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SENATE

{ REPORT
107-269

NATIONAL RECONSTRUCTION STUDY AREA ACT OF 2002

SEPTEMBER 11, 2002.—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 S. 2388]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2388) to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Beaufort, South Carolina Study Act of 2002.”

SEC. 2. DEFINITIONS.

In this Act:

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

(2) STUDY AREA.—The term “study area” means the area comprised of historical sites in Beaufort County, South Carolina, relating to the Reconstruction Era, and includes the following sites:

- (A) the Penn School;
- (B) the Old Fort Plantation on the Beaufort River;
- (C) the Freedmen’s Bureau in Beaufort College;
- (D) the First Freedmen’s Village of Mitchellville on Hilton Head Island;
- (E) various historic buildings and archaeological sites associated with Robert Smalls;
- (F) the Beaufort Arsenal; and
- (G) other significant sites relating to the Reconstruction Era.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study to determine whether the study area or individual sites within it are suitable and feasible for inclusion in the National Park System.

(b) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 4. THEME STUDY.

(a) IN GENERAL.—The Secretary shall conduct a National Historic Landmark theme study to identify sites and resources throughout the United States that are significant to the Reconstruction Era.

(b) CONTENTS.—The theme study shall include recommendations for commemorating and interpreting sites and resources identified by the theme study, including sites for which new national historic landmarks should be nominated, and sites for which further study for potential inclusion in the National Park System is needed.

(c) REPORT.—Not later than 3 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the study.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The purpose of S. 2388 is to direct the Secretary of the Interior to study certain sites in and around Beaufort, South Carolina, relating to the Reconstruction Era for potential designation as a unit of the National Park System.

BACKGROUND AND NEED

The National Park System does not now have a park unit that focuses chiefly on the preservation and interpretation of the Reconstruction Era following the Civil War.

The vicinity of Beaufort, South Carolina, includes several sites which could contribute to the understanding of the Reconstruction Era. Beaufort was once known as “the wealthiest, most aristocratic and cultivated town of its size in America”; and it still includes many well-preserved buildings in its historic district.

On St. Helena Island in the vicinity of Beaufort is the Penn Center. The first freedmen school was established in a back room at the Oaks Plantation House on the island in June 1862. Initially, the Penn Center was an agricultural school. Later, industrial courses were added and the trades of carpentry, black smithing, wheel wrighting, harness making, cobbling and mechanics were taught.

The Center was the first attempt to provide former slaves with the knowledge and resources to transition to freedmen. It is the only school for freed slaves founded during the Civil War that is still operational. The Penn Center was designated as a National Historic Landmark in 1974.

Also, the Freedmen’s bureau, located in the restored Beaufort College, served as the federal government’s policy headquarters for matters related to emancipated slaves during Reconstruction. The Old Fort Plantation on the Beaufort River is said to be the site where African-Americans first heard Abraham Lincoln’s Emancipation Proclamation on January 1, 1863.

Cape Sexton in the area was the site of the first African-American regiment mustered in the United States Army, and the Freedmen’s Village of Mitchellville is nearby on Hilton Heal Island. Finally, the home of Civil War hero Robert Smalls is also in the area. Famous for escaping slavery by piloting a Confederate ship past rebel forces at Charleston Harbor and delivering it into Union

hands in Beaufort, Smalls later served in the United States House of Representatives.

Under S. 2388, the National Park Service would conduct a special resources study to determine if these and other resources would be appropriate for addition to the National Park System.

LEGISLATIVE HISTORY

S. 2388 was introduced by Senator Hollings on April 29, 2002. The Subcommittee on National Parks held a hearing on S. 2388 on June 20, 2002. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered S. 2388, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass S. 2388, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2388, the committee adopted an amendment in the nature of a substitute which incorporated technical, clarifying and conforming changes.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the short title of the bill as the “Beaufort, South Carolina Study Act of 2002.”

Section 2 defines key terms used in the bill.

Section 3 directs the Secretary of the Interior to conduct a special resource study, sets forth requirements for conducting the study and consultation, and provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 years from the date on which funds are made available.

Section 4 directs the Secretary of the Interior to conduct a National Historic Landmark theme study identifying sites and resources that are significant to the Reconstruction Era. The section also sets forth requirements for conducting the study and provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 fiscal years from the date on which funds are made available.

Section 5 authorizes the appropriation of such sums as are necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 12, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2388, the Beaufort, South Carolina Study Act of 2002.

