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MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK ACT OF 2017

MAY 9, 2017.—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 H.R. 267]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 267) to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 267 is to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia as the Martin Luther King, Jr. National Historical Park.

BACKGROUND AND NEED

Public Law 96-428 established the Martin Luther King, Junior, National Historic Site in Atlanta, Georgia, to preserve, protect, and interpret for the benefit, inspiration, and education of present and future generations, the places where Martin Luther King, Jr. was born, where he lived, worked, and worshiped, and where he is buried, while ensuring connections are made to his life and legacy.

Since 1980, Congress has twice modified the boundaries of the Historic Site and Preservation District (Public Laws 102-575 and 108-314). H.R. 267 further modifies the boundaries to include the Prince Hall Masonic Temple, where the Southern Christian Leadership Conference (SCLC) established its initial headquarters on Auburn Avenue in Atlanta, Georgia, in 1957. This historic civil

rights organization was co-founded by Dr. King, who also served as its first president. The SCLC has now relocated to another building on the same block. Including the Prince Hall Masonic Temple within the unit's boundary would enable the National Park Service (NPS) to provide technical assistance to the building's owners with respect to repairs, renovations, and maintenance to help preserve its historic integrity.

H.R. 267 also redesignates the National Historic Site as a National Historical Park. The titles given to various areas managed by the NPS vary widely, but Congress has generally tried to give similar titles to areas that contain certain common features. National Historical Parks are commonly areas of greater physical extent and complexity than National Historic Sites, which may only contain a single building. The redesignation of the Historic Site as a National Historical Park will make it Georgia's first National Historical Park.

LEGISLATIVE HISTORY

Representative Lewis and 30 cosponsors introduced H.R. 267 on January 4, 2017. On March 15, 2017, H.R. 267 was passed by the House of Representatives by a voice vote.

In the 114th Congress, Representative Lewis introduced similar legislation, H.R. 2880, on June 24, 2015. The bill was reported favorably by the House Committee on Natural Resources with an amendment (H. Rept. 114–431) on February 3, 2016. The House of Representatives passed H.R. 2880 by voice vote on February 24, 2016. H.R. 2880 was received in the Senate on February 25, 2016. The Subcommittee on National Parks held a hearing on H.R. 2880 on March 17, 2016. The Committee on Energy and Natural Resources ordered the bill favorably reported on July 13, 2016 (S. Report 114–337).

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 267 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 267.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Martin Luther King, Jr. National Historical Park

Section 2 amends Public Law 96–428 to redesignate the Martin Luther King, Junior, National Historic Site as the Martin Luther King, Jr. National Historical Park as depicted on the referenced map.

Section 3. References

Section 3 states any reference in a law, map, regulation, document, paper or other record of the U.S. to "Martin Luther King,

Junior, National Historic Site” shall be deemed to be a reference to “Martin Luther King, Jr. National Historical Park.”

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 267—Martin Luther King, Jr. National Historical Park Act of 2017

H.R. 267 would redesignate the Martin Luther King, Junior, National Historic Site in Atlanta, Georgia, as a National Historic Park and expand its existing boundaries to include the original headquarters of the Southern Christian Leadership Conference (SCLC). The SCLC is a civil rights organization co-founded by Dr. King.

Based on information provided by the National Park Service, CBO estimates that any cost to provide financial and technical assistance for maintenance and upkeep of the privately owned headquarters would be insignificant; any such spending would be subject to the availability of appropriated funds.

Enacting H.R. 267 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 267 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 267 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 Jon Sperl. 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 H.R. 267. 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 H.R. 267, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 267, 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

Because H.R. 267 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the NPS at the

hearing before the National Parks Subcommittee on March 17, 2016, follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2880, a bill to redesignate Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

The Department supports H.R. 2880.

This legislation has two components: it would redesignate the National Historic Site as a National Historical Park and modestly expand the site's boundaries to incorporate the Prince Hall Masonic Temple, where the Southern Christian Leadership Conference established its initial headquarters on Auburn Avenue in Atlanta, Georgia in 1957. This historic and distinguished civil rights organization was co-founded by Dr. King, who also served as its first president.

The Martin Luther King, Junior, National Historic Site was established by Public Law 96-428 on October 10, 1980. The historic site, located in Atlanta, Georgia, encompasses 38.38 acres, 18.08 of which are Federally owned. The historic elements of the site include: Dr. King's birth home at 501 Auburn Avenue; the original Ebenezer Baptist Church, which he co-pastored with his father from 1960-1968; the Martin Luther King, Jr. Center for Non-violent Social Change, Inc. (commonly referred to as the "The King Center"); the Birth Home Block which contains portions of the historically African-American Sweet Auburn residential community; and, Historic Fire Station No. 6 where white firefighters operated within a predominantly African American community. Approximately 700,000 national and international visitors come to the site each year.

