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### THURGOOD MARSHALL'S ELEMENTARY SCHOOL STUDY ACT

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SEPTEMBER 9, 2015.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 610]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 610) to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 610 is to authorize the Secretary of the Interior to conduct a special resource study of Public School (P.S.) 103 in West Baltimore, Maryland.

#### BACKGROUND AND NEED

One of the nation's leading lawyers and a hero of the Civil Rights movement, Justice Thurgood Marshall (1908–1993), was born, raised, and educated in Baltimore, Maryland. As a young attorney for the National Association for the Advancement of Colored People, he began his fight to desegregate public schools in Baltimore. He ultimately argued and won the seminal Supreme Court case of *Brown v. Board of Education*, which ended the policy of segregation in public schools. Marshall was appointed to the United States Supreme Court in 1967 by President Johnson and served until October 1991. Justice Marshall was the first African American to serve on the Supreme Court.

The elementary school Justice Marshall attended as a child, Public School 103, still stands in the Upton neighborhood of West Bal-

timore. A story is told that a young Thurgood Marshall studied the United States Constitution in the basement of the building while serving detention. As a segregated school, P.S. 103 tells the story of racial segregation in America and marks the academic beginning of one of the country's foremost legal minds and a pioneer of the civil rights movement.

This legislation would authorize the National Park Service (NPS) to undertake a special resource study of P.S. 103, and any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall, to evaluate whether this site meets the NPS's criteria of national significance, suitability, and feasibility for potential designation of the area as a unit of the NPS, and the need for NPS management of the resource versus management by state or local government entities or other private or non-profit organizations. The study is informational; Congress would still have to act on separate legislation to establish a unit of the National Park System.

#### LEGISLATIVE HISTORY

S. 610 was introduced by Senators Cardin and Mikulski on February 27, 2015. The Subcommittee on National Parks held a hearing on the bill on June 10, 2015.

Senators Cardin and Mikulski introduced a similar bill in the 113th Congress, S. 103, on January 23, 2013.

The Committee on Energy and Natural Resources met in open business session on July 30, 2015, and ordered S. 610 favorably reported.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 2015, by a majority voice vote of a quorum present, recommends that the Senate pass S. 610.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the "Thurgood Marshall's Elementary School Study Act."

*Section 2* contains definitions.

*Section 3* directs the Secretary of the Interior to conduct a special resource study of Public School 103 and any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall. Section 3(b) requires the study to: evaluate the national significance of the site; determine the suitability and feasibility of designating the site as a unit of the National Park System; include cost estimates for any necessary acquisition, development, operation and maintenance of the site; consult with interested government entities, private and non-profit organizations or other interested individuals; and identify alternatives for the management, administration and protection of the site. Section 3(c) requires that the study shall be conducted in accordance with section 100507 of title 54, United States Code, which sets forth criteria for National Park Service special resource studies. Section 3(d) requires the Secretary to submit a report that describes the findings and conclusions of the study and any recommendations to the House Natural Resources Committee and the Senate Energy and Natural Re-

sources Committee within three years after the funds are made available to carry out the study.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 610—Thurgood Marshall’s Elementary School Study Act*

S. 610 would direct the Secretary of the Interior to study the suitability and feasibility of designating P.S. 103 in West Baltimore, Maryland, as a unit of the National Park System (P.S. 103 is the public school that Supreme Court Justice Thurgood Marshall attended as a child). CBO estimates that carrying out the proposed study would cost about \$200,000; such spending would be subject to the availability of appropriated funds. Enacting S. 610 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 610 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Marin Burnett. The estimate was approved by H. Samuel Papenfuss, 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. 610. 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. 610, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 610, 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 June 10, 2015, Subcommittee hearing on S. 610 follows:

##### STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the Department of the Interior’s views on S. 610, to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland, and for other purposes.

The Department supports enactment of S. 610. However, we believe that priority should be given to the 33 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 Rivers System that have not yet been transmitted to Congress.

S. 610 authorizes a special resource study of Public School 103 and other resources in the neighborhood that relate to the early life of Thurgood Marshall in Baltimore, Maryland. This study would determine whether this site meets the National Park Service's criteria for inclusion in the National Park System of national significance, suitability, and feasibility, and need for National Park Service management. The study would also consider other alternatives for preservation, protection, and interpretation of the resources by the Federal government, State or local government entities, or private and non-profit entities. Alternatives might include, for example, the designation of the site as an affiliated area of the National Park Service, where the National Park Service would provide technical assistance to the site but not own or manage it. We estimate the cost of the study to range from \$200,000 to \$300,000, based on similar types of studies conducted in recent years.

P.S. 103 was originally built in 1877 for West Baltimore's white immigrant population but, in 1911, it became a segregated African-American school serving the Upton community of West Baltimore. The school is significant for its role in the education of Thurgood Marshall, who is best known as the lead counsel for the landmark school desegregation case, *Brown v. Board of Education* (1954) and as the first African-American Supreme Court Justice. Marshall's life and his life's work began in Baltimore: it is the city where he was born in 1908, where he began his public education, and where he won his first civil rights cases as a young attorney. Thurgood Marshall attended P.S. 103 from 1st through 8th grade (1914 to 1921).

Marshall's accomplishments in systematically dismantling the legal framework for Jim Crow segregation are the foundation upon which the success of the Civil Rights Movement was built. P.S. 103 is owned by the City of Baltimore and is included in the Baltimore National Heritage Area.

Mr. Chairman, this concludes our prepared statement. I would be happy to respond to any questions about this matter.

#### 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. 610, as ordered reported.