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THURGOOD MARSHALL'S ELEMENTARY SCHOOL STUDY ACT

JULY 16, 2018.—Ordered to be printed

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

R E P O R T

[To accompany S. 1645]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1645) 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. 1645 is to authorize the Secretary of the Interior to conduct a special resource study of Public School 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 Baltimore. 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.

LEGISLATIVE HISTORY

S. 1645 was introduced by Senators Cardin and Van Hollen on July 27, 2017. The Subcommittee on National Parks held a hearing on S. 1645 on February 14, 2018.

In the 114th Congress, similar legislation, 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. The Committee on Energy and Natural Resources ordered S. 610 favorably reported on July 30, 2015 (S. Rept. 114–129).

The Committee on Energy and Natural Resources met in open business session on May 17, 2018 and ordered S. 1645 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by a majority voice vote of a quorum present recommends that the Senate pass S. 1645. Senator Lee asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definitions

Section 2 contains definitions.

Section 3. Special resource study

Section 3(a) 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.

Subsection (b) requires the study to evaluate the national significance of the study area; determine the suitability and feasibility of designating the study area as a unit of the National Park System; identify alternatives for the preservation, protection, and interpretation of the study area; consult with interested government enti-

ties, private and non-profit organizations or other interested individuals; and identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

Subsection (c) requires the study to be conducted in accordance with applicable law.

Subsection (d) requires the Secretary to submit a report on the study's findings and conclusions, and provide any recommendations, to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee within three years after the funds are made available to carry out the study.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1645 would direct the National Park Service (NPS) to conduct a special resource study of P.S. 103 elementary school in West Baltimore, Maryland, where former Supreme Court Justice Thurgood Marshall attended as a child. As part of that study, the NPS would determine the suitability and feasibility of designating the site as a unit of the National Park System.

Based on the costs of similar studies, CBO estimates that implementing S. 1645 would cost less than \$500,000; such spending would be subject to the availability of appropriated funds.

Enacting S. 1645 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1645 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 1645 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed 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. 1645. 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. 1645, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1645, 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 February 14, 2018, hearing on S. 1645 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 1645, 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 recognizes that P.S. 103, the elementary school that Supreme Court Justice Thurgood Marshall attended, would be an appropriate subject for a National Park Service special resource study. However, we do not support enactment of S. 1645 at this time. In order to focus resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, no increase in funding is requested for special resource studies in the Administration's FY 2019 budget. Currently, the National Park Service is conducting 22 previously authorized studies to determine if areas have potential for inclusion in the National Park System as new units, national heritage areas, national trails, or wild and scenic rivers. Under these circumstances, we believe it would be unwise to authorize a new special resource study.

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. 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 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 the bill S. 1645 as ordered reported.

