



To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff; Aniela Butler (Aniela@mail.house.gov), Terry Camp (Terry.Camp@mail.house.gov), and Shelley McGinnis (Shelley.McGinnis@mail.house.gov).
Date: July 11, 2022
Subject: Hybrid Legislative Hearing on Ten Bills

The Subcommittee on National Parks, Forests, and Public Lands will hold a hybrid legislative hearing on H.R. 1256 (Norton), the *Francis G. Newlands Memorial Removal Act*; H.R. 6353 (Wild), the *National Service Animals Memorial Act*; H.R. 6438 (Buck), the *Dearfield Study Act*; H.R. 6611 (Keating), *to authorize the Embassy of France in Washington, DC, to establish a commemorative work in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet to restoring peace between European nations and establishing the European Union, and for other purposes*; H.R. 6720 (Raskin), *to authorize the Thomas Paine Memorial Association to establish a commemorative work in the District of Columbia and its environs, and for other purposes*; H.R. 6799 (Wenstrup), the *John P. Parker House Study Act*; H.R. 7618 (Brown), *to designate the Kol Israel Foundation Holocaust Memorial in Bedford Heights, Ohio, as a national memorial*; H.R. 7912 (Cohen), the *Evaluating Lynching Locations (ELL) for National Park Sites Act*; H.R. 8046 (Ruiz), the *César E. Chávez and the Farmworker Movement National Historical Park Act*; and H.R. 8258 (Fulcher), the *FILM Act* on **Thursday, July 14, 2022, at 10:00 a.m. EDT** in 1324 Longworth House Office Building and via Cisco WebEx.

Republican Members are encouraged to take advantage of the opportunity to participate in person from the hearing room.

Member offices are requested to notify Terry Camp (Terry.Camp@mail.house.gov) **no later than Wednesday, July 13, at 4:30 p.m. EDT** if their Member intends to participate in person in the hearing room or remotely via his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (Everett.Winnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Committee Democrats continue to show a concerning lack of urgency to address the historic wildfire season that has already destroyed nearly five million acres of land across



the country, more than double the 10-year average.¹ This hearing is yet another example of Committee Democrat's failure to truly tackle the real challenges facing the nation.

- In lieu of putting benches in parks for French revolutionaries, Committee Republicans are committed to actually confronting our out-of-control wildfire crisis by holding two forums this month focused on the issue.
- The Republican bills on today's hearing would increase the diversity of the National Park System's offerings by studying new units that could shine new light to the rich and diverse fabric of this nation's history.
- Ranking Member Fulcher's *FILM Act* also exemplifies the Republican principle of increased access through cutting red tape to ensure more Americans can capture their adventures on our public lands and share them with the world without needless bureaucracy.

II. WITNESSES

Panel I:

- **Representative Ken Buck**, Colorado, 4th Congressional District
- **Representative Shontel Brown**, Ohio, 11th Congressional District
- **Representative Steve Cohen**, Tennessee, 9th Congressional District
- **Representative Bill Keating**, Massachusetts, 9th Congressional District
- **Representative Raul Ruiz**, California, 36th Congressional District
- **Representative Brad Wenstrup**, Ohio, 2nd Congressional District
- **Representative Susan Wild**, Pennsylvania, 7th Congressional District

Panel II:

- **Ms. Kym Hall**, Director, National Capital Area, National Park Service, U.S. Department of the Interior

Panel III:

- **Dr. Robert Brunswig**, Professor Emeritus & Research Fellow, University of Northern Colorado (H.R. 6438) [*Republican witness*]
- **Ms. Carol Stivers**, President, John P. Parker Historical Society (H.R. 6799) [*Republican witness*]
- **Mr. Randy Newburg**, President, On Your Own Adventures, LLC (H.R. 8258) [*Republican witness*]
- **Mr. Andres Chavez**, Director of Strategic Initiatives, Cesar Chavez Foundation (H.R. 8046)
- **Mr. Rich Watkins**, Board President, Lynching Site Project of Memphis, (H.R. 7912)

III. BACKGROUND

¹ National Interagency Fire Center, "National Fire News," <https://www.nifc.gov/fire-information/nfn>. Data accurate as of July 8, 2022, when the total acreage burned amounted to approximately 4.7 million acres. The 10-year average for this point in the year is 2.2 million acres.

H.R. 1256 (Norton)

H.R. 1256 would require the Secretary of the Interior to remove a controversial plaque from a fountain in Rock Creek Park in Washington, D.C. In 1932, Congress authorized the construction of a privately-funded fountain on land managed by the National Park Service (NPS) in Chevy Chase Circle, on the border of Maryland and Washington, D.C.² Edith McCallister Newlands, the widow of former Nevada Democratic Senator Francis G. Newlands, funded the construction of the fountain and it was later dedicated as a memorial in her late husband's honor.³ The fountain contains a plaque memorializing Senator Newlands, an inscription with Senator Newlands' name on the south pool edge, and an inscription on the pool wall reading the "Newlands Memorial Fountain."⁴



Plaque proposed for removal from Senator Newlands' Memorial Fountain.