H.R. 2880 would redesignate Martin Luther King, Junior, National Historic Site as the Martin Luther King, Jr. National Historical Park. National historical parks are commonly areas of greater physical extent and complexity than national historic sites. Both designations denote units of the national park system, both are considered to be national parks, and both would be subject to the same laws and eligible for the same funding streams. The change in designation would not alter the management or operation of the park in any way. However, designating a unit as a national historical park, as opposed to a national historic site, is a way to let potential visitors know that the unit probably contains a greater collection of resources, or properties, than a national historic site, which may simply be one building. It is a more accurate designation for the collection of resources at this park, and we believe that the re-designation will increase awareness of the park.

H.R. 2880 would also expand the boundary of the Martin Luther King, Junior, National Historic Site to include the Prince Hall Masonic Temple at 332–34 Auburn Avenue in Atlanta. Prince Hall was the historic national headquarters for the Southern Christian Leadership Conference where Dr. King was a co-founder and first president. Today, the SCLC is located in a new facility on the same block. Including the Prince Hall Masonic Temple within the unit's boundary will permit the National Park Service to provide technical assistance to the building's owners with respect to repairs, renovations, and maintenance that would preserve its historic integrity.

H.R. 2880 also updates the official park boundary map to recognize a land exchange between the National Park Service and the City of Atlanta that was authorized by Public Law 108–314 in 2005. That exchange permitted the National Park Service to exchange a vacant lot with no historic significance for city-owned property that has enabled the National Park Service to establish easy street access to the park's visitor center and museum. H.R. 2880 replaces the previous park boundary map with a new map that incorporates both the land exchange authorized by Public Law 108–314 and the boundary expansion proposed in H.R. 2880.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that 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, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 96–428, AS AMENDED

AN ACT To establish the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historic Park* in the State of Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to protect and interpret for the benefit, inspiration, and education of present and future generations the places where Martin Luther King, Junior, was born, where he lived, worked, and worshipped, and where he is buried, there is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historic Park* in the State of Georgia. The [national historic site] *national historic park* shall consist of that real property in the city of Atlanta, Georgia, within the boundary generally depicted on [the map entitled "Martin Luther King, Junior, National Historic Site Boundary Map", number 489/80,013B, and dated September 1992] the map entitled "Martin Luther King, Jr. National Historical Park Proposed Boundary Revision", numbered

489 / 128,786 and dated June 2015, together with the property known as 234 Sunset Avenue, Northwest. The map referred to in this subsection shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior.

(b) In furtherance of the purposes of this Act, there is hereby established the Martin Luther King, Junior, Preservation District, which shall consist of the area identified as "Preservation District" in the map referred to in subsection (a) of this section.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary") shall administer the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historic Park* and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national [historic sites] *historic parks*, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

(b)(1) Within the [national historic site] *national historic park* the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer, or exchange, lands and interests therein, except that property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation or exchange.

(2) Notwithstanding the acquisition authority contained in paragraph (1), any lands or interests therein which are owned wholly or in part, by the widow of Martin Luther King, Junior, or by the Martin Luther King, Junior, Center for Social Change, shall be acquired only with the consent of the owner thereof, except that—

(A) the Secretary may acquire such property in accordance with the provisions of this section if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this Act, and

(B) with respect to properties owned by the Center for Social Change, the Secretary shall have the first right of refusal to purchase such property for a purchase price not exceeding the fair market value of such property on the date it is offered for sale.

(3) Property may be acquired pursuant to this section subject to such conditions and reservations as in the judgment of the Secretary are not inconsistent with the purposes of this Act and the administration of the [national historic site] *national historic park*, including, in the event that the burial site of Martin Luther King, Junior, is acquired, the condition that his widow may be interred therein.

(4) Any and all legal or equitable title, interests, or encumbrances, if any, held by the Department of Housing and Urban Development in the property designated "Parcel A" on the map referenced in section one are hereby conveyed to the Secretary to be administered in accordance with the purposes of this Act.

(5) Structural space requirements of the National Park Service to meet its administrative, operational, and interpretive functions for the [national historic site] *national historic park* and preservation district shall, to the maximum extent feasible without displacing residents, be met within the district through the adaptive use of existing structures.

SEC. 3. (a) Within the [national historic site] *national historic park*, the Secretary may convey a freehold or leasehold interest in any property, for such sums as he deems appropriate, and subject to such terms and conditions and reservations as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purposes of this Act and the administration of the [national historic site] *national historic park*. The Secretary shall offer the last owner or tenant of record a reasonable opportunity to purchase or lease, as appropriate, the property proposed to be conveyed prior to any conveyance under this subsection, and in the case of a lease to such tenant of record, the initial rental charge shall not be substantially more than the last rent paid by the tenant for that property, with any future increases not to exceed the general escalation of rental rates in the surrounding area.

(b) The Secretary may enter into cooperative agreements with the owners of properties of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement. The authorities in this subsection shall also be available to the Secretary with respect to properties within the Martin Luther King, Junior, Preservation District.

