Resolution to establish the Fort Sumter National Monument in the State of South Carolina”, approved April 28, 1948 (16 U.S.C. 450ee–1), is repealed.

Amend the title so as to read: “A bill to establish Fort Sumter and Fort Moultrie National Historical Park in the State of South Carolina, and for other purposes.”

PURPOSE

The purpose of S. 1459 is to establish Fort Sumter and Fort Moultrie National Historical Park in the State of South Carolina.

BACKGROUND AND NEED

Fort Sumter National Monument was established by Congress on April 28, 1948 (Public Law 80–504), in legislation that transferred the land from what was then the Department of the Army to the National Park Service (NPS). Fort Sumter is located on an island and is accessible only by boat. Approximately one mile to the northeast of Fort Sumter is Fort Moultrie, which is situated on Sulli-
van’s Island, and is connected to the mainland by a bridge over the Intracoastal Waterway.

In 1960, the NPS accepted jurisdiction of Fort Moultrie under the authority of the Historic Sites Act of 1935 (Public Law 74–292). The NPS accepted additional lands within the monument boundary, including lands available for a tour boat facility, in 1986 (Public Law 99–637). The traditional park boundary also includes the Historic Coast Guard Station, which is located nearly a mile east of Fort Moultrie, and contains the park’s maintenance and visitor’s center. In total, the boundary of the park includes approximately 200 acres of land.

**Fort Moultrie**

On June 28, 1776, South Carolina Patriots defeated the British Royal Navy in the Battle of Sullivan’s Island after a long and hard-fought encounter at the site known today as Fort Moultrie. This Patriot victory marked a key point in the American Revolutionary War, as it was the site of the first major American naval victory in the war. It is now celebrated annually as Carolina Day. Fort Moultrie also served as a “companion” in the Confederate defense of Charleston and Fort Sumter during the Civil War.

**Fort Sumter**

Each year, nearly one million visitors travel to Fort Sumter National Monument and Fort Moultrie to see where the first shots of the Civil War were fired on April 12, 1861. Construction of Fort Sumter began in 1829 as part of congressional plans to construct 34 forts from Maine to Louisiana in areas considered to be weak in the American coastal defense system. Decades of growing strife between northern and southern states ultimately erupted on April 12, 1861, when Confederate artillery opened fire on this Federal fort in Charleston Harbor. Fort Sumter surrendered 34 hours later. Union forces would try for nearly four years to take it back. The United States flag once again flew over Fort Sumter on February 18, 1865.

S. 1459 establishes the Fort Sumter and Fort Moultrie National Historical Park in South Carolina for the preservation and interpretation of the nationally significant historical events and cultural resources associated with Fort Sumter, Fort Moultrie, and Sullivan’s Island Life Saving Historic District. The bill would establish official boundaries and directs the NPS to interpret historical events and activities that occurred in the vicinity of Fort Sumter and Fort Moultrie.

**LEGISLATIVE HISTORY**


On June 28, 2017, Rep. Sanford introduced similar legislation, H.R. 3099, in the House of Representatives, which was referred to the Committee on Natural Resources.

In the 114th Congress, similar legislation, S. 3103, was introduced by Senator Scott on June 28, 2016.
On May 17, 2018, the Committee on Energy and Natural Resources met in open business session and ordered S. 1459 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by a majority voice vote of a quorum present recommends that the Senate pass S. 1459, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1459, the Committee adopted an amendment in the nature of a substitute. The amendment strikes the bill's findings, directs the National Historical Park to be managed as a single unit of the National Park System, and provides clear guidelines for interpretation of the existing lands managed by the NPS. The amendment is explained in detail in the section-by-section analysis, below.

The Committee also adopted an amendment to the title to clarify that the bill, as ordered reported, establishes a National Historical Park, rather than a National Park.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title
Section 1 contains the short title.

Section 2. Definitions
Section 2 contains definitions.

Section 3. Fort Sumter and Fort Moultrie National Historical Park
Subsection (a) establishes Fort Sumter and Fort Moultrie National Historical Park in the State of South Carolina as a single unit of the National Park System to preserve, maintain, and interpret the nationally significant historical values and cultural resources associated with Fort Sumter National Monument, Fort Moultrie National Monument, and the Sullivan’s Island Life Saving Station Historic District.

Subsection (b) establishes the boundary of the park as generally depicted on the map entitled “Boundary Map, Fort Sumter and Fort Moultrie National Historical Park,” numbered 392/80,088, and dated August 2009.

Subsection (c) requires the map to be on file and available for public inspection in the appropriate offices of the NPS.

Subsection (d)(1) requires the Secretary, acting through the NPS Director, to administer the Park in accordance with this Act and the laws generally applicable to units of the National Park System.

Subsection (d)(2) directs the Secretary to provide for the interpretation of historical events and activities that occurred in the vicinity of Fort Sumter and Fort Moultrie.

Subsection (e) authorizes the Secretary to enter into cooperative agreements with public and private entities and individuals to carry out this Act.
Section 4. Repeal of existing law


Cost and Budgetary Considerations

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

S. 1459 would redesignate the Fort Sumter National Monument in South Carolina, an existing unit of the National Park Service (NPS) system, as the Fort Sumter and Fort Moultrie National Historical Park. The bill also would codify the existing boundaries of the system unit.

Redesignating the site may require NPS to update maps, handouts, and signage. Based on the costs of similar tasks, CBO estimates that those costs would be insignificant and would be subject to the availability of appropriated funds.

