

COLONEL CHARLES YOUNG HOME STUDY ACT

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JULY 13, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4514]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4514) to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Colonel Charles Young Home Study Act”.

SEC. 2. SPECIAL RESOURCE STUDY.

(a) **STUDY.**—The Secretary of the Interior (referred to in this Act as the “Secretary”), in consultation with the Secretary of the Army, shall conduct a special resource study of the Colonel Charles Young Home, a National Historic Landmark in Xenia, Ohio (referred to in this Act as the “Home”).

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

- (1) evaluate any architectural and archeological resources of the Home;
- (2) determine the suitability and feasibility of designating the Home as a unit of the National Park System;
- (3) consider other alternatives for preservation, protection, and interpretation of the Home by Federal, State, or local governmental entities or private and nonprofit organizations, including the use of shared management agreements with the Dayton Aviation Heritage National Historical Park or specific units of that Park, such as the Paul Laurence Dunbar Home;
- (4) consult with the Ohio Historical Society, Central State University, Wilberforce University, and other interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

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

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

- (1) the results of the study under subsection (a); and
- (2) any conclusions and recommendations of the Secretary.

PURPOSE OF THE BILL

The purpose of H.R. 4514 is to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

Colonel Charles Young was a distinguished African-American officer in the U.S. Army during the late 1800's and early 1900's, and the first African-American to hold the rank of Colonel in the Army. His life illustrates changing race relations between the end of the Civil War and the early days of the Civil Rights movement.

Born to ex-slaves in Kentucky in 1864, Colonel Young was the third African-American to graduate from West Point Military Academy. Although he was an exceptional military officer he was only allowed to serve in the segregated African-American regiments known as the "Buffalo Soldiers." He served five years with the 9th and 10th Cavalry Regiments of the Buffalo Soldiers and rose quickly through the ranks.

In 1894, Young left the army to settle in Xenia, Ohio, and became a professor of Military Science and Linguistics at the all-black Wilberforce University. There, he taught alongside other prominent African-Americans of the time, such as W.E.B. Dubois and poet Paul Dunbar.

At the outbreak of the Spanish-American War, Young returned to military service as a Lieutenant Colonel and led his 10th Cavalry Regiment in the celebrated charge up San Juan Hill in Cuba. In 1903, Young was dispatched to California to command the 10th Cavalry in a novel assignment—the protection of the newly established Sequoia National Park and General Grant National Park. In the days before the founding of the National Park Service in 1916, the Army was entrusted with the guardianship of our fledgling national parks. As a result, Young, in his capacity as commander, is credited with being the first African-American National Park Superintendent.

When the U.S. entered World War I in 1917, Young was declared physically unfit for duty due to high blood pressure. However, he embarked on a 500-mile horse ride from his home in Ohio to Washington, D.C. to prove his fitness, and was promptly returned to active duty and promoted to the rank of Colonel.

H.R. 4514 directs the Secretary of the Interior (Secretary), in consultation with the Secretary of the Army, to conduct a special resource study of the Colonel Charles Young Home (Home)—now a National Historical Landmark—in Xenia, Ohio. The Secretary is

given three years after funds are made available for the study to report back to Congress with conclusions and recommendations.

The bill directs the Secretary to: evaluate any significant resources; determine the suitability and feasibility of designating the Home as a unit of the National Park System; consider other alternatives for the preservation and interpretation of the Home, including the use of shared management agreements with nearby park units; consult with the other interested government and private entities; and identify costs estimated for any acquisitions, development, interpretation, operation and maintenance.

COMMITTEE ACTION

H.R. 4514 was introduced by Representative William Lacy Clay (D–MO) on January 26, 2010. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. At a Subcommittee hearing on April 27, 2010, a representative from the Department of the Interior testified in support of this legislation.

On June 16, 2010, the Subcommittee on National Parks, Forests and Public Lands was discharged from the further consideration of H.R. 4514 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to strike the findings section of the bill. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4514—Colonel Charles Young Home Study Act

H.R. 4514 would require the National Park Service (NPS) to conduct a special resource study of the Colonel Charles Young Home in Xenia, Ohio. Colonel Young was an African-American who served in the U.S. Army between 1884 and 1922. In the study, the NPS would evaluate the resources of the site and determine the suitability and feasibility of designating it as a unit of the National Park System. The NPS would have three years to complete the study and report to the Congress on its results.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that carrying out the study required by H.R. 4514 would cost about \$250,000 over the next three years. Enacting H.R. 4514 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 4514 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 Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4514 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.