BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE EXPANSION ACT

MARCH 2, 2022.—Ordered to be printed

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

REPORT

[To accompany S. 270]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 270), to amend the Act entitled “Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes” to provide for inclusion of additional related sites in the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

The amendment is as follows:

At the end, add the following:

SEC. 3. REDESIGNATION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK.

(a) In General.—The Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439) shall be known and designated as the “Brown v. Board of Education National Historical Park”.

(b) References.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Brown v. Board of Education National Historic Site shall be considered to be a reference to the “Brown v. Board of Education National Historical Park”.

29–010
PURPOSE

The purpose of S. 270 is to include Summerton High School in Clarendon County, South Carolina, within the boundary of the Brown v. Board of Education National Historic Site in Kansas and to designate additional sites associated with the other cases in Virginia, Delaware, and Washington, DC, that were consolidated into the Supreme Court's landmark Brown decision in 1954 as National Park System affiliated areas.

BACKGROUND AND NEED

The 1954 landmark U.S. Supreme Court case that came to be known as Brown v. Board of Education was actually the consolidation of five separate cases that were heard by the Court concerning the issue of segregation in public schools. These cases were Brown v. Board of Education of Topeka (Kansas); Briggs v. Elliot (South Carolina); Davis v. Board of Education of Prince Edward County (Virginia); Bolling v. Sharpe (Washington, DC); and Gebhart v. Ethel (Delaware). While the facts of each case were different, the main issue in each was the constitutionality of state-sponsored segregation in public schools. When the cases came before the Supreme Court in 1952, the Court consolidated all five cases under the name of Brown v. Board of Education.

In 1992, Congress enacted Public Law 102–525, which established the Brown v. Board of Education National Historic Site in Topeka, Kansas, as a unit of the National Park System. The purposes of the park designation included preserving, protecting, and interpreting "for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark United States Supreme Court decision that brought an end to segregation in public education, and to interpret the integral role of the Brown v. Board of Education case in the civil rights movement." Public Law 102–525, sec. 102(b).

However, the original national historic site designation did not include protection or interpretation of the other sites that were an integral part of the Brown v. Board of Education decision. S. 270 incorporates the other sites into the national historic site by adding Summerton High School in Clarendon County, South Carolina, to the boundary of the Brown v. Board of Education National Historic Site, and by designating the additional school sites in Virginia, Delaware, and Washington, DC, as national park system affiliated areas to include sites associated with the other cases that were consolidated into the Supreme Court's landmark Brown decision in 1954.

LEGISLATIVE HISTORY

tional Parks, Forests, and Public Lands held a hearing on H.R. 920 on April 21, 2021. No further action has been taken.

**COMMITTEE AMENDMENT**

The Energy and Natural Resource Committee agreed to an amendment that redesignates the Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439), and any reference in law, regulation, document, record, map, or other paper of the United States, as the “Brown v. Board of Education National Historical Park.”

**COMMITTEE RECOMMENDATION**

The Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass S. 270, if amended as described herein. Senator Lee asked to be recorded as voting no.

**SECTION-BY-SECTION ANALYSIS**

*Section 1. Short title*

Section 1 provides the short title for the bill as “Brown v. Board of Education National Historic Site Expansion Act.”

*Section 2. Expansion of the Brown v. Board of Education National Historic Site*

Section 2 amends Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3438 et seq.) as follows:

Paragraph (1) adds definitions of “affiliated area” and “affiliated areas” to the definitions in section 101.

Paragraph (2) amends section 102(a) by adding Congressional findings on the significance of the four other cases included in the *Brown v. Board of Education of Topeka* opinion.

Paragraph (2) also adds descriptions of the sites and affiliated areas associated with the four cases.

Paragraph (3) makes conforming edits.

Paragraph (4) adds a new subsection (c) which adds Summerton High School and Scott’s Branch High School located in Clarendon County, South Carolina to the National Historic Site. The new subsection (c) provides that the boundary shall not be expanded to include the school sites until the Secretary has acquired a sufficient quantity of land, or interests in land, to constitute a manageable park unit.

Paragraph (5) prohibits the Secretary from acquiring the land within the boundaries of the National Historic Site by condemnation.