Source: The Washington Post

Prior to serving in Congress, Senator Newlands founded the Chevy Chase Land Company that developed Chevy Chase, Maryland and chartered the Rock Creek Railway to bring a streetcar line to the new suburb.⁵ In 1893, Newlands was elected to represent the State of Nevada in the U.S. House of Representatives. He served in the House for 10 years, during which time he worked to pass the "Newlands Resolution," establishing a new U.S. territory out of the Republic of Hawaii in 1898.⁶ Newlands was also instrumental in passing the Reclamation Act of 1902 (Pub. L. 57-161), which established the Bureau of Reclamation.⁷ Newlands later served in the U.S. Senate from 1903 to 1917. Despite these and other significant legislative accomplishments, Senator Newlands is a highly divisive historical figure. In 1912, he captured national headlines during the Democratic National Convention for expressing his support for repealing the Fifteenth Amendment to prohibit African American suffrage rights and restricting immigration to whites only.⁸ A 1912 *New York Times* article quoted Senator Newlands as saying, "I believe this should be a white man's country, and that we should frankly express our determination that it shall be."⁹

In 2014, the Chevy Chase Advisory Neighborhood Commission debated a resolution expressing support for removing Senator Newlands' name from the Chevy Chase Circle fountain, but ultimately voted to table the resolution. In 2015, shortly after the resolution was tabled,

² National Park Service, "Senator Francis G. Newlands," Feb. 14, 2022, <https://www.nps.gov/people/senator-francis-g-newlands.htm>.

³ *Id.*

⁴ National Park Service, "Senator Newlands Memorial," Mar. 16, 2022, <https://www.nps.gov/places/000/senator-newlands-memorial.htm>.

⁵ National Park Service, "Senator Francis G. Newlands," Feb. 14, 2022, <https://www.nps.gov/people/senator-francis-g-newlands.htm>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* Nevada Historical Society Quarterly, "Francis G. Newlands: A Westerner's Search for a Progressive and White America," William D. Rowley, Summer 1974, <http://epubs.nsla.nv.gov/statepubs/epubs/210777-1974-2Summer.pdf>.

⁹ New York Times, "Senator Newlands of Nevada Arrives in Baltimore with One He Will Urge," June 17, 1912, https://timesmachine.nytimes.com/timesmachine/1912/06/17/100539175.pdf?pdf_redirect=true&ip=0.

descendants of Senator Newlands wrote the Commission in opposition, stating: “Our family’s complicated history is not unique, and as Americans we should all engage in honest dialogue about how to embody our country’s best ideals and make sure that we do not repeat the terrible mistakes of our past. Renaming the Newlands Fountain would not help achieve these goals—it would merely erase an important reminder of our complicated history.”¹⁰ In 2020, the Chevy Chase Advisory Neighborhood Commission revisited the controversy surrounding Senator Newlands and ultimately passed a resolution recommending the plaques and inscriptions honoring Senator Newlands be removed from the fountain.¹¹ Earlier this year, the Montgomery County Council also passed a resolution supporting the removal of any plaques or inscriptions in memory of Senator Newlands.¹² Earlier this Congress, Senator Chris Van Hollen (D-MD) introduced a companion bill, S. 3515.

H.R. 6353 (Wild)

H.R. 6353 would authorize the National Service Animals Monument Corporation to create a commemorative work on federal land in Washington, D.C., to honor the heroic acts and sacrifices of service animals and their handlers. The commemorative work would highlight the contributions of many animals that helped humans throughout history by serving as guides for those with disabilities and providing support to law enforcement, search and rescue, and military personnel.¹³ Some notable examples of heroic service animals include Cairo, who was part of the Navy SEAL team that killed Osama bin Laden, and Conan, a dog honored by President Trump for his role in the raid that lead to the death of ISIS leader Abu Bakr al-Baghdadi.¹⁴ Other animals to be honored by



SEAL Team Operator and military dog handler, Will Chesney, and service dog, Cairo. Cairo participated in the 2011 raid that killed Osama bin Laden.

Source: New York Post

¹⁰ Letter from 7 descendants of Senator Newlands, January 23, 2015, <https://www.anc3g.org/wp-content/uploads/2015/02/Newlands-family-ltr.pdf>.

¹¹ Government of the District of Columbia Advisory Neighborhood Commission 3/4G, “ANC 3G Resolution, Calling for the Francis Newlands Plaque Removal at the Fountain at Chevy Chase Circle,” July 27, 2020, <https://anc3g.org/wp-content/uploads/2020/08/scan0003.pdf>.

¹² Montgomery County, Maryland Resolution 19-1226, “Resolution in Support of the Francis G. Newlands Memorial Removal Act,” Adopted Apr. 26, 2022, <https://apps.montgomerycountymd.gov/CCLLIMS/ResolutionDetailsPage?RecordId=10442>

¹³ National Service Animals Monument, “Monument Animals,” Accessed June 30, 2022, <https://nationalserviceanimalsmonument.org/monument-animals/>.

¹⁴ New York Post, “Inside story of Cairo, the dog that helped catch Osama bin Laden,” Maureen Callahan, Apr. 16, 2020, <https://nypost.com/2020/04/16/inside-story-of-cairo-the-dog-that-helped-catch-osama-bin-laden/>.

CBS News, “Conan, hero dog injured in al-Baghdadi raid, honored at White House,” Kathryn Watson, Nov. 25, 2019, <https://www.cbsnews.com/news/conan-hero-dog-injured-in-al-baghdadi-raid-honored-at-white-house/>.

this this commemorative work could include service horses, donkeys, mules, cats, homing pigeons, sea lions, and dolphins.¹⁵

H.R. 6353 would require the National Service Animals Monument Corporation to follow the standards established by the Commemorative Works Act (CWA, 40 U.S.C. ch. 89) to ensure the work is appropriately designed, sited, and constructed. The bill would also prohibit the use of federal funds to create or maintain the commemorative work. Earlier this year, two Senate companion bills, S. 3438 and S. 3447, were introduced by Senator Richard Blumenthal (D-CT).

