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SENATE

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113-23

### HARRIET TUBMAN NATIONAL HISTORICAL PARKS

APRIL 22, 2013.—Ordered to be printed

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

### R E P O R T

[To accompany S. 247]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 247) to establish the Harriet Tubman National Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

At the end, add the following:

#### SEC. 4. OFFSET.

Section 101(b)(12) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3667) is amended by striking “\$53,852,000” and inserting “\$29,852,000”.

#### PURPOSE

The purpose of S. 247 is to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland.

#### BACKGROUND AND NEED

Often referred to as “the Moses of her people,” Harriet Tubman, born Araminta Ross, was responsible for helping hundreds of enslaved people escape from bondage to freedom as the most famous conductor on the Underground Railroad resistance network. Born circa 1822, Tubman changed her name to Harriet as a young adult. At age 25, she married John Tubman while both were slaves

on Brodess Farms in Dorchester County, Maryland. Tubman escaped from enslavement in 1849, when she slipped away alone on a pitch-dark night through the wetlands and tidal streams that characterize Maryland's Eastern Shore.

Tubman defied capture and the imposing wilderness to return repeatedly to Dorchester and Caroline Counties in Maryland to conduct family and other enslaved people to freedom in the North. Tubman used her skills to go into the slave states of Virginia, Florida, and South Carolina to lead hundreds of additional slaves to freedom. During the Civil War she served her country as a spy, a scout, a cook, and a nurse. In June 1863 she guided Union troops in South Carolina for an assault along the Combahee River resulting in the emancipation of hundreds of enslaved African Americans.

Following the Civil War, Tubman settled in Auburn, New York, where she was active in the Women's Suffrage movement, working alongside Susan B. Anthony and Emily Howland. An intensely spiritual person, Tubman was active in Auburn's African Methodist Episcopal Zion Church and donated land to the Church for the establishment of a home "for aged and indigent colored people." On March 10, 1913, she died at the home she founded for the aged and was buried in Auburn at Fort Hill Cemetery. Harriet Tubman was a true American patriot for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others.

While few structures remain in the Maryland Eastern Shore area where Tubman grew up, a number of closely related Tubman resources exist on lands adjacent to the proposed park managed by the U.S. Fish and Wildlife Service at The Blackwater National Wildlife Refuge, and the landscape remains nearly the same as it was during her lifetime.

In New York, on the other hand, many of the buildings associated with Tubman's life are intact. Her home where she lived, the Tubman Home for the Aged she founded, the African Methodist Episcopal Zion Episcopal Church where she worshipped, and the Fort Hills Cemetery where she was buried, still stand.

Public Law 106-516 directed the Secretary of the Interior to conduct a special resource study to determine the appropriateness of establishing a unit in the National Park Service to honor Harriet Tubman. The National Park Service public process during the resource study found extensive public support including private property owners. This support led the Park Service to recommend that designation of two geographically separate units would be appropriate. The Maryland site would include large sections of landscape that are consistent of Tubman's time that are historically relevant. The New York park would include the tightly clustered Tubman-associated buildings in Auburn.

S. 247 would designate two new units of the National Park System to honor Harriet Tubman. In Maryland, the Harriet Tubman Underground Railroad National Historical Park would be established and composed of nationally significant historic landscapes associated with Harriet Tubman in Caroline, Dorchester, and Talbot Counties. The park would be established upon the Secretary of the Interior's determination that sufficient land or interest in land has been acquired to constitute a park and would provide for inter-

pretation and preservation of the landscape through cooperative agreements with the U.S. Fish and Wildlife Service, the State of Maryland, colleges, non-profit organizations, and individuals.

The Harriet Tubman National Historical Park in Auburn, New York, would be established upon the Secretary of the Interior's determination that sufficient land or interest in land has been acquired to constitute a park. The historical park will include the Harriet Tubman home, the Tubman Home for the Aged, and the African Methodist Episcopal Zion Church and associated land.

Subsequent to the Committee ordering S. 247 favorably reported at its March 14, 2013, business meeting, the President designated the Maryland site as a National Monument under the authority of the Antiquities Act.

#### LEGISLATIVE HISTORY

S. 247 was introduced by Senators Cardin, Gillibrand, Mikulski, and Schumer on February 2, 2011. At its business meeting on March 14, 2013 the Committee ordered S. 247 favorably reported with an amendment.