Paragraph (6) requires the Secretary to prepare and submit a general management plan for the National Historic Site locations in Clarendon County, South Carolina.

Paragraph (7) adds a new section 106 that designates the locations associated with the other three court cases in *Brown v. Board of Education of Topeka*, including Farmville, Virginia, Wilmington, Delaware, and Washington, DC, as affiliated areas of the National
Park System, and describes the general management plan requirements for the sites.

**Sec. 3. Redesignation of the Brown v. Board of Education National Historical Park**

Section 3 redesignates the Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439), and any reference in law, regulation, document, record, map, or other paper of the United States, as the “Brown v. Board of Education National Historical Park.”

**COST AND BUDGETARY CONSIDERATIONS**

The Congressional Budget Office has not estimated the costs of S. 270 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 270 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

**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. 270. 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. 270, as ordered reported.

**CONGRESSIONALLY DIRECTED SPENDING**

S. 270, 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 June 23, 2021, hearing on S. 270 follows:

**STATEMENT OF MICHAEL A. CALDWELL, ACTING ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR**

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior’s (Department) views on S. 270, a bill to amend the Act entitled “Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes” to provide for inclusion of addi-
tional related sites in the National Park System, and for other purposes.

The Department supports efforts to broaden public understanding of the events that led to the 1954 landmark U.S. Supreme Court decision in Brown v. Board of Education (Brown). The Court’s finding that racially segregated schools were unconstitutional was unquestionably a pivotal event in our nation’s civil rights struggle.

S. 270 would expand the Brown v. Board of Education National Historic Site in Topeka, Kansas by authorizing the addition of two school sites located in South Carolina to the park unit upon their acquisition by the National Park Service (NPS). It would also designate sites in Delaware, the District of Columbia, and Virginia as affiliated areas of the National Park System. The sites included in S. 270 are all associated with the four additional court cases that were consolidated into the Brown v. Board of Education U.S. Supreme Court case. The affiliated areas would not be managed by the NPS, but they would be required to be managed in accordance with any law generally applicable to units of the National Park System. The affiliated areas would be eligible for NPS technical and financial assistance. The NPS would be required to prepare general management plans for the proposed sites in South Carolina—Summerton High School and Scott’s Branch High School in Clarendon County—and for the proposed affiliated areas.

Brown v. Board of Education National Historic Site was established in Topeka, Kansas, on October 26, 1992, by Public Law 102–525. The park opened to the public in 2004 on the 50th anniversary of the Brown v. Board of Education ruling. The park’s Monroe Elementary School and Sumner Elementary School sites in Topeka, were designated National Historic Landmarks in 1987. This national historic site tells the story of all five of the U.S. Supreme Court lawsuits with a special emphasis on the one brought on behalf of Linda Brown, an African American child who was denied the right to go to a public school near her home because it was for white students only. As the lawsuit that was the lead name for the five cases that were combined in the case before the U.S. Supreme Court, the Brown case became the most well-known of these cases.

However, the four other cases, and the sites associated with those cases, also tell compelling stories about the struggle to end school segregation:

- Summerton High School in South Carolina was an all-white school built in 1936. In 1947, Levi Pearson, a black landowner, petitioned the local school board to provide school bus transportation for his children, detailing the glaring differences in expenditures, buildings, and services available for white and black students. That petition led to a series of court cases including the one brought by plaintiffs in Briggs v. Elliott, which was included in the Brown v. Board deci-
sion in 1954. Of the five schools mentioned in Pear-
son’s petition, Summerton High School is the only one
still standing. It has been listed on the National Reg-
ister of Historic Places in recognition of its national
significance and is used as administrative offices for

- Robert Russa Moton School, the all-black school in
Farmville, Virginia, was the location of a student-led
strike in 1951 that led to Davis v. County School
Board of Prince Edward County, a case that became
part of Brown v. Board of Education. The site is des-
ignated a National Historic Landmark in recognition
of its national significance and is now the Robert
Rusa Moton Museum, governed by the Moton Mu-
seum, Inc. and affiliated with Longwood University.

