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KATE MULLANY NATIONAL HISTORIC SITE ACT

JULY 7, 2004.—Ordered to be printed

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

R E P O R T

[To accompany S. 1241]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1241) to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes, 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 "Kate Mullany National Historic Site Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term "Center" means the American Labor Studies Center.

(2) HISTORIC SITE.—The term "historic site" means the Kate Mullany National Historic Site established by section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. KATE MULLANY NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established as an affiliated area of the National Park System the Kate Mullany National Historic Site in the State of New York.

(2) COMPONENTS.—The historic site shall consist of the home of Kate Mullany, located at 350 Eighth Street in Troy, New York.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Center shall own, administer, and operate the historic site.

(2) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with the Center under which the Secretary may provide to the Center technical, planning, interpretive, construction, and preservation assistance for—

(A) the preservation of the historic site; and

(B) educational, interpretive, and research activities relating to the historic site and any related sites.

(2) The Secretary may provide to the Center financial assistance in an amount equal to not more than $500,000 to assist the Center in acquiring from a willing seller the structure adjacent to the historic site, located at 352 Eighth Street in Troy, New York. On acquisition of the structure, the Secretary shall revise the boundary of the historic site to reflect the acquisition. The non-Federal share of the total cost of acquiring the structure shall be at least 50 percent.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 full fiscal years after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Center, shall develop a general management plan for the historic site.

(2) CONTENTS.—The general management plan shall define the role and responsibilities of the Secretary with respect to the interpretation and preservation of the historic site.

(3) APPLICABLE LAW.—The general management plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

PURPOSE OF THE MEASURE

The purpose of S. 1241, as ordered reported, is to establish the Kate Mullany National Historic Site in the State of New York as an affiliated area of the National Park System.

BACKGROUND AND NEED

Irish immigrant Kate Mullany organized and led the first all female labor union in the United States. In the 1860s, the city of Troy, New York was the site of the Nation's first commercial laundry and produced most of the white starched shirts, collars and cuffs in America. Most of the workers at the laundry were women who typically labored twelve to fourteen hours per day and earned about three dollars per week. When employers installed new machinery that stepped up production, but significantly worsened working conditions, Kate Mullany stepped forward to fight for better wages and improved working conditions. In February 1864, she led 300 workers in a week long labor strike that resulted in the owners conceding all of their demands. Unlike many other unions of the day, the "Collar Laundry Union" stayed organized long after their initial battle, assisting other fledgling unions in the fight to improve working conditions. In 1868, Kate Mullany gained national recognition when William Sylvis appointed her to the National Labor Union office, making her the first woman to be appointed to that office.

The Kate Mullany House in Troy, New York is currently on the National Register of Historic Places and has been designated as a National Historic Landmark. The National Historic Theme Study on American Labor History concluded that the Kate Mullany House meets the criteria of national significance, suitability and feasibility for inclusion in the National Park System.

S. 1241 would authorize the Secretary of the Interior to provide financial and technical assistance to the American Labor Studies

Center to enhance the preservation and interpretation of the Kate Mullany House. The establishment of the Kate Mullany National Historic Site as an affiliated area of the National Park System would interpret for the benefit and education of the American people the history of immigration, industrial development and women workers in the United States.

LEGISLATIVE HISTORY

S. 1241 was introduced by Senators Clinton and Schumer on June 11, 2003. The Senate Energy and Natural Resources Committee Subcommittee on National Parks held a hearing on S. 1241 on October 30, 2003 (S. Hrg. 108–278).

The Committee on Energy and Natural Resources, ordered S. 1241, as amended, favorably reported on June 16, 2004.

Companion legislation, H.R. 305, was introduced by Representative McNulty on January 8, 2003.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on June 16, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1241, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1241, the Committee adopted an amendment in the nature of a substitute. The substitute amendment makes several clarifying changes and removes the statement of purposes and findings contained in section 1 of the original bill. The amendment makes a substantive change by designating the Kate Mullany National Historic Site as an affiliated area of the National Park System. The original language designated the site as a unit of the National Park System, rather than a unit of the system. Affiliated areas comprise a variety of locations in the United States and Canada that preserve significant properties outside the National Park System. Some of these have been recognized by Acts of Congress, others have been designated national historic sites by the Secretary of the Interior under authority of the Historic Sites Act of 1935. As an affiliated area of the National Park System, the Kate Mullany National Historic Site may draw on technical or financial assistance provided by the Secretary of the Interior, while remaining in private or state ownership, and would be administered consistent with the laws generally applicable to the National Park Service. The amendment is described in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles this bill the "Kate Mullany National Historic Site Act." Section 2 defines key terms used in this Act. Section 3 establishes the Kate Mullany National Historic Site in the State of New York as an affiliated area of the National Park System. The site consists of the Kate Mullany home, comprising approximately .06 acres, located at 350 Eighth Street in Troy, New York. The site will be administered in accordance with laws generally applicable

to the National Park System but will be owned and operated by the American Labor Studies Center (Center).

This section also authorizes the Secretary of the Interior (Secretary) to enter into cooperative agreements with the Center and describes the types of assistance that may be provided to the Center under those agreements. The Secretary is authorized to provide not more than $500,000 to the Center to acquire the property adjacent to the historic site. The non-Federal share of the cost of this acquisition must be at least 50%.

Subsection (d) directs the Secretary to develop a General Management Plan in cooperation with the Center, and to submit the plan to Congress not later than 3 full fiscal years after the date that funds are made available to carry out this Act. Subsection (d) also describes the contents and requirements for the plan.