During the 112th Congress, the Committee considered similar legislation, S. 247, sponsored by the same Senators. The Subcommittee on National Parks held a hearing on S. 247 on May 11, 2011 (S. Hrg. 112–124). On November 10, 2011, the Committee ordered S. 247 favorably reported with amendments (S. Rpt. 112–105).

During the 111th Congress, the Committee considered similar legislation, S. 227, sponsored by Senators Cardin, Clinton, Gillibrand, Mikulski, and Schumer. The Subcommittee on National Parks held a hearing on S. 227 on January 15, 2009 (S. Hrg. 111–92).

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 14, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 247 if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 247, the Committee adopted an amendment to offset the authorization of the estimated costs of the bill.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Harriet Tubman National Historical Parks Act.”

*Section 2(a)* defines key terms used in this section.

Subsection (b) establishes the Harriet Tubman Underground Railroad Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

Paragraph (3) authorizes the Secretary of the Interior to acquire land and interests in land within the authorized acquisition areas as identified on the map by purchase from willing sellers, donation,

or exchange. The boundary of the park is to be adjusted once acquisitions are made.

Subsection (c)(1–3) directs the Director of the National Park Service and the Director of the United States Fish and Wildlife Service to enter into an agreement to allow the Park Service to provide for public interpretation of historic resources within the boundary of the Blackwater National Wildlife Refuge, including interpretative tours to sites and resources outside of the boundary of the park relating to the life of Harriet Tubman and the Underground Railroad.

Paragraph (4) authorizes the Secretary to enter into cooperative agreements to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the park. The Secretary may enter into a cooperative agreement with the State of Maryland to design, construct, operate, and maintain a joint visitor center on land owned by the State. The Federal cost share shall not exceed 50 percent.

Subsection (d) provides that a general management plan for the park shall be prepared no later than three years after the date on which funds are made available. The Secretary shall coordinate with the Blackwater National Wildlife Refuge, the Harriet Tubman National Historic Park, and the National Underground Railroad Network to Freedom.

Subsection (e) authorizes appropriations of such sums as are necessary.

*Section 3(a)* defines key terms used in this section.

Subsection (b) establishes the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

Paragraph (4) authorizes the Secretary to acquire land and interests in land within the areas identified on the map by purchase from willing sellers, donation, or exchange.

Subsection (c) allows the Secretary to provide interpretative tours to sites and resources outside of the boundary of the park relating to the life of Harriet Tubman.

Paragraph (3) provides that the Secretary may enter into cooperative agreements to mark, interpret and restore nationally significant historic or cultural resources and to conduct research relating to the life of Harriet Tubman. The Federal cost share shall not exceed 50 percent. Further, the Secretary must submit to the Attorney General any cooperative agreements involving religious property or property owned by a religious institution. No agreement will take effect until the Attorney General finds that the proposed agreement does not violate the Establishment Clause of the first amendment of the Constitution.

Subsection (d) provides that a general management plan for the park shall be prepared no later than three years after the date on which funds are made available. The Secretary shall coordinate with the Harriet Tubman Underground Railroad National Historic Park and the National Underground Railroad Network to Freedom.

Subsection (e) authorizes the necessary appropriations.

## COST AND BUDGETARY CONSIDERATIONS

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

*S. 247—Harriet Tubman National Historical Parks Act*

Summary: S. 247 would establish the Harriet Tubman National Historical Park in New York and the Harriet Tubman Underground Railroad National Historical Park in Maryland once the National Park Service (NPS) obtains sufficient property at each of the proposed sites to constitute manageable park units.

Assuming that the conditions for establishment can be met and that the necessary amounts are appropriated, CBO estimates that implementing S. 247 would cost about \$12 million over the 2014–2018 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 247 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 247 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	9	1	1	1	1	12
Estimated Outlays .....	7	2	1	1	1	12

Note: Components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that S. 247 will be enacted in fiscal year 2013, that the necessary funds will be provided for each year, and that spending will follow historical spending patterns for similar units of the National Park System.

S. 247 would establish the Harriet Tubman Underground Railroad National Historical Park in Maryland and the Harriet Tubman National Historical Park in New York. On March 25, 2013, the President established the Harriet Tubman Underground Railroad National Monument in the state of Maryland. In addition to wildlife refuge lands and private properties, the monument includes much of the area of the proposed park. Based on information provided by the NPS, CBO estimates that the operating costs of the proposed Maryland park would not be significantly different from the operating costs of the current national monument. Additionally, the NPS has the authority under current law to acquire private lands for the monument. Therefore, CBO estimates that the proposed Maryland park also would not affect acquisition costs for the NPS.

