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NATIONAL PHILADELPHIA NATIONAL HISTORICAL PARK

OCTOBER 18, 2022.—Ordered to be printed

Filed, under authority of the order of the Senate of October 14, 2022

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

R E P O R T

[To accompany S. 3141]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 3141), to establish the New Philadelphia National Historical Park in the State of Illinois as a unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

The substitute 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 “New Philadelphia National Historical Park Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) PARK.—The term “Park” means the New Philadelphia National Historical Park established by section 3(a).
- (2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (3) STATE.—The term “State” means the State of Illinois.

SEC. 3. ESTABLISHMENT OF NEW PHILADELPHIA NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established in the State as a unit of the National Park System the New Philadelphia National Historical Park.

(b) PURPOSE.—The purpose of the Park is to protect, preserve, and interpret the historic resources associated with the town of New Philadelphia, the first town in the United States planned and legally registered by a free African American before the Civil War.

(c) BOUNDARY.—The Park shall consist of the approximately 124.33 acres of land within the boundary generally depicted as “Proposed Boundary” on the map pre-

pared by the National Park Service entitled “New Philadelphia National Historic Site Proposed Boundary”, numbered 591/176,516, and dated July 2021.

SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer land within the boundary of the Park in accordance with—

- (1) this Act; and
- (2) the laws generally applicable to units of the National Park System, including—
 - (A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and
 - (B) chapter 3201 of title 54, United States Code.

(b) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary may enter into cooperative agreements with the State or other public and private entities—

- (A) to coordinate preservation and interpretation activities within the Park; and
- (B) to identify, interpret, and provide assistance for the preservation and interpretation of non-Federal land within the boundary of the Park and at sites in close proximity to the Park that are located outside the boundary of the Park.

(2) **PUBLIC ACCESS.**—Any cooperative agreement entered into under paragraph (1) to provide assistance to non-Federal land shall provide for reasonable public access to the non-Federal land.

(c) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may acquire land and interests in land for inclusion in the Park by—

- (A) donation;
- (B) purchase with donated or appropriated funds; or
- (C) exchange.

(2) **LIMITATION.**—Any land owned by the State or a political subdivision of the State may be acquired for inclusion in the Park only by donation.

(d) **TECHNICAL AND PRESERVATION ASSISTANCE.**—The Secretary may provide public interpretation and technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, related historic and cultural resources within the boundaries of the Park.

(e) **MANAGEMENT PLAN.**—Not later than 3 fiscal years after the date on which funds are first made available to carry out this Act, the Secretary, in consultation with the State, shall complete a general management plan for the Park in accordance with—

- (1) section 100502 of title 54, United States Code; and
- (2) any other applicable laws.

PURPOSE

The purpose of S. 3141, as ordered reported, is to establish the New Philadelphia National Historical Park in the State of Illinois as a unit of the National Park System.

BACKGROUND AND NEED

Originally established in 1836 by Frank McWorter, New Philadelphia was the first town planned and legally registered by a free African-American before the Civil War. McWorter, once an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter, by hiring his time to other settlers, and by selling building lots in New Philadelphia. The rural community situated near the Mississippi and Illinois Rivers flourished at first, but later fell into decline when the railroad bypassed the community in 1869. It eventually dissolved in 1885. The New Philadelphia Historic District consists of an archeological site within the 40-acre original townsite. The New Philadelphia site was designated by the Secretary of the Interior as a National Historic Landmark on January 16, 2009.

Several partner organizations and individuals have worked to protect and interpret the New Philadelphia site and conduct archeological and historical research. In 2014, Congress authorized the National Park Service to undertake a special resource study of the archeological site and surrounding land of the New Philadelphia Townsite (Public Law 113–291) to determine whether the site met the criteria for inclusion in the National Park System, including national significance, suitability, feasibility, and the need for National Park Service Management.

LEGISLATIVE HISTORY

S. 3141 was introduced by Senator Durbin on November 2, 2021. Senator Duckworth is a cosponsor. The Subcommittee on National Parks held a hearing on S. 3141 on May 11, 2022.

The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on May 11, 2022. Representative LaHood introduced a companion measure in the House of Representatives, H.R. 820. The House Natural Resources Committee ordered the bill to be favorably reported on July 14, 2021 (H. Rept. 117–471). The House of Representatives passed H.R. 820 on a voice vote on September 19, 2022.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 21, 2022, by a voice vote of a quorum present, recommends that the Senate pass S. 3141, if amended as described herein. Senator Lee asked to be recorded as voting no.