H.R. 6438 (Buck)

In 1910, Oliver Toussaint Jackson established Dearfield, the largest black homesteading settlement in Colorado.¹⁶ The Dearfield agricultural settlement, located roughly 70 miles northeast of Denver, reflected Jackson's beliefs, inspired by Booker T. Washington, that land ownership and agriculture were necessary for the future prosperity of African Americans.¹⁷ Jackson established the Negro Townsite and Land Company to develop the colony, which he modeled after the nearby Union Colony (now known as Greeley, Colorado). After receiving support from Colorado Governor John F. Shafroth, Jackson obtained 320 acres for his colony.¹⁸ By 1911, the Dearfield townsite was home to seven black families.¹⁹ These first few settlers experienced many hardships within the first year of the colony's establishment, including being unable to afford to ship their belongings from Denver or erect a building in which to live.²⁰ However, aided by higher prices for agricultural products spurred by the onset of World War I, the town flourished and developed into a community consisting of 27 families.²¹ Unfortunately, the toll of the Great Depression and the Dust Bowl left just 12 residents in the town by 1940, with the final resident leaving Dearfield in 1973.²²

In 1955, NPS listed Dearfield on the National Register of Historic Places.²³ There are three remaining buildings at the site, all in varying states of disrepair. These buildings include a gas station, a diner, and the former home of Oliver Toussaint Jackson.²⁴ The site is currently jointly managed by the Black American West Museum and the University of Northern Colorado.²⁵ In 2010, Anadarko Petroleum Corporation and Greeley Monument Works donated a historical marker to commemorate the 100th anniversary of the founding of the town.²⁶ Aside from this marker, no other evidence of the town's importance to African American history exists onsite. In 2021, the University of Northern Colorado received nearly \$500,000 through NPS's African

¹⁵ National Service Animals Monument, "Monument Animals," Accessed June 30, 2022, <https://nationalserviceanimalsmonument.org/monument-animals/>.

¹⁶ National Park Service, "Dearfield Colorado," Nov. 2, 2021, <https://www.nps.gov/places/dearfield-colorado.htm>

¹⁷ Colorado Encyclopedia, "Oliver Toussaint Jackson," Accessed June 29, 2022, <https://coloradoencyclopedia.org/article/oliver-toussaint-jackson>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Colorado State University Public Lands History Center, "Dearfield: Colorado's (Almost) Forgotten Black Ghost Town," Kristy Ornelas, Mar. 9, 2022, <https://publiclands.colostate.edu/2022/03/dearfield-colorados-almost-forgotten-black-ghost-town/>.

²² Colorado Preservation, "Dearfield Colony," Accessed June 30, 2022, <http://coloradopreservation.org/programs/endangered-places/endangered-places-archives/dearfield-colony/>.

²³ *Id.*

²⁴ *Id.*

²⁵ Colorado Public Radio News, "Dearfield Was a Booming Black Community A Century Ago. Now There's a Renewed Push To Preserve The Ghost Town That Remains," Bentine Birkeland, July 27, 2021, <https://www.cpr.org/2021/07/27/dearfield-colorado-black-history-preservation/>.

²⁶ National Park Service, "National Park Service awards \$15 million to help preserve African American civil rights history," July 27, 2021, <https://www.nps.gov/orgs/1207/07-27-21-nps-awards-15-million-to-help-preserve-african-american-civil-rights-history.htm>.

American Civil Rights Grant Program to fund preservation efforts at the site.²⁷ These funds will be used for the rehabilitation and stabilization of the gas station and former home of Jackson. In November of 2021, Representative Buck (R-CO-04) and Chairman Neguse (D-CO-02) jointly requested a NPS reconnaissance survey of the Dearfield town site to determine whether it would likely meet the criteria for addition to the National Park System.

H.R. 6438 would direct the Department of the Interior to conduct a special resource study of Dearfield, Colorado. The study would evaluate the national significance of the site and determine the suitability and feasibility of designating the study area as a unit of the National Park System. Precedent exists for the designation of a black homestead colony as a National Historic Site. In 1996, Congress established Nicodemus National Historic Site in Kansas to preserve the oldest black settlement west of the Mississippi River.

H.R. 6611 (Keating)

H.R. 6611 would authorize the Embassy of France to establish a commemorative work on federal land in Washington, D.C., to honor Jean Monnet. Jean Monnet, a noted French diplomat and entrepreneur considered to be a founding father of what is now the European Union, who was born in Cognac, France, in 1888.²⁸ Throughout his lengthy career, Monnet ardently supported European integration.²⁹ In 1914, shortly after the outbreak of World War I, Monnet contacted the French government with a proposal to improve the transportation of war supplies with the United Kingdom.³⁰ In 1916, Monnet was appointed to his first international post in charge of coordination of Allied resources.³¹ Following the war, Monnet helped create the League of Nations and was later appointed Deputy Secretary-General.³² Later, in 1943, Monnet became part of the French Committee of National Liberation, the de-facto French government-in-exile in Algiers.³³ Following World War II, Monnet sought increased European unity to promote peace. Monnet prepared the ‘Schuman Declaration’ on behalf of the French government, which proposed the creation of a European Coal and Steel Community to pool coal and steel production to increase living standards across Europe and make war materially impossible.³⁴

H.R. 6611 would require the Embassy of France to follow the standards established by the CWA, in establishing this new commemorative work. No federal funds would be used in the creation or maintenance of the commemorative work. The Embassy of France plans to use the authorization

²⁷ *Id.*

²⁸ European Parliament Research Service, “Jean Monnet, ‘the inspirer’ One of Europe’s founding fathers,” Philippe Perchoc, Nov. 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI\(2017\)614603_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI(2017)614603_EN.pdf).

²⁹ *Id.*

³⁰ *Id.*

³¹ European Union, “Jean Monnet: the unifying force behind the birth of the European Union,” https://european-union.europa.eu/principles-countries-history/history-eu/eu-pioneers/jean-monnet_en#:~:text=In%201943%2C%20Monnet%20became%20a,united%20Europe%20to%20secure%20peace.