S. 247 would authorize the appropriation of \$7.5 million for cooperative agreements between the Secretary of the Interior and landowners within the proposed Harriet Tubman National Historical Park in New York to restore and interpret historical resources in the park. CBO estimates that annual operating costs for the park would be about \$650,000. Additionally, completion of a general

management plan for each unit, as required by the legislation, would cost about \$700,000 for each park over the next three years.

S. 247 also would reduce the authorization level (by \$30 million) for the federal share of a navigation improvement project to the Chesapeake and Delaware Canal in Delaware and Maryland that was authorized in 1996 for \$54 million. According to the Army Corps of Engineers, the project was suspended in 2001, and thus, there is no current spending for that project.

Pay-as-You-Go considerations: None.

Estimated impact on state, local, and tribal governments: S. 247 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Martin von Gnechten; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate 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 S. 247.

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. 247, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 247, 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

Executive Communications were not requested by the Committee in the 113th Congress. The following Administration testimony references similar legislation introduced in the 112th Congress.

The testimony provided by the Department of the Interior at the May 11, 2011, Subcommittee on National Parks hearing on S. 247 follows:

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

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 247, a bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Un-

derground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties in Maryland.

The Department supports enactment of S. 247, with two technical amendments attached to this testimony. The Department testified in the House of Representatives on March 24, 2009, and in the Senate on July 15, 2009, in support of similar bills introduced during the 111th Congress.

Harriet Tubman is truly an iconic American. Born circa 1822 as an enslaved person in Dorchester County, Maryland, she courageously escaped her bondage in 1849, returned on many occasions to Dorchester and Caroline Counties to free others including members of her family and remains known, popularly and appropriately, as “The Moses of her People.” She was a leading “conductor” along the Underground Railroad guiding the enslaved to freedom at great risk to her own life. Her accomplishments were admired and extolled by her contemporaries including the abolitionist leader and former slave Frederick Douglass. In 1868 Douglass wrote to Tubman:

Most that I have done and suffered in the service of our cause has been in public, and I have received much encouragement at every step of the way. You, on the other hand, have labored in a private way. I have wrought in the day—you in the night . . . The midnight sky and the silent stars have been the witnesses of your devotion to freedom and of your heroism.

Harriet Tubman served honorably during this nation’s Civil War as a cook, nurse, scout, and spy for Union forces in Virginia, South Carolina, and Florida, always at personal risk and always advancing the quest for freedom by providing assistance to other enslaved people. In June 1863, she guided Union troops in South Carolina for an assault along the Combahee River resulting in the emancipation of hundreds of the enslaved.

At the invitation of then U.S. Senator and later Secretary of State William H. Seward, Harriet Tubman purchased land from him in Auburn, New York, where she lived and cared for members of her family and other former slaves seeking safe haven in the North. In later life, she became active in progressive causes including efforts for women’s suffrage. Working closely with activists such as Susan B. Anthony and Emily Howland, she traveled from Auburn to cities in the East advocating voting rights for women. Harriet Tubman gave the keynote speech at the first meeting of the National Federation of Afro-American Women upon its founding in 1896.

Harriet Tubman was an intensely spiritual person and active in the African Methodist Episcopal (A.M.E.) Zion Church. In 1903 she donated land to the Church in Auburn for the establishment of a home “for aged and indigent colored people.” She died on March 10, 1913, at this home for the aged and was buried with full military hon-

ors at Fort Hill Cemetery in Auburn. Booker T. Washington, also born into slavery, journeyed from Alabama a year later to speak at the installation of a commemorative plaque for her at Auburn City Hall.

Harriet Tubman is an American figure of lore and legend. Today, she is an enduring inspiration to those who cherish individual freedom and strive for human rights throughout the world.

On January 12, 2009, the Department transmitted the Harriet Tubman Special Resource Study to Congress. The study, authorized by Public Law 106-516, the Harriet Tubman Special Resource Study Act, concluded that the resources associated with Harriet Tubman in Auburn, New York, and Caroline, Dorchester, and Talbot Counties, Maryland met the national significance, suitability, feasibility, and need for National Park Service management criteria for potential units of the National Park System. After an intensive and lengthy public involvement process, the study found that there is extensive public support, including support by affected private property owners within the boundaries proposed by S. 247 in New York and Maryland, for the establishment of the two units. Locally elected officials in both states have also expressed their support.