- Howard High School in Wilmington, Delaware,
was the first high school for African Americans in the
state of Delaware. Parents of students bused to How-
ard included the plaintiffs in Belton v. Gebhart, who
sued to allow admittance to the closer all-white
Claymont High School. Howard High School served
the entire state of Delaware. The site is designated a
National Historic Landmark in recognition of its na-
tional significance. Now the Howard High School of
Technology, it is an active school administered by the
New Castle County Vocational-Technical School Dis-
trict. The all-white Claymont High School, which de-
nied plaintiffs admission, is now the Claymont Com-
munity Center, administered by the Brandywine Com-
munity Resource Council, Inc. The Hockessin School
#107C (Hockessin Colored School) was the all-black
school in Hockessin, Delaware that one of the plain-
tiffs in Belton v. Gebhart was required to attend with
no public transportation provided. It is now utilized by
Friends of Hockessin Colored School #107, Inc. as a
community facility.

- John Philip Sousa Junior High School was built in
1950 in the Fort Dupont neighborhood in the District
of Columbia as an all-white school. When 12 African
American students were denied admission, the land-
mark 1954 U.S. Supreme Court Bolling v. Sharpe case
was brought. The case was complex because the Four-
teenth Amendment’s Equal Protection Clause applies
only to the states. This case held that school segrega-
tion was unconstitutional under the Due Process
Clause of the Fifth Amendment to the United States
Constitution and was noted in the Brown v. Board de-
cision. The site is designated a National Historic
Landmark in recognition of its national significance.
John Philip Sousa Junior High School, now John Philip
Sousa Middle School, is owned by the District of Co-
lumbia and administered by the District of Columbia
Public Schools.

We would also recommend redesignating Brown v. Board
of Education National Historic Site as Brown v. Board of
Education National Historical Park, to reflect the park’s larger geographic scope. We would be happy to work with the sponsor and the Committee on amendments.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the changes in existing law made by S. 270, 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 102–525

102d Congress

AN ACT To provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE

SEC. 101. DEFINITIONS.

As used in this title—
(1) the term “Secretary” means the Secretary of the Interior.
(2) The term “historic site” means the Brown v. Board of Education National Historic Site as established in section 103.
(3) The terms “affiliated area” and “affiliated areas” mean one or more of the locations associated with the four court cases included in Brown v. Board of Education of Topeka described in section 102(a)(8), (9), and (10).

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:
(1) The Supreme Court, in 1964, ruled that the earlier 1896 Supreme Court decision in Plessy v. Ferguson that permitted segregation of races in elementary schools violated the fourteenth amendment to the United States Constitution, which guarantees all citizens equal protection under the law.
(2) In the 1954 proceedings, Oliver Brown and twelve other plaintiffs successfully challenged an 1879 Kansas law that had been patterned after the law in question in Plessy v. Ferguson after the Topeka, Kansas, Board of Education refused to enroll Mr. Brown’s daughter, Linda.
(3) The Brown case was joined by four other cases related to school segregation pending before the Supreme Court (Briggs v. Elliott, filed in South Carolina; Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., filed in Virginia; Gebhart v. Belton, filed in Delaware; and Bolling v. Sharpe, filed in the District of Columbia) and consolidated into one case named Brown v. Board of Education of Topeka.
(4) A 1999 historic resources study examined the five cases included in Brown v. Board of Education of Topeka and found each to be nationally significant and to contribute unique stories to the case for educational equity.

(3) Sumner Elementary, the all-white school that refused to enroll Linda Brown, and Monroe Elementary, the segregated school she was forced to attend, have subsequently been designated National Historic Landmarks in recognition of their national significance.

(5) Sumner Elementary, an active school, is administered by the Topeka Board of Education; Monroe Elementary, closed in 1975 due to declining enrollment, is privately owned and stands vacant.

(7) Summerton High School in South Carolina, the all-White school that refused to admit the plaintiffs in Briggs v. Elliott, has been listed on the National Register of Historic Places in recognition of its national significance and is used as administrative offices for Clarendon School District 1. Other sites include former Scott's Branch High School, an "equalization school" constructed for African-American students in 1951 to provide facilities comparable to those of White students and that is now the Community Resource Center owned by Clarendon School District 1.