(c) The Secretary may, in carrying out his authorities with respect to the interpretation of properties within the [national historic site] *national historic park* and the preservation district, accept the services and assistance, with or without reimbursement therefor, of qualified persons and entities to the extent he deems necessary and appropriate. Funds appropriated for the purposes of this Act may be expended for the improvement, restoration, and maintenance of properties in which the Secretary has acquired a leasehold interest.

(d) Notwithstanding any other provision of law, the Secretary shall give first preference to the Martin Luther King, Junior, Center for Social Change with respect to any contract for a concession to sell books, postcards, tapes, or similar types of appropriate mementos related to the purposes of this Act, on facilities operated and maintained by the Secretary within the [historic site] *historic park*: Provided, That agreement can be reached on terms and conditions acceptable to the Secretary.

(e) The Secretary is authorized to take only such actions within and upon the grounds of the Ebenezer Baptist Church as will directly support appropriate public visitation to and within the church in accordance with the purposes of this Act, or which will assist in the maintenance or preservation of those portions of said church which are directly related to the purposes of this Act.

SEC. 4. (a) There is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historic Park* Advisory Commission (hereinafter referred to in this section as the "Commission"). The Commission shall consist of thir-

teen members, eleven of whom shall be appointed by the Secretary as follows:

(1) three members appointed for terms of three years from recommendations submitted by the governing body of the Martin Luther King, Junior, Center for Social Change;

(2) two members appointed for terms of four years from recommendations submitted by the Governor of the State of Georgia, one of whom shall have professional expertise in historic preservation matters;

(3) two members appointed for terms of five years from recommendations submitted by the mayor of the city of Atlanta, Georgia, one of whom shall represent the economic and cultural interests of the Sweet Auburn Historic District;

(4) one member appointed for a term of five years from recommendations submitted by the governing body of the Ebenezer Baptist Church;

(5) the Chairman of the Atlanta Urban Design Commission and one additional member from the Commission to be chosen by the Commission; and

(6) one member, appointed for a term of five years by the Secretary, who shall chair the Commission. In addition to the foregoing members, Mrs. Coretta Scott King, or such other appropriate family member as may be designated by the immediate family of Martin Luther King, Junior, and the Director of the National Park Service shall be ex officio members of the Commission.

(b) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses of Commission members reasonably incurred by them in carrying out their responsibilities under this section upon presentation of vouchers signed by the chair of the Commission. Necessary administrative services and expenses shall be provided to the Commission by the Department of the Interior.

(c) The function of the Commission shall be to:

(1) advise the Secretary with respect to the formulation and execution of plans for and the overall administration of the [national historic site] *national historic park* and the preservation district, including advice with respect to the consummation of cooperative agreements, and interpretation of properties, and the use and appreciation of the [national historic site] *national historic park* and the preservation district by the public;

(2) prepare a generalized impact area plan for a one-mile radius outside the District which shall examine overall community development goals, plans, and efforts within that area, including historic preservation, transportation, parking, housing, urban revitalization, and parks and recreation functions, in order to maximize beneficial relationships between these goals, plans, and efforts and the district herein established; and

(3) prepare, on the basis of the findings and recommendations of the impact area plan required by the preceding paragraph, a detailed development plan for the neighborhoods and outlying commercial areas immediately outside the district for

such development, conservation, preservation, rehabilitation activities and transportation, parking, and land use planning as would complement and enhance the District and the purposes for which the District is established.

(d) The Secretary is directed to provide the appropriate planning agency of the city of Atlanta an amount of the local planning funds authorized by section 6 sufficient for that agency to provide such staff and technical assistance to the Advisory Commission as are required for it to develop the plans required by subsection (c) of this section. Such plans, prepared in full coordination with and opportunities for participation by, all relevant public agencies and private groups, shall be delivered to the Secretary in a timely fashion for use in preparing the general management plan for the district.

(e) The Commission shall terminate ten years from the effective date of this Act.

SEC. 5. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the [national historic site] *national historic park* or the preservation district established by this Act.

SEC. 6. Effective October 1, 1980, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

SEC. 7. (a) In order to better integrate the east and west portions of the Martin Luther King, Junior, Preservation District, the Federal Highway Administration, in cooperation with the Georgia Department of Transportation, is hereby directed to insure that any design and reconstruction of the North Interstate 85 and Interstate 75 Expressway over Auburn and Edgewood Avenues in the city of Atlanta, Georgia, and the interchange at Edgewood Avenue, shall minimize the adverse impacts on the preservation district.

(b) In carrying out the provisions of this subsection, the Federal Highway Administration shall require that, where feasible, any major change required for the Auburn Avenue overpass results in a design which permits a wider distance between overpass support structures and the disposition of understructure development rights for appropriate business or recreation uses.

(c) Plans for the construction, exterior renovation, or demolition of by the National Park Service or any Federal agency must be submitted to the Atlanta Urban Design Commission in a timely fashion for its review and comment.

SEC. 8. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the [historic site] *historic site* and the preservation district consistent with the provisions of this Act and pursuant to the provisions of

section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a-1 et seq.).