S. 247 would authorize the Secretary of the Interior to establish a unit of the National Park System, the Harriet Tubman National Historical Park in Auburn, New York, upon determination that sufficient land or interests in land has been acquired to constitute a manageable park unit. The park would consist of the Harriet Tubman Home, the Home for the Aged, the Thompson Memorial A.M.E. Zion Church, which is no longer used for religious services, and its parsonage. The Secretary would be authorized to enter into cooperative agreements and provide technical and matching financial assistance to the A.M.E. Zion Church and others for historic preservation, rehabilitation, research, maintenance, and interpretation of the park and related Harriet Tubman resources in Auburn, New York. The Secretary would be further authorized to provide uniformed National Park Service staff to operate the park in partnership with the Church and to conduct interpretation and tours.

In Maryland, S. 247 would authorize the Secretary of the Interior to establish a unit of the National Park System, the Harriet Tubman Underground Railroad National Historical Park, in nationally significant historic landscapes associated with Harriet Tubman in Caroline, Dorchester, and Talbot Counties, upon determination that sufficient land or interests in land have been acquired to constitute a manageable park unit. This agricultural, forest, and riverine mosaic largely retains historic integrity from the time that Tubman was born enslaved, worked in the fields and forests, emancipated herself, and helped others there to escape to freedom.



The Secretary of the Interior would be authorized to provide matching grants to the state of Maryland for the construction of a visitor services facility to be jointly operated by the state and uniformed staff of the National Park Service. The Secretary would be further authorized to enter into cooperative agreements with various organizations and property owners, and provide grants for the restoration, rehabilitation, public use, and interpretation of sites and resources related to Harriet Tubman. Because a number of closely related Harriet Tubman resources exist on lands adjacent to the proposed park at Blackwater National Wildlife Refuge, which is managed by the U.S. Fish and Wildlife Service, or on lands scheduled for future refuge acquisition, the bill provides for an interagency agreement between the U.S. Fish and Wildlife Service and the National Park Service to promote compatible stewardship and interpretation of these resources.

The estimated cost for the annual operations and maintenance for each unit would be approximately \$500,000 to \$650,000. The estimated cost for any acquisitions and the federal share of capital improvements is approximately \$7.5 million for the Harriet Tubman National Historical Park in Auburn, New York. The cost of land acquisition and the federal share for the visitor center at the Harriet Tubman Underground Railroad National Historical Park in Maryland is estimated to be up to \$11 million. The estimated cost for the completion of the general management plan for each unit would be approximately \$600,000 to \$700,000. All funds are subject to NPS priorities and the availability of appropriations.

Mr. Chairman, it is not every day that the Department comes before the committee to testify on a bill to establish two units of the National Park System to honor an enslaved woman who rose from the most difficult and humble beginnings imaginable to indelibly influence the causes of human justice and equality in our society, and to have such a significant impact on our national story. We do so with full understanding of the life and contributions of Harriet Tubman and suggest that nearly 100 years after her death the time for this abundantly deserved honor has finally arrived.

That concludes my testimony Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

Proposed amendment to S. 247:

On page 7, line 6, strike "Public Law 91-383 (commonly known as the "National Park Service General Authorities Act")" and insert "the National Park Service General Authorities Act."

On page 12, line 21, strike "Public Law 91-383 (commonly known as the "National Park Service General Authorities Act")" and insert "the National Park Service General Authorities Act."

## 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 S. 247, as ordered 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):

## WATER RESOURCES DEVELOPMENT ACT OF 1996

(Public Law 104–303)

AN ACT To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

\* \* \* \* \*

### TITLE I—WATER RESOURCES PROJECTS

#### SEC. 101. PROJECT AUTHORIZATIONS.

\* \* \* \* \*

(b) PROJECTS SUBJECT TO REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report (or in the case of the project described in paragraph (10), a Detailed Project Report) of the Corps of Engineers, if the report is completed not later than December 31, 1996:

\* \* \* \* \*

(12) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor Connecting Channels, Delaware and Maryland, at a total cost of \$82,800,000, with an estimated Federal cost of **【\$52,852,000】** *\$29,852,000* and an estimated non-Federal cost of \$28,948,000.