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NATIONAL LIBERTY MEMORIAL PRESERVATION ACT

SEPTEMBER 27, 2022.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 6201]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 6201), to extend the authority for the establishment of a commemorative work to honor enslaved and free Black persons who served in the American Revolution, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 6201 is to extend the legislative authority for the establishment of the National Liberty Memorial, a commemorative work to honor enslaved and free black persons who served in the American Revolution.

BACKGROUND AND NEED

Historians estimate that between 10 and 15 percent of the Continental Army during the Revolutionary War was composed of African Americans—in total, between 5,000 and 10,000 free and enslaved persons. Soldiers such as Salem Poor, Primus Hall, and Prince Whipple—George Washington’s bodyguard—were commended for their valor and selflessness in the midst of battle. At the end of the war, some enslaved soldiers earned their freedom, but many who had fought in place of their white owners returned to spend the remainder of their lives in slavery.

Interest in creating a memorial that commemorates enslaved and free Black Americans who fought in the Revolutionary War dates

back to the 1980s. In 1986, Congress authorized construction of a Black Revolutionary War Patriots Memorial. Although Congress extended the authorization for the memorial on multiple occasions, ultimately the authorization expired. The memorial sponsors revised their plan in 2005 and proposed a new commemorative work authorization with a new name, the National Liberty Memorial.

The National Liberty Memorial was originally authorized by Congress in 2013 (section 2860 of Public Law 112–239). The law authorized Liberty Fund DC, a non-profit organization, to build the memorial. On September 26, 2014, the Memorial was authorized to be located in Area I, as defined by the Commemorative Works Act. The legislative authority for the memorial, as provided for in the Commemorative Works Act, expired on September 26, 2021.

H.R. 6201 would extend the legislative authority for the National Liberty Memorial through September 30, 2027.

LEGISLATIVE HISTORY

H.R. 6201 was introduced in the House of Representatives by Representative Watson Coleman and others on December 8, 2021. The Subcommittee on National Parks, Forests, and Public Lands held a hearing on H.R. 6201 on February 3, 2022, and the bill was reported by the House Natural Resources Committee on April 25, 2022 (H. Rept. 117–299). H.R. 6201 passed the House by a voice vote on April 26, 2022. A companion bill, S. 3334, was introduced by Senators Grassley and Murphy on December 8, 2021. Senator Casey is a cosponsor. The Subcommittee on National Parks held a hearing on S. 3334 on May 11, 2022.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on July 21, 2022, by a voice vote of a quorum present, recommends that the Senate pass H.R. 6201.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title of the bill, the “National Liberty Memorial Preservation Act.”

Section 2. Extension of Authority for Establishment of Commemorative Work

Section 2 extends the authority provided to the National Liberty Memorial through September 30, 2027.

Section 3. Determination of budgetary effects

Section 3 is a budgetary effects statement.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of H.R. 6201, as ordered reported by the House Committee on Natural Resources on February 15, 2022, has been provided by the Congressional Budget Office.

H.R. 6201, National Liberty Memorial Preservation Act			
As ordered reported by the House Committee on Natural Resources on February 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and zero.			

H.R. 6201 would extend, through September 30, 2027, the authority of the National Mall Liberty Fund to construct a commemorative work on federal land within the District of Columbia honoring enslaved and free Black soldiers and civilians who contributed to the nation's independence during the American Revolutionary War.

The project would be subject to the provisions of the Commemorative Works Act. Under that act, any entity that receives a construction permit for a commemorative work must donate an amount equal to 10 percent of the memorial's estimated construction costs to the National Park Foundation, a nonprofit organization whose subsequent donations to the National Park Service are recorded on the budget. That donation and any project funds remaining after construction would be available for maintenance of the memorial without further appropriation.

Based on the experience from similar projects, CBO expects that any amounts collected by the federal government for maintenance of the monument would not be received for several years and would be offset by expenditures soon thereafter. Thus, CBO estimates that the bill's net effect on direct spending would be negligible.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of 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. 6201. 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 H.R. 6201, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 6201, 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 May 11, 2022 hearing on S. 3334 (the Senate companion bill to H.R. 6201) follows:

STATEMENT OF MICHAEL A. CALDWELL, ACTING ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR.

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 3334, the National Liberty Memorial Preservation Act.

The Department supports this legislation.

S. 3334 extends the authority for the establishment of a commemorative work to honor enslaved and free Black persons who served in the American Revolution. The National Liberty Memorial was originally authorized on January 2, 2013 (P.L. 112-239). On September 26, 2014 (P.L. 113-176), the Memorial was authorized to be established in Area I, as defined by the Commemorative Works Act (Act) (P.L. 99-652; 40 U.S.C. Ch. 89). The authority, as provided for in the Commemorative Works Act, was for a seven-year period, which expired on September 26, 2021.

The Department believes that this commemorative subject rises to the level of preeminent and lasting historical significance to the United States. The bravery and dedication demonstrated by both freemen and slaves during the American Revolution are well documented but not well known. Soldiers such as Salem Poor, Primus Hall, and Prince Whipple—George Washington's bodyguard—were commended for their valor and selflessness in the midst of battle. Many more Black soldiers fought in both segregated and integrated units; historians estimate that between 10 and 15 percent of the Continental Army was composed of Black free and enslaved persons. At the end of the war, some enslaved soldiers earned their freedom, but many who had fought in place of their white owners, returned to spend the remainder of their lives in slavery.

These invaluable contributions to America's independence are worthy of widespread recognition and commemoration. The Department notes that since the initial authorization in 2013, the site selection has not yet been completed. We understand that raising considerable funding while working through the site selection, design, and construction process is time consuming and look forward to continued progress. Due to the significance of the commemorative subject, the Department supports this legisla-

tion and agrees that an extension of seven additional years would be appropriate.

Chairman King, 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, the Committee notes that no changes in existing law are made by the Act H.R. 6201 as ordered reported.

