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UNITED STATES CIVIL RIGHTS TRAIL SPECIAL RESOURCE STUDY ACT

SEPTEMBER 27, 2010.—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. 685]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 685) to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, 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. 685 is to authorize the Secretary of the Interior to conduct a special resource study to evaluate a range of alternatives for protecting and interpreting sites associated with the struggle for civil rights in the United States.

BACKGROUND AND NEED

There are numerous sites across the United States associated with historic events of the civil rights movement of the 1950s and 1960s, such as Sixteenth Street Baptist Church in Birmingham, Alabama, Tougaloo College in Mississippi, and the F.W. Woolworth Building in Greensboro, North Carolina. Approximately 50 of these sites, located in 20 different states, have been nominated for listing in the National Register of Historic Places. Many are managed by state or local agencies and organizations committed to their preservation and interpretation. H.R. 685 would authorize a special resource study that would assess the sites' importance and value to the nation's history.

H.R. 685 would also provide Congress with recommendations for the creation of a National Civil Rights Trail System, composed of civil rights movement sites. A National Civil Rights Trail System would link sites with common signage, maps, and educational materials; improve public awareness; and facilitate the study of their importance in history.

LEGISLATIVE HISTORY

H.R. 685, introduced by Representative Clay, passed the House of Representatives by a voice vote on September 29, 2009.

Companion legislation, S. 1802, was introduced by Senator Burris on October 20, 2009. The Subcommittee on National Parks held a hearing on both bills on May 19, 2010. At its business meeting on July 21, 2010, the Committee on Energy and Natural Resources Committee ordered H.R. 685 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 685.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “United States Civil Rights Trail Special Resource Study Act of 2009”.

Section 2(a) directs the Secretary of the Interior (Secretary) to conduct a study to identify and evaluate sites associated with the struggle for civil rights to determine the suitability and feasibility of protecting and interpreting the sites, including alternatives for potential addition of some or all of the sites to the National Trail System.

Subsection (b) directs the Secretary to conduct the study in consultation with appropriate Federal, State, or local government entities.

Subsection (c) directs the study to be conducted in accordance with section 8 of Public Law 91–383, which sets forth requirements for National Park Service studies.

Subsection (d) directs the Secretary to utilize existing studies and agencies, organizations, and partnerships already interpreting and preserving various areas associated with the civil rights movement, focusing on 1954 through 1968, in conducting the study to identify sites for potential inclusion in a National Civil Rights Trail. This subsection also directs the Secretary to consider alternatives for preservation and interpretation of the sites by Federal, State, or local government entities or any other interested individuals, and to identify the costs estimates associated with the range of alternatives.

Subsection (e) requires the Secretary to submit the study and any recommendations to the House and Senate authorizing committees no later than 3 years after the date funds are made available.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 685—United States Civil Rights Trail Special Resource Study Act of 2009

H.R. 685 would direct the Secretary of the Interior to conduct a special resource study to evaluate ways of protecting and interpreting sites related to the civil rights movement in the United States. 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 \$500,000 over the next three years. Enacting the legislation would not affect revenues or direct spending; therefore pay-as-you-go procedures do not apply.

The bill 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.

On September 23, 2009, CBO transmitted a cost estimate for H.R. 685 as ordered reported by the House Committee on Natural Resources on September 10, 2009. The two versions of legislation are similar, and CBO estimates their costs would be the same.

The CBO staff contact for this estimate is Deborah Reis. The estimate was 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. 685.

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. 685.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 685, 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 on H.R. 685 at the May 19, 2010, National Parks Subcommittee hearing follows:

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman 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. 1802 and H.R. 685, legislation to require a study of the feasibility of establishing the United States Civil Rights Trail System.

The Department supports S. 1802 as introduced, and H.R. 685 as passed by the House, which are substantially identical. However, we feel that priority should be given to the 45 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

S. 1802 and H.R. 685 authorize the Secretary of the Interior to conduct a special resource study in order to evaluate a range of alternatives for protecting and interpreting the sites associated with the movement to secure racial equality for African-Americans in the United States in the 1950s and 1960s, including alternatives for potential additions to the National Trails System. We estimate that the cost of this study will range from \$500,000 to \$750,000, given the large number of sites across multiple states which must be included in the study.

The struggle for civil rights has been a hallmark in the development of the United States from its earliest fight for independence from Great Britain during the 1770s and 1780s through the passage of the landmark 1964 Civil Rights Act guaranteeing all Americans the right to vote and prohibiting discrimination based on race, color, religion, sex, or national origin. The movement leading up to the passage of the Act was filled with violent confrontations that challenged the very foundation of our country, yet it also represented the highest aspirations of its citizens.

The Civil Rights Act of 1964 was the most comprehensive civil rights legislation in the history of the United States and its provisions serve as major themes of the civil rights story both before and after the Act's passage. The Department recognizes that events, places, and individuals important in the civil rights story should be celebrated and commemorated in a way that helps the public understand and appreciate the significance of the era. Many civil rights-related sites have been identified and are currently recognized within the National Park System, the National Trails System, and as National Historic Landmarks, such as those commemorating the life of Martin Luther King, Jr. and well-known events such as the desegregation of Little Rock Central High School and the 1965 Selma-to-Montgomery Voting Rights March.

In 1999, Congress authorized the Secretary to conduct a theme study related to civil rights sites on a multi-state level. The National Park Service, in partnership with the Organization of American Historians, prepared the civil rights framework study to assist the National Park Service in identifying and prioritizing those areas of history significant in illustrating the civil rights story. The study, *Civil Rights In America: A Framework for Identifying Significant Sites*, was transmitted to Congress on June 2, 2009.

The study identified broad themes within the civil rights story, as well as the events, persons, and places that represent those themes, and assessed the degree to which related sites are represented and recognized. These themes include equal education, public accommodation, voting, housing, equal employment, criminal injustice, immigrant rights, and American Indian civil rights. The study did not assess the feasibility or suitability of inclusion of particular sites into the National Trails System, the National Park System, or as National Historic Landmarks. S. 1802 and H.R. 685 would allow the National Park Service to assess sites specifically associated with the struggle for African-American racial equality from 1954–1968, which touches on most, but not all, of these broad themes.

The study also recommended that the National Park Service complete four National Historic Landmark theme studies to recognize, promote, and protect civil rights-related sites and their relationship to the civil rights story's chronology, historic themes, and how various minorities are represented. National Historic Landmark theme studies are an effective way of assessing whether or not places are nationally significant in American history. They provide a historic context within which to evaluate properties, and identify places that should be studied for national designation.

S. 1802 and H.R. 685 both provide for the proposed study to build upon this and other existing studies and reports. If enacted, this legislation can serve as a keystone piece in the ongoing work of understanding the issues, preserving the place, and telling the stories of the struggle to ensure civil rights for all Americans.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that 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, the Committee notes that no changes in existing law are made by the Act H.R. 685, as ordered reported.