³² European Parliament Research Service, “Jean Monnet, ‘the inspirer’ One of Europe’s founding fathers,” Philippe Perchoc, November 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI\(2017\)614603_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI(2017)614603_EN.pdf).

³³ European Parliament Research Service, “Jean Monnet, ‘the inspirer’ One of Europe’s founding fathers,” Philippe Perchoc, Nov. 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI\(2017\)614603_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614603/EPRS_BRI(2017)614603_EN.pdf).

³⁴ European Union, “Schuman declaration May 1950,” https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en.

to install a bench within Rock Creek Park.³⁵ Monnet enjoyed long walks through Rock Creek Park near his residence and stated that his walks through Rock Creek Park helped him think of and develop plans to achieve peace and unity in Europe.³⁶ Earlier this year, an identical Senate companion to this bill, S. 3579, was introduced by Senator Chris Coons (D-DE).

H.R. 6720 (Raskin)

H.R. 6720 would authorize the Thomas Paine Memorial Association to establish a commemorative work on federal land in Washington, D.C., to honor Thomas Paine, a philosopher and patriot. Paine was a prominent political writer of the Revolutionary Era and is perhaps best known for his pamphlet *Common Sense*, which argued for the necessity of declaring independence from Great Britain. In addition to *Common Sense*, Paine authored various pamphlets and books regarding political and theological ideas throughout his life. Paine, a deist, held a strong belief in God but refused to participate in and openly criticized organized religion.³⁷ *The Age of Reason*, one of Paine's last notable works, was seen as a controversial criticism of organized religion and is often mistaken as an atheist text.³⁸ This text, in conjunction with the publication of a letter criticizing the military and political leadership of George Washington, effectively ended Paine's career as a writer and stripped him of his credibility.³⁹ Paine's life ended in poverty and social ruin as a result of his controversial religious writings and ideas.⁴⁰

H.R. 6720 would require the Thomas Paine Memorial Association to follow the standards established by the CWA in establishing this new commemorative work. The bill would also prohibit the use of federal funds for creating the commemorative work.

H.R. 6799 (Wenstrup)

John P. Parker was born into slavery in 1827 in Norfolk, Virginia, and at age eight was purchased by a doctor in Mobile, Alabama.⁴¹ The doctor's family taught Parker to read and write and allowed him to work in an iron foundry, where he was paid and allowed to keep some of his earnings. At age 18, Parker purchased his freedom and moved to southern Ohio.⁴² The house where he lived in Ripley, Ohio, from approximately 1853 until his death in 1900 served as a stop on the Underground Railroad and allowed many slaves to escape from the Kentucky side of the Ohio River.⁴³ Parker also established a foundry where he created numerous inventions, made

³⁵ Senator Chris Coons, "Sens. Coons, Boozman, French Caucus introduce legislation for a commemorative bench in Rock Creek Park in memory of diplomat Jean Monnet," Feb. 4, 2022, <https://www.coons.senate.gov/news/press-releases/sens-coons-boozman-french-caucus-introduce-legislation-for-a-commemorative-bench-in-rock-creek-park-in-memory-of-diplomat-jean-monnet>

³⁶ *Id.*

³⁷ National Archives, "Thomas Paine's Attitudes Toward Religion Impacts His Legacy, Author Says," Jonathan Marker, Feb. 19, 2020, <https://www.archives.gov/news/articles/thomas-paine-attitudes-biography#:~:text=Paine's%20deism%E2%80%94the%20belief%20in,in%20America%2C%E2%80%9D%20Unger%20said.>

³⁸ History, "Thomas Paine," Oct. 23, 2019, <https://www.history.com/topics/american-revolution/thomas-paine>.

³⁹ *Id.*

⁴⁰ Britannica, "Thomas Paine," Accessed July 1, 2022, <https://www.britannica.com/biography/Thomas-Paine>.

⁴¹ National Park Service, "Aboard the Underground Railroad, John P. Parker House," Accessed June 30, 2022, <https://www.nps.gov/nr/travel/underground/oh2.htm>.

⁴² John P. Parker Museum & Historical Society, "Facts," Accessed June 30, 2022, <https://johnparkerhouse.net/facts/>.

⁴³ *Id.*

iron castings for the Union during the Civil War, and became one of the first African Americans to receive a U.S. patent.⁴⁴

NPS listed John P. Parker's house on the National Register of Historic Places in 1980 and later designated the house as a National Historic Landmark in 1997.⁴⁵ The house is currently owned and managed by the John P. Parker Historical Society.⁴⁶ H.R. 6799 would direct the Secretary of the Interior to complete a special resource study of the John P. Parker House to evaluate its national significance and assess the suitability and feasibility of establishing it as a unit of the National Park System. In 2020, an NPS reconnaissance survey of the John P. Parker House determined that "further evaluation through a congressionally authorized special resource study is warranted."⁴⁷ In May 2022, NPS testified in support of a similar Senate companion bill, S. 3685, introduced by Senator Sherrod Brown (D-OH).



John P. Parker House in Ripley, Ohio.