Enacting S. 1459 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1459 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 1459 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.

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. 1459. 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. 1459, as ordered reported.

Congressional Directed Spending

S. 1459, 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 Department of the Interior at the hearing before the Subcommittee on National Parks on July 19, 2017, follows:
STATEMENT OF ROBERT VOGEL, ACTING DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 1459, TO ESTABLISH FORT SUMTER AND FORT MOULTREY NATIONAL PARK IN THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES

Chairman Daines, Ranking Member Hirono, and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior’s views on S. 1459, to establish Fort Sumter and Fort Moultrie National Park in the State of South Carolina, and for other purposes.

The Department of the Interior supports this legislation with amendments described later in this statement. Notably, and as discussed in more detail below, we recommend using the name “Fort Sumter and Fort Moultrie National Historical Park.”

S. 1459 would redesignate Fort Sumter in a way that would provide well deserved recognition of Fort Moultrie. Although Fort Sumter is the more commonly recognized fort in Charleston Harbor, Fort Moultrie is of great national importance as it is the only site in the National Park System that preserves the history of the Nation’s coastal defense system from 1776 through 1947. The bill would also address a longstanding administrative need by officially establishing a boundary and management authority for this unit of the National Park System. The boundary would include not only Fort Sumter and Fort Moultrie, but also the Sullivan’s Island Life Saving Station Historic District, which is also managed by the National Park Service as part of the park. These resources are associated with important aspects of American history, including the Revolutionary War, the Civil War, and the development of the United States coastal defense system from 1776 to 1947.

Fort Moultrie interprets coastal fortifications and defense from 1776 to 1947, focusing on the national response to continuing changes in international military technology and the simultaneous growth of the United States’ place in world affairs and its concepts of national defense. Located adjacent to historic Fort Moultrie, Battery Jasper, constructed circa 1899, is part of the Endicott Period System of national coastal defense. Located adjacent to Battery Jasper, Construction 230, constructed circa 1944, is an underground bunker from the World War II era.

Fort Sumter was designated as a national monument and transferred to the Secretary of the Interior from the Secretary of the Army in 1948, by an act of Congress. Authority to administer the site as part of the National Park System was provided in the same law. In contrast, Fort Moultrie, Battery Jasper, Construction 230 (a WWII bunker currently used as a maintenance facility), and the U.S. Coast Guard Life Saving Station were conveyed from the State of South Carolina to the Federal government in 1961.
under authority of the 1935 Historic Sites Act, but no boundaries were established and no directives were given to the National Park Service for managing it. At the time of the conveyance, the Secretary of the Interior did not issue the proper papers to formally include this property within the park boundary. These three structures are listed as contributing features of a National Register Property. As a result, the National Park Service has been managing Fort Moultrie without clear management authority or established boundaries for nearly 60 years.

Although we would welcome including “Fort Moultrie” in the name of the site, the National Park Service strives to provide consistency in the naming of park units. To better align with the standard nomenclature for units of the National Park System, we recommend that Congress redesignate the unit as a national historical park rather than a national park. Generally, a national park contains a variety of resources and encompasses large land or water areas to help provide adequate protection of the resources. The existing 59 designated national parks protect, at a minimum, thousands of acres each and some span millions of acres. At approximately 235 acres, we believe Fort Sumter and Fort Moultrie are too small and limited in the range of resources the sites protect and interpret to be called a national park. We believe that a more fitting name for the park unit would be “Fort Sumter and Fort Moultrie National Historical Park.”

Additionally, the National Park Service would support the inclusion of language providing the Secretary of the Interior with land acquisition authority within the redesignated boundary of the park. Such authority to acquire lands is common in other national park service units and provides willing sellers of non-federal land within the boundary the opportunity to sell or donate their lands to the federal government. Such an arrangement benefits both the private landowner, who may be interested in selling or donating the land for financial reasons or an interest in furthering the park’s ability to tell its story to the public, as well as the park and its visitors. Although the owners of private land within the park’s boundary may not have any interest in selling their land at the current time, this authority provides them with the flexibility to make that decision in the future if circumstances change. Before the NPS would seek to acquire any property, whether by purchase, donation, or exchange, we would take into consideration the condition of any structures on the property that would add to the NPS’s deferred maintenance backlog. Any funding to purchase land would still be subject to future appropriations from Congress.

Finally, we would request a technical edit to the map reference, in order to substitute a more up-to-date legislative map. We would be happy to work with the sponsor and the committee to develop amendments to address these points.
Chairman Daines, this concludes my statement. I would be pleased to answer any questions you or 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 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):

JOINT RESOLUTION

To establish the Fort Sumter National Monument in the State of South Carolina.

(Public Law 80–504)

* * * * * * *

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to transfer, without consideration, to the Secretary of the Interior title to the site of the historic structure known as Fort Sumter, situated in Charleston Harbor, Charleston, South Carolina, together with such buildings and other improvements as are appurtenant to such site.

Sec. 2. The property acquired by the Secretary of the Interior under this joint resolution shall constitute the Fort Sumter National Monument and shall be a public national memorial commemorating historical events at or near Fort Sumter. The Director of the National Park Service under the direction of the Secretary of the Interior shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of the Act entitled “An Act to establish a National Park Service and for other purposes”, approved August 25, 1916, as amended. [Approved April 28, 1948.]

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