Section 4 authorizes appropriation of such funds as are necessary to carry out this 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, June 22, 2004.

Hon. PETE V. DOMENICI,
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. 1241, the Kate Mullany National Historic Site Act.

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

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 1241—Kate Mullany National Historic Site Act

S. 1241 would establish the Kate Mullany National Historic Site in New York as an affiliated area of the National Park System. The site would continue to be owned and operated by the American Labor Studies Center. The bill would authorize the National Park Service (NPS) to provide the center with technical and financial assistance for planning, development, interpretation, and preservation of the site, including up to $500,000 for acquiring the adjacent half of the Kate Mullany house. The NPS would be required to prepare a general management plan for the site within three years of receiving funding. Finally, the bill would authorize the appropriation of whatever amounts are necessary for these purposes.

Based on historical experience with other affiliated areas and assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1241 would cost the federal government about $2.5 million over the next five years. We expect that $2 million of this amount would be spent to help restore the Kate Mullany house and develop interpretive materials and programs;

the balance would be used by the NPS to develop a management plan for the area and to contribute funds towards the purchase of the adjacent property. We estimate that, once the site has been restored, the NPS would contribute about $100,000 annually for operating funds (also assuming the availability of appropriated funds).

S. 1241 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. 1241. 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. 1241, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 19, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 1241. These reports had not been received at the time the report on S. 1241 was filed. when the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1241, a bill to establish the Kate Mullany National Historic Site in the State of New York. The Department opposes enactment of the legislation.

The bill proposes establishment of a Kate Mullany National Historic site as a new unit of the National Park System. The site would comprise approximately 1/20 of an acre at 350 Eighth Street, in Troy, New York, and would include the southern half of a three-story brick apartment house now designated as the Kate Mullany House National Historic Landmark. The bill would authorize the Secretary to acquire the site and additional real and personal property, to administer the site, and to enter into cooperative agreements with the Hudson-Mohawk Urban Cultural Park Commission and other public and private

entities to facilitate preservation and interpretation of the site and related historic resources.

The Department opposes enactment of this bill for three main reasons. First, there are already authorities and mechanisms in place, at the federal, state, and local level, to support the preservation and interpretation of the Kate Mullany House National Historic Landmark. Second, the National Park Service Organic Act (16 U.S.C. 1 a–5) and National Park Service Management Policies 2001 state that areas should not be added to the National Park System if preservation and management alternatives exist. And third, to meet the President's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System.

The building at 350–35 Eighth Street is the only surviving structure known to be associated with Catherine A. (Kate) Mullany—an immigrant laundry worker who organized and led Troy's Collar Laundry Union from 1864 through 1870. The Collar Laundry union was one of the first all-female unions in the United States to operate over a sustained period. Mullany was recognized in 1868 and 1869 at the meetings of the newly formed National Labor Union both for her work with the Collar Laundry Union and for that union's support and financial contributions to striking union iron molders in Troy and bricklayers in New York City. Kate Mullany lived with her widowed mother and sister in an apartment on the top floor of 350 Eighth Street from 1869–75, inherited the house when her mother died in 1876, moved away, returned in 1903, and died there in 1906.

The southern half of 350–352 Eighth Street was designated as the Kate Mullany House National Historic Landmark (NHL) in 1998. The building remained in private ownership until the spring of 2003 when the southern half (the NHL portion) was purchased by the New York AFL–CIO on behalf of the newly established American Labor Studies Center, a 501(c)(3) educational corporation.

The 1997 National Park Service (NPS) theme study on American Labor History noted that the Mullany House should be considered further for inclusion in the NPS system because it illustrated previously underrepresented stories. A reconnaissance Study, underway by the Northeast Region of the National Park Service in 2003, suggests that while the Mullany House is nationally significant, there are questions regarding the suitability and the need for NPS management. Additionally, the cost to operate the site and to provide adequate visitor services would be more than if the site was near an existing NPS unit where administrative functions could be shared.

Section 8 of the National Park Service Organic Act (16 U.S.C. 1a–5) and NPS Management Policies (Management Policies 2001) state that studies evaluating the suitability and feasibility of areas proposed for inclusion in the National Park System "shall consider whether direct National

Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area" and "identify what alternative or combination of alternatives would be most effective and efficient in protecting significant resources and providing for public enjoyment." In this instance, several authorities and mechanisms already exist for the protection of the Kate Mullany House and the public interpretation of her work and the larger story of the labor movement in the Hudson-Mohawk region and the nation as a whole. Given the overlapping local, state, and federal designations and active interest by a non-profit organization, establishing the site as a unit of the National Park System would be redundant.

NPS acquisition or management of the Kate Mullany House is not recommended because funding and technical support for its preservation and interpretation are already available through the Hudson River Valley National Heritage Area, New York State's Hudson-Mohawk Heritage Area (RiverSpark), grant programs administered by the New York State Office of Parks, Recreation, and Historic Preservation, and existing non-profit organizations—particularly the New York AFL–CIO and its American Labor Studies Center. The site has also received assistance and funding from the National Historic Landmarks and Save America's Treasures programs.

Given the funding and personnel needs of existing units of the National Park System, the fact that the site has been purchased by the AFL–CIO, the existence of established authorities and mechanisms to support the preservation and interpretation of the Kate Mullany House National Historic Landmark, and direction from the NPS Organic Act and Management Policies that areas not be added to the system if preservation and management alternatives exist, we respectfully oppose enactment of S. 1241.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might 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 the bill S. 1241 as ordered reported.

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