Source: Ohio Traveler

H.R. 7618 (Brown)

The Kol Israel Foundation Holocaust Memorial pays tribute to the six million Jews murdered during the Holocaust and is located at Zion Memorial Park in Bedford Heights, Ohio.⁴⁸ The Memorial, dedicated in May 1961, is one of the first Holocaust commemorative works in the U.S. and is surrounded by walls with the names of those who died in the Holocaust as well as survivors who later passed away.⁴⁹ The ashes of Jewish martyrs killed by Nazis from three concentration camps are also buried at the base of the Memorial.⁵⁰

H.R. 7618 would designate this existing memorial as a national memorial. The bill specifies that the national memorial would not be considered a unit of the National Park System and would not permit any federal funds to maintain the national memorial. The NPS testified on a similar Senate companion bill, S. 4121, sponsored by Senator Sherrod Brown (D-OH) in May 2022, but did not take a position, as the national memorial would not be located on land under NPS jurisdiction and would not require NPS management or funding.⁵¹

⁴⁴ Statement of Michael A. Caldwell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, Before the Senate Energy and Natural Resources Subcommittee on National Parks, "S. 3685, A Bill to Direct the Secretary of the Interior to Conduct a Special Resources Study to Determine the Suitability and Feasibility of Establishing the John P. Parker House in Ripley, Ohio as a Unit of the National Park System," May 11, 2022, <https://www.doi.gov/ocl/s-3685>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Cleveland Historical, "Kol Israel Memorial," Accessed July 6, 2022, <https://clevelandhistorical.org/items/show/871>.

⁴⁹ Kol Israel Foundation, "Memorial & Commemoration," Accessed July 6, 2022, <https://kifcle.org/memorial>.

⁵⁰ *Id.*

⁵¹ National Park Service, "Statement of Michael A. Caldwell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, Before the Senate Energy and Natural Resources Subcommittee on National Parks, Concerning S. 4121 To Designate the Kol Israel Foundation Holocaust Memorial in Bedford Heights, Ohio, as a National Memorial," May 11, 2022, <https://www.doi.gov/ocl/s-4121>.

H.R. 7912 (Cohen)

In 1917, Ell Persons, an African-American woodcutter, was tortured, burned, and decapitated in Memphis, Tennessee, before an estimated crowd of 3,000 people after reportedly being beaten into a confession for killing and decapitating a young white girl.⁵² News accounts stated that cars lined up to watch the lynching and vendors sold snacks and drinks to the spectators.⁵³ According to a historical plaque that was placed at the site by local high school students and other organizations, Persons' head and foot were later discarded on Beale Street in Memphis for Black pedestrians to view.⁵⁴ No one was ever brought to trial in relation to the lynching.⁵⁵

H.R. 7912, the *Evaluating Lynching Locations (ELL) for National Park Sites Act*, is named after Persons and would direct the Secretary of the Interior to complete a special resource study to assess the suitability and feasibility of establishing a network of locations associated with African-American lynchings near Memphis, Tennessee, as a unit of the National Park System. The study area would include, but is not limited to, the location where Persons was killed and seven other sites within approximately 100 miles of Memphis where lynchings took place from 1868 to 1940. One of the seven other study sites marks the spot where three African American co-owners of People's Grocery were arrested in connection with a disturbance near their store and lynched in 1892, which prompted *Memphis Free Speech* newspaper editor Ida B. Wells to begin her anti-lynching campaign in the U.S. and abroad.⁵⁶ The other lynching sites mentioned in the bill include the lynchings of Christopher Bender and Bud Whitfield in 1868; Wash Henley in 1869; Lee Walker in 1893; Warner Williams, Daniel Hawkins, Robert Haynes, Edward Hall, John Hayes, and Graham White in 1894; Jesse Lee Bond in 1939; and Elbert Williams in 1940.

H.R. 8046 (Ruiz)

In 2012, President Obama unilaterally designated the César E. Chávez National Monument in Keene, California, as a national monument under the *Antiquities Act of 1906* (54 U.S.C. ch. 3203).⁵⁷ The monument encompasses the property known as *Nuestra Señora Reina de la Paz*, the home and workplace of the Chávez family and the national headquarters of the United Farm Workers.⁵⁸ NPS also completed a special resource study in 2012 which concluded that, in addition to the *Nuestra Señora Reina de La Paz* property, additional sites associated with César E. Chávez and the farm labor movement warranted inclusion in the National Park System.⁵⁹ This included the Forty Acres National Historic Landmark in Delano, California, where numerous public farmworker events were held; the Santa Rita Center in Phoenix, Arizona, the location of

⁵² Lynching Sites Project Memphis, "Ell Persons," Accessed June 30, 2022, <https://lynchingsitesmem.org/lynching/ell-persons#>.

⁵³ E&E News Greenwire, "Lynching locations proposed as new national park sites," Rob Hotakainen, June 27, 2022, <https://www.eenews.net/articles/lynching-sites-in-tenn-proposed-as-new-national-park-sites/>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Lynching Sites Project Memphis, "People's Grocery Historical Marker," Accessed July 6, 2022, <https://lynchingsitesmem.org/archives/peoples-grocery-historical-marker>.

⁵⁷ Obama White House, "President Obama to Establish César E. Chávez National Monument," October 1, 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/10/01/president-obama-establish-c-sar-e-ch-vez-national-monument>.

⁵⁸ National Park Service, "César E. Chávez National Monument California Basic Information," July 18, 2018, <https://www.nps.gov/cech/planyourvisit/basicinfo.htm>. Executive Office of the President, Proclamation 8884, "Establishment of the César E. Chávez National Monument," Oct. 8, 2012, <https://www.federalregister.gov/documents/2012/10/12/2012-25336/establishment-of-the-cesar-e-chavez-national-monument>.

