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SENATE

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NEW PHILADELPHIA, ILLINOIS, STUDY ACT

AUGUST 5, 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 S. 1629]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1629) to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 6 and all that follows through page 2, line 15.
2. On page 2, line 16, strike “3” and insert “2”
3. On page 2, line 23, strike “4” and insert “3”.

PURPOSE

The purpose of S. 1629 is to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, for possible inclusion as a unit of the National Park System.

BACKGROUND AND NEED

New Philadelphia, located near Barry, Illinois, was founded in 1836 by Frank McWhorter and is the first known town established by an African American before the Civil War. Mr. McWhorter, an enslaved man, bought his freedom in 1819 and eventually the freedom of 15 family members by mining in Kentucky caves and processing the mined material into saltpeter. Once a thriving area,

New Philadelphia fell into decline when the first railroad constructed in the area bypassed the town.

The New Philadelphia Town Site was listed on the National Register of Historic Places in August 2005 and designated a National Historic Landmark in January 2009.

Today, the area is covered by farmland. No original buildings of the town or the McWhorter farm or home are visible above ground. However, the high archeological integrity of the town site presents the opportunity to address nationally significant research questions regarding social relationships as seen through the landscape of the New Philadelphia Town site.

LEGISLATIVE HISTORY

S. 1629 was introduced by Senator Burris on August 6, 2009. Senator Durbin is a cosponsor. The Subcommittee on National Parks held a hearing on the bill on March 17, 2010. The Committee on Energy and Natural Resources considered the bill, and adopted amendments to it at its business meeting on June 16, 2010. The Committee ordered S. 1629 favorably reported, as amended, at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass S. 1629, if amended as designated herein.

COMMITTEE AMENDMENTS

During the consideration of S. 1629, the Committee adopted amendments that struck the Congressional findings section and renumbered the subsequent sections.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title as the “New Philadelphia, Illinois, Study Act”.

Section 2 defines key terms used in the bill.

Section 3(a) authorizes the Secretary of the Interior (Secretary) to conduct a special resource study.

Subsection (b) directs the study to determine the suitability and feasibility of adding the New Philadelphia town site and the land surrounding it in Illinois, as a unit of the National Park System, including consideration of alternatives for the preservation, protection, and interpretation of New Philadelphia, Illinois, by Federal, State, or local government entities or any other interested individuals, and to identify the costs estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the range of management alternatives.

Subsection (c) directs that the study be conducted in accordance with section 8 of Public Law 91–383, relating to National Park Service study requirements.

Subsection (d) requires the Secretary to prepare and submit for review the results, conclusions, and recommendations of the study.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1629—New Philadelphia, Illinois, Study Act

S. 1629 would require the National Park Service (NPS) to conduct a special resource study of the New Philadelphia archaeological site and surrounding lands in Illinois. Founded in 1836 and designated a National Historic Landmark in 2009, New Philadelphia was the first town founded, planned, and legally recorded by a free African American, Frank McWorter. In the study, the NPS would evaluate the national significance of the area and determine the suitability and feasibility of designating it as a unit of the National Park System. The agency 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 S. 1629 would cost about \$250,000 over the next three years. Enacting S. 1629 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

S. 1629 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 contacts for this estimate are Alan Eder and Deborah Reis. The estimate was approved by Peter H. Fontaine, 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. 1629.

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. 1629, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1629, 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 National Park Service at the March 17, 2010 Subcommittee hearing on S. 1629 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you to provide the Department of the Interior's views on S. 1629, a bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois.

The Department supports enactment of S. 1629. However, we believe that priority should be given to the 47 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 the Congress.

S. 1629 authorizes a special resource study to evaluate the national significance of New Philadelphia, Illinois, and to determine the suitability and feasibility of designating the site as a unit of the National Park System. The bill directs the Secretary in the course of the resource study to consider alternatives for the preservation, protection and interpretation of New Philadelphia, Illinois, by Federal, State or local government entities or any other interested individuals, and to identify the costs estimates for any Federal acquisition, development, interpretation, operation and maintenance associated with the range of management alternatives. We estimate the cost of the resource study to range from \$200,000 to \$300,000, based on similar types of studies conducted in recent years.

New Philadelphia, located near Barry, Illinois, was founded in 1836 by Frank McWhorter, an enslaved man from Kentucky, who bought his own freedom and the freedom of 15 family members. New Philadelphia is the first known town platted and officially registered by an African American before the Civil War. The rural community situated near the Mississippi and Illinois Rivers flourished at first, but later fell in decline when the railroad bypassed the community in 1869; it was eventually dissolved in 1885. The site of New Philadelphia, an archeological site with no visible above-ground evidence, was designated a National Historic Landmark on January 16, 2009.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions that you or other committee members may have regarding this bill.

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. 1629, as ordered reported.