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

Sincerely,

ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

S. 2388—Beaufort, South Carolina Study Act of 2002

S. 2388 would direct the Secretary of the Interior to conduct a study of Beaufort County, South Carolina, to determine whether historical sites within it are suitable and feasible for inclusion in the National Park System. The bill also would direct the Secretary to conduct a national historic landmark study to identify sites in the United States that are significant to the Reconstruction Era. S. 2388 would authorize the appropriation of whatever amounts are necessary for the two studies and require the Secretary to report findings and recommendations to the Congress within three years of receiving funds.

Assuming the availability of appropriated funds, CBO estimates that it would cost about \$300,000 over the next three years to complete the required studies and report. Enacting the bill would not affect spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2388 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 Deborah Reis. The estimate was approved by Peter H. Fontaine, 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. 2388. 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. 2388, as ordered reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to S. 2388 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 1, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to present the Department of the Interior's views on S. 2388, the National Reconstruction Study Area Act of 2002.

The Department supports S. 2388 with amendments. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 37 studies pending, of which we hope to transmit at least 7 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about potential new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas. To estimate these potential new funding requirements the Administration will identify in each study all of the costs to establish, operate and maintain the new site. At this time, those costs are unknown.

S. 2388 authorizes the Secretary of the Interior to conduct a special resource study of historical sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era. The study would evaluate the sites' national significance and the suitability and feasibility of designating them as a unit of the National Park System. The bill calls for the study to be conducted in accordance with P.L. 91-383 (16 U.S.C. 1a-1 et seq.), which contains the criteria for studying areas for potential inclusion in the National Park System, except that it requires the study to be completed within two years after funds are made available for the study, rather than three years as the law provides for.

The Reconstruction Era is generally considered to be the period between 1863, when the Emancipation Proclamation took effect, and the withdrawal of Federal troops from the South following the Compromise of 1877 that resolved the contested presidential election of 1876. The term "Reconstruction" reflects both the literal rebuilding of the war-ravaged South and the more metaphorical rebuilding of the Union following the divisive and destructive conflict. It was a controversial, difficult, and violent period in American history characterized by the adoption of new constitutional amendments and laws, the establishment of new institutions, and the occurrence of significant political events all surrounding the efforts to reincorporate the South into the Union and to provide newly freed slaves with political rights and opportunities to improve their lives.

The Beaufort, South Carolina area contains a number of sites that are associated with events and individuals significant to the

Reconstruction Era. Among these are the Penn School on St. Helena Island, the location of an important educational experiment in that era; the Freedmen's Bureau, located at Beaufort College, where the Federal Government conducted official business regarding emancipated slaves; the Freedman's Village of Mitchellville on Hilton Head Island; and sites associated with Robert Smalls, an African-American who served in the U.S. House of Representatives during the Reconstruction Era.

The Department recommends several amendments to S. 2388. Most significantly, we believe that it would be appropriate to add an authorization of a National Historic Landmark theme study on the Reconstruction Era that would be conducted in tandem with this proposed special resource study. A theme study would enable the National Park Service to establish a context for determining the significance of different sites related to Reconstruction in relationship to one another. Although historians generally view the Beaufort sites that would be studied under S. 2388 as historically significant, the National Park Service has not determined how significant these sites are in comparison to other sites associated with Reconstruction. A theme study would help provide that information.

In addition, we recommend the following changes to S. 2288:

First, we recommend that the short title in Section 1 be changed to reflect that the study would center on sites in Beaufort County, South Carolina.

Second, we recommend that the seventh finding in Section 2 be deleted. That finding says that "the National Park System does not have a park or historic site that focuses primarily on the preservation and interpretation of the Reconstruction Era." This is a factual matter that has yet to be verified. The existence, or lack, of Reconstruction Era resources in the National Park System would be investigated in the study as part of determining whether the Beaufort sites would be a suitable addition to the National Park System.

Third, we recommend that the language defining the study area in Section 3 should be revised to be consistent with the specific sites cited. As drafted, the bill says the study area means sites in the historic district of Beaufort, but then it names several sites that are outside of the city of Beaufort. This matter could be addressed by referencing the County of Beaufort, which encompasses all the sites named in the bill.

Fourth, we recommend that the time frame for the study provided in Section 4 be lengthened from two years to three years, and that the study be required to determine the "national significance" of the area as well as its suitability and feasibility for inclusion in the National Park System. These changes would be consistent with P.L. 91-383, as amended by the National Park Service Omnibus Management Act of 1998 (P.L. 105-391).

We would be happy to work with the subcommittee to develop amendments for the purposes described above.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,
Assistant Secretary for Fish and Wildlife and Parks.

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 bill S. 2388, as ordered reported.