⁵⁹ National Park Service, "Final Cesar Chavez Special Resource Study," Mar. 2012, transmitted to Congress on Oct. 24, 2013, <https://parkplanning.nps.gov/document.cfm?documentID=55866>.

many farmworker rallies; and the 300-mile route used by farmworkers in a 1966 march from Delano to Sacramento, California (which also met the eligibility criteria for designation as a national historic trail).⁶⁰ McDonnell Hall in San Jose, California, where Chávez began his life as a community organizer, was also evaluated but NPS determined the site needed further research to assess its integrity.⁶¹ Following additional research, McDonnell Hall was designated a National Historic Landmark in 2016 under the original name of the building: *Our Lady of Guadalupe Mission Chapel*.⁶²

H.R. 8046 would establish the *César E. Chávez and the Farmworker Movement National Historical Park* as a new NPS unit in California and Arizona to include the existing César E. Chávez National Monument, Forty Acres National Historic Landmark, the Santa Rita Center, and, upon written agreement by property owner, McDonnell Hall. The Historical Park established by the bill would add approximately 155 acres to the National Park System.⁶³ The bill would require administering the César E. Chávez National Monument as a distinct and identifiable unit of the National Park System and completion of a park management plan to determine whether additional sites should be added to the Historical Park. H.R. 8046 would also amend the National Trails System Act by adding the 300-mile route in California used during the 1966 farmworker march, which would be called the *Farmworker Peregrinación National Historic Trail*.

Precedent exists for National Park System units to span multiple states; for instance, the Manhattan Project National Historical Park includes sites in Tennessee, New Mexico, and Washington; and the Nez Perce National Historical Park includes sites in Idaho, Montana, Oregon, and Washington.⁶⁴ Precedent also exists for a park unit to exist entirely within another park unit, such as the Big Hole National Battlefield within the Nez Perce National Historical Park and Muir Woods National Monument within the Golden Gate National Recreation Area.⁶⁵ However, it is unclear what, if any, advantages would result from maintaining the existing César E. Chávez National Monument as a separate unit within the National Historical Park. Recently, Senator Alex Padilla (D-CA) introduced a companion bill in the Senate as S. 4371.

H.R. 8258 (Fulcher)

H.R. 8258 would modernize the outdated and cumbersome film and photography permitting process by providing exemptions from permitting and fees for commercial or non-commercial content creation, regardless of distribution platform.⁶⁶ In 2000, Congress passed Public Law 106-206, which standardized the collection of commercial film fees by agencies within the

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² U.S. Department of the Interior, “Interior Department Announces 24 New National Historic Landmarks,” Jan. 11, 2017, <https://www.doi.gov/pressreleases/interior-department-announces-24-new-national-historic-landmarks>. National Park Service, “National Historic Landmarks, List of NHLs by State,” June 27, 2022, <https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm>.

⁶³ Map on file with the National Park Service.

⁶⁴ National Park Service, “Manhattan Project National Historical Park,” June 14, 2022, <https://www.nps.gov/mapr/index.htm>. National Park Service, “Nez Perce National Historical Park Places to Go,” Aug. 31, 2020, <https://www.nps.gov/nepe/planyourvisit/places2go.htm>.

⁶⁵ National Park Service, “Big Hole National Battlefield Places to Go,” Feb. 15, 2018, <https://www.nps.gov/biho/planyourvisit/placestogo.htm>.

National Park Service, “Muir Woods National Monument Places to Go,” May 9, 2022, <https://www.nps.gov/muwo/planyourvisit/placestogo.htm>.

⁶⁶ Distribution platforms covered include digital or analog video, still photography, and digital or analog audio recording activities that meet certain requirements.

Departments of the Interior and Agriculture.⁶⁷ The law (16 USC 4601-6d and 54 USC §100905) directed the Secretaries of the Interior and Agriculture to require a permit and establish a reasonable fee for commercial filming activities or similar projects on federal lands. The Committee report for the law expressed its intent was to regulate “significant disruption,” meaning that “the activity must be a major interference or excessive disturbance of regular visitor uses... This standard is meant to have a high threshold.”⁶⁸ Even “temporary inconveniences for park visitors caused by activities authorized by [the law] shall not be considered a ‘significant disruption’ insofar as obtaining a permit for such activities.”⁶⁹ Congress also expressed the intent of regulating activity that would result in “the impairment of the values and resources which are to be protected on federal lands where these activities occur.”⁷⁰

In 2019, filmmaker Gordon Price sued the U.S. Attorney General, the Secretary of the Interior, and the NPS Director in the case *Price v. Barr*. The case stemmed from a citation issued to Mr. Price in 2018 by two NPS officers for filming without a permit in public areas of the Yorktown Battlefield in Colonial National Historical Park in Virginia. In 2017, Mr. Price filmed scenes for a low-budget independent film titled *Crawford Road*, a feature about an area in York County that is home to unsolved murders and is rumored to be haunted.⁷¹ In filming *Crawford Road*, Mr. Price used only a camera tripod, a microphone, and a crew of four people.⁷² Mr. Price was issued a citation only after his film was released and received attention on social media sites and some local press coverage.⁷³ In 2021, the U.S. District Court for the District of Columbia held in *Price v. Barr* that the permit and fee requirements applying to commercial filming on federal lands under 54 USC § 100905 and its implementing regulations were unconstitutional under the First Amendment.⁷⁴ Through the decision, the Court also issued a permanent injunction enjoining the permit and fee requirements for commercial filming and the prosecution and the imposition of criminal liability under those requirements.⁷⁵ The District Court’s ruling was appealed by the Federal Government to the U.S. Court of Appeals for the D.C. Circuit where it is pending as *Price v. Garland*.⁷⁶

The *FILM Act* would account for evolving technology and social media by ensuring that permitting determinations are based on actual impacts to resources instead of arbitrary distinctions between types of filming or photography, content, or financial gain. In 2000, it was inconceivable that nearly every visitor to our federal lands would have the ability to record high resolution video and digital stills with their smartphone. The *FILM Act* would aid the U.S. Departments of the Interior and Agriculture in complying with the decision in *Price v. Barr* by ensuring that laws related to filming, photography, and recording on federal lands reflect modern technology not anticipated by Congress over twenty years ago and that permitting is more

⁶⁷ Congressional Research Service, “Commercial Filming and Photography on Federal Lands,” Mark K. DeSantis, Mar. 4, 2021, <https://crsreports.congress.gov/product/pdf/IF/IF10340>.