COMMITTEE AMENDMENT

During its consideration of S. 3141, the Committee adopted a substitute amendment. The amendment standardized the park management language, removing a provision in the bill that required the Lincoln Home National Historic Site to be responsible for the management and operations of the national historical park. The amendment also made other clarifying edits and is described in more detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title, the “New Philadelphia National Historical Park Act.”

Sec. 2. Definitions

Section 2 defines key terms used in the bill.

Sec. 3. Establishment of New Philadelphia National Historical Park

Section 3(a) establishes the New Philadelphia National Historical Park as a unit of the National Park System.

Subsection (b) states that the purpose of the National Historic Site in preserving the history of the town of New Philadelphia, the first town in the United States planned and legally registered by a free African American before the Civil War.

Subsection (c) establishes the boundaries of the Historical Park as generally depicted on the referenced map.

Sec. 4. Administration

Section 4(a) requires the Secretary of the Interior to administer the Historical Park in accordance with this Act and applicable law.

Subsection (b) authorizes the Secretary to enter into cooperative agreements with the State of Illinois and other public and private entities to coordinate preservation and interpretation, and to identify, interpret, and provide assistance for preservation and interpretation of non-Federal land within the boundary of the historical park and at sites in close proximity to the park. Cooperative agreements to provide assistance to non-federal land are required to provide reasonable public access.

Subsection (c) permits the Secretary to acquire lands by donation or purchase with donated or appropriated funds. The Secretary may acquire State or political subdivision property only by donation.

Subsection (d) authorizes the Secretary to provide preservation and technical assistance within the boundary of the park for historic structures, maintenance of the cultural landscape, local planning, and related historic and cultural resources.

Subsection (e) requires the Secretary, in consultation with the State, to complete a general management plan not later than 3 years after the date on which funds are first made available.

COST AND BUDGETARY CONSIDERATIONS

The Committee has requested, but has not yet received, the Congressional Budget Office's estimate of the cost of S. 3141 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

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. 3141. 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. 3141, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 3141, 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, subcommittee hearing on S. 3141 follows:

STATEMENT OF MICHAEL A. CALDWELL, ACTING ASSOCIATE
DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NA-
TIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTE-
RIOR

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3141, to establish the New Philadelphia National Historical Park in the State of Illinois as a unit of the National Park System, and for other purposes.

The Department recognizes the important contribution to America's story that is represented by the site known as New Philadelphia—the first town planned and legally registered by a free African American before the Civil War. Congress authorized a special resource study of the archeological site and surrounding land of the New Philadelphia Townsite as part of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for FY 2015 (P.L. 113–291), enacted on December 19, 2014. The study, which is in progress will consider whether the site meets the Congressionally established criteria for inclusion in the National Park System, including national significance, suitability, feasibility, and the need for NPS Management.

S. 3141 would establish the New Philadelphia site as a unit of the National Park System to coordinate the preservation, protection, and interpretation efforts there by different entities and to coordinate appropriate management options. The bill would establish a boundary for the park, authorize acquisition of land and structures for the park, provide for preservation assistance to public and non-public entities within the boundaries of the park and at sites in close proximity to the park, and require a management plan to be completed within three years after funds are made available for that purpose.

Originally established in 1836 by Frank McWorter, New Philadelphia was the first town planned and legally registered by a free African American before the Civil War. McWorter, once an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter, by hiring his time to other settlers, and by selling lots in New Philadelphia, the town he founded. 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 New Philadelphia Historic District consists of an archeological site within the 40-acre original townsite. The New Philadelphia site is listed on the National Register of Historic Places, designated as a National Historic Landmark and included in the National Park Service's National Underground Railroad Network to Freedom.

Several partner organizations and individuals have been working together for years to protect and interpret the

New Philadelphia site and conduct archeological and historical research. Most active among them are nonprofit organizations including the New Philadelphia Association, the Archaeological Conservancy, the Philadelphia Land Trust, and the faculty and students from the Universities of Illinois and Maryland. They manage a website and social media, an informational kiosk, and an “augmented reality” cell phone tour of the history of the site.

If the Committee decides to act on this legislation, we would like to work with you on amendments and a legislative map.

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 S. 3141, as ordered reported.