⁶⁸ House Report 106-75 to accompany H.R. 154, Mar. 23, 1999, <https://www.congress.gov/106/crpt/hrpt75/CRPT-106hrpt75.pdf>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Price v. Barr*, No. 19-3672 (CKK), Mem. Op. & J. at 34 (D.C. Jan. 22, 2021), https://www.govinfo.gov/content/pkg/USCOURTS-dcd-1_19-cv-03672/pdf/USCOURTS-dcd-1_19-cv-03672-0.pdf.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ U.S. Court of Appeals for the D.C. Circuit, *Price v. Garland*, No. 21-5073 (D.C. Cir.)

closely connected to impacts. The bill would cut red tape by eliminating permitting requirements for certain small filming groups and streamlining the permitting process for larger filming groups. On December 2, 2021, the Department of the Interior testified on a similar Senate companion bill, S. 1616, introduced by Senator John Barrasso (R-WY), but did not take a position due to pending litigation.⁷⁷

IV. MAJOR PROVISIONS & ANALYSIS

H.R. 1256 (Norton)

Sec. 2. Removal of Plaque and Concrete from Memorial Fountain Grounds.

- Requires the Secretary of the Interior to remove 1) the brass plaque with the name “Senator Francis G. Newlands” from the memorial fountain grounds located at Chevy Chase Circle in Washington, D.C.; 2) the name “Francis Griffith Newlands” and associated inscription from the south end of the memorial fountain; and 3) the carving of “Newlands Memorial Fountain” from the wall of the memorial fountain.
- Directs the Secretary to offer the items removed to the descendants of Francis Griffith Newlands for 60 days and, if not claimed, to add them to the Rock Creek Park Museum collection.

H.R. 6353 (Wild)

Sec. 3. Authorization to Establish Commemorative Work.

- Authorizes the National Service Animals Monument Corporation to honor the heroic acts and sacrifices of service animals and their handlers by creating a commemorative work on federal land in Washington, D.C., in accordance with the CWA.
- Prohibits use of federal funds for creating the commemorative work.
- Requires the Corporation to be solely responsible for accepting contributions and paying expenses associated with creating the commemorative work.
- Provides direction for managing excess funds for the commemorative work.

H.R. 6438 (Buck)

Sec. 3. Dearfield Special Resource Study.

- Directs the Secretary of the Interior to conduct a special resource study of the Dearfield area in Colorado to evaluate the national significance of the area and determine the suitability and feasibility of designating the site as a unit of the National Park System.
- Requires the Secretary, within three years after funds are made available to carry out the study, to submit a report to Congress describing the results of the study.

⁷⁷ Statement of the U.S. Department of the Interior, Before the Senate Energy and Natural Resources Committee on “S. 3266, Outdoor Recreation Act S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act S. 1874, Recreation Not Red Tape Act S. 1269, Concerning Environmental Justice in Recreation Permitting S. 3264, Biking on Long-Distance Trails Act and S. 1616, Federal Interior Land Media Act S. 2258, Parks, Jobs, And Equity Act S. 2886, Cape and Antler Preservation Enhancement Act S. 2887, Outdoors For All Act,” December 2, 2021, <https://www.energy.senate.gov/services/files/873C8963-5313-41DE-AA94-1DE6FF862E71>.

[H.R. 6611 \(Keating\)](#)

Sec. 1. Authorization to Establish Commemorative Work.

- Authorizes the Embassy of France to create a commemorative work in accordance with the CWA on federal land in Washington, D.C., to honor Jean Monnet for his role in restoring peace between European nations and creating the European Union.
- Prohibits use of federal funds for creating the commemorative work.
- Requires the Embassy to be solely responsible for accepting contributions and paying expenses associated with creating the commemorative work.
- Provides direction for managing excess funds for the commemorative work.

[H.R. 6720 \(Raskin\)](#)

Sec. 1. Authorization to Establish Commemorative Work.

- Authorizes the Thomas Paine Memorial Association to establish a commemorative work on federal land in Washington, D.C., in accordance with the CWA, in honor of Thomas Paine.
- Prohibits the use of federal funds for creating the commemorative work.
- Provides direction for managing excess funds for the commemorative work.

[H.R. 6799 \(Wenstrup\)](#)

Sec. 3. Special Resource Study of the John P. Parker House.

- Directs the Secretary of the Interior to conduct a special resource study of the John P. Parker House in Ripley, Ohio, to evaluate the national significance of the area and determine the suitability and feasibility of designating the site as a unit of the National Park System.
- Requires the Secretary, within 18 months after funds are made available to carry out the study, to submit a report to Congress describing the results of the study.

[H.R. 7618 \(Brown\)](#)

Sec. 1. Designation of the Kol Israel Foundation Holocaust Memorial as a National Memorial.

- Designates the Kol Israel Foundation Holocaust Memorial in Bedford Heights, Ohio, as a national memorial.
- Specifies that the national memorial is not a unit of the National Park System and federal funds are not authorized to be expended for the memorial.

[H.R. 7912 \(Cohen\)](#)

Sec. 2. Special Resource Study of Lynching Locations.

- Directs the Secretary of the Interior to conduct a special resource study of sites within approximately 100 miles of Memphis, Tennessee, at which lynching took place, to evaluate the national significance of the study area and determine the suitability and feasibility of designating the study area as a unit of the National Park System.

- Requires the Secretary, within three years after funds are made available to carry out the study, to submit a report to Congress describing the results of the study.

H.R. 8046 (Ruiz)

Sec. 4. César E. Chávez and the Farmworker Movement National Historical Park.

- Establishes a National Park System unit in California and Arizona titled the *César E. Chávez and the Farmworker Movement National Historical Park*.
- States that McDonnell Hall in San Jose, California, may be included in the park with written agreement by the property owner.
- Clarifies that land and interests in land within the park boundary may be acquired by donation, purchase using donated or appropriated funds, or exchange.
- Requires continuation of administration of the César E. Chávez National Monument as a distinct and identifiable unit of the National Park System and provides direction to the Secretary for administering the monument.
- Allows the Secretary to provide technical assistance and interpretation of sites, museums, and resources regarding César E. Chávez and the farmworker movement on land not administered by the Department of the Interior.
- States that the Secretary may enter into cooperative agreements for preservation, development, interpretation, and use of the park.
- Requires the Secretary to complete a park management plan in consultation with specified parties no later than three years after funding is distributed that shall address whether additional sites should be added to or interpreted at the park.
- Specifies that the Secretary may add certain additional sites to the park, with owner consent, through publishing a notice in the Federal Register.

Sec. 5. Farmworker Peregrinación National Historical Trail.

- Amends Section 5(a) of the National Trails System Act by adding the *Farmworker Peregrinación National Historic Trail*, a route approximately 300 miles long between Delano, California and Sacramento, California, that was used during a 1966 farmworker march.
- Prohibits acquisition of land or interest in land outside the exterior boundary of any federally managed area without owner consent.
- Authorizes the Secretary to enter into cooperative agreements for preservation, development, interpretation, and use of the trail.

H.R. 8258 (Fulcher)

Sec. 2. Filming and Still Photography within the National Park System and on Other Federal Land.

- Specifies the Secretaries of the Interior and Agriculture must ensure that filming or still photography activities are consistent with laws and policies applicable to the Secretary concerned and any applicable general management plan.
- Prohibits the Secretaries from requiring a permit or assessing a fee for filming or still photography activities on federal lands under their jurisdiction, regardless of distribution platform, if the activity involves fewer than 6 people and meets certain

requirements. These requirements include not impeding or intruding on the experience of other visitors, not disturbing or negatively impacting a natural or cultural resource or an environmental or scenic value, not conducting the activity at a location in which the public is not allowed, not requiring exclusive use of the area, and not requiring use a set or staging equipment (except for tripods, monopods, and handheld lighting equipment).

- Prohibits the Secretaries from requiring a permit or assessing a fee for a filming or still photography activity on land under their jurisdiction that is merely incidental to an otherwise authorized or allowable activity.
- Directs the Secretaries to establish de minimis use authorization process for filming and photography activities that involve groups of six to eight people and that adhere to certain requirements related to resource impacts. Such authorizations are to be issued immediately upon request by an applicant.
- Authorizes the Secretaries to require a permit and assess a reasonable fee for a filming or still photography activity on lands under their jurisdiction that involves more than 8 people or does not meet certain requirements.
- Authorizes the Secretaries to recover costs from a permit applicant including the cost of the review or issuance of the permit and related administrative and personnel costs.
- Authorizes the Secretaries to retained recovered costs without further appropriation.
- Requires the Secretaries to establish a process to ensure a timely response to permit applications.
- Requires the Secretaries to coordinate and select a lead agency if a permit is required for two or more federal agencies or federal land management units.

V. COST

None of the bills on this hearing have received a formal Congressional Budget Office (CBO) cost analysis.

VI. ADMINISTRATION POSITION

The Biden administration testified before the Senate Committee on Energy and Natural Resources on the Senate companion to H.R. 8258, on December 2, 2021, but did not take a position due to pending litigation.⁷⁸ Additionally, the Biden administration testified in support of the Senate companion to H.R. 6799 before the Senate Committee on Energy and Natural Resources on May 11, 2022.⁷⁹ During this same hearing, the administration

⁷⁸ Statement of the U.S. Department of the Interior, Before the Senate Energy and Natural Resources Committee on “S. 3266, Outdoor Recreation Act S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act S. 1874, Recreation Not Red Tape Act S. 1269, Concerning Environmental Justice in Recreation Permitting S. 3264, Biking on Long-Distance Trails Act and S. 1616, Federal Interior Land Media Act S. 2258, Parks, Jobs, And Equity Act S. 2886, Cape and Antler Preservation Enhancement Act S. 2887, Outdoors For All Act,” December 2, 2021, <https://www.energy.senate.gov/services/files/873C8963-5313-41DE-AA94-1DE6FF862E71>.

⁷⁹ Statement of Michael A. Caldwell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, Before the Senate Energy and Natural Resources Subcommittee on National Parks, “S. 3685, A Bill to Direct the Secretary of the Interior to Conduct a Special Resources Study to Determine the Suitability and Feasibility of Establishing the John P. Parker House in Ripley, Ohio as a Unit of the National Park System,” May 11, 2022, <https://www.doi.gov/ocl/s-3685>.

testified on the Senate companion to H.R. 7618 but did not take a position.⁸⁰ The Biden administration's position on the remaining bills is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 8046](#)

[H.R. 8258](#)

⁸⁰ National Park Service, "Statement of Michael A. Caldwell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, Before the Senate Energy and Natural Resources Subcommittee on National Parks, Concerning S. 4121 To Designate the Kol Israel Foundation Holocaust Memorial in Bedford Heights, Ohio, as a National Memorial," May 11, 2022, <https://www.doi.gov/oc/s-4121>.