(8) Robert Russa Moton School, the all-Black school in Farmville, Virginia, which was the location of a student-led strike leading to Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., has been designated a National Historic Landmark in recognition of its national significance. The school, now the Robert Russa Moton Museum, is governed by the Moton Museum, Inc., and affiliated with Longwood University.

(9) Howard High School in Wilmington, Delaware, an all-Black school to which plaintiffs in Belton v. Gebhart were forced to travel, has been designated a National Historic Landmark in recognition of its national significance. Now the Howard High School of Technology, it is an active school administered by the New Castle County Vocational-Technical School District. The all-White Claymont High School, which denied plaintiffs admission, is now the Claymont Community Center administered by the Brandywine Community Resource Council, Inc. The Hockessin School #107C (Hockessin Colored School) is the all-Black school in Hockessin, Delaware that one of the plaintiffs in Belton v. Gebhart was required to attend with no public transportation provided. The former Hockessin School building is utilized by Friends of Hockessin Colored School #107, Inc. as a community facility.

(10) John Philip Sousa Junior High School in the District of Columbia, the all-White school that refused to admit plaintiffs in Bolling v. Sharpe, has been designated a National Historic Landmark in recognition of its national significance. John Philip Sousa Junior High School, now John Philip Sousa Middle School, is owned by the District of Columbia Department of
(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect and interpret for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark United States Supreme Court decision that brought an end to segregation in public education; and

(2) to interpret the integral role of the Brown v. Board of Education case in the civil rights movement.

(3) to assist in the preservation, protection, and interpretation of related resources within the city of Topeka, Kansas; Summerton, South Carolina; Farmville, Virginia; Wilmington and Hockessin, Delaware; and the District of Columbia that further the understanding of the civil rights movement and the context of Brown v. Board of Education.

SEC. 103. ESTABLISHMENT OF THE CIVIL RIGHTS IN EDUCATION: BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is hereby established as a unit of the National Park System the Brown v. Board of Education National Historic Site in the State of Kansas.

(b) DESCRIPTION.—The historic site shall consist of the Monroe Elementary School site in the city of Topeka, Shawnee County Kansas, as generally depicted on a map entitled “Brown v. Board of Education National Historic Site,” numbered Appendix A and dated June 1992. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—In addition to land described in subsection (b), the historic site shall consist of land and interests in land identified as Summerton High School and Scott’s Branch High School located in Clarendon County, South Carolina, after such land, or interests in land, is acquired by the Secretary and the determination is made under paragraph (2).

(2) DETERMINATION BY SECRETARY.—The historic site shall not be expanded until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(3) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under paragraph (2), the Secretary shall publish in the Federal Register notice of the expansion of the historic site.

(4) MAP.—After the determination in subsection (2), the Secretary shall publish a new map of the historic site to include land or interests in land acquired under this subsection.

SEC. 104. PROPERTY ACQUISITION.

The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsections (b) and (c) of section 103. Any property owned by the States of Kansas or any political subdivision thereof may be acquired only by donation. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site. [Provided, however, That the] The Secretary may not acquire
such personal property without the consent of the owner nor by condemnation of any land or interest in land within the boundaries of the historic site.

SEC. 105. ADMINISTRATION OF THE HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935 (49 Stat. 666).

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private as well as public agencies, organizations, and institutions in furtherance of the purposes of this title.

(c) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after funds are made available, the Secretary shall prepare and 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 general management plan for the historic site in Topeka, Kansas. After the boundary adjustment under section 103(c), the Secretary shall prepare and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the historic site locations in Clarendon County, South Carolina.

SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF EDUCATION AFFILIATED AREAS.

(a) IN GENERAL.—The locations associated with the three court cases included in Brown v. Board of Education of Topeka described in sections 102(a)(8), (9), and (10) are established as affiliated areas of the National Park System.

(b) ADMINISTRATION.—The affiliated areas shall be managed in accordance with—

(1) this section; and

(2) any law generally applicable to units of the National Park System.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the management entity of each affiliated area, shall develop a general management plan for each of the affiliated areas in accordance with section 100502 of title 54, United States Code.

The general management plan shall—

(A) be prepared in consultation and coordination with the interested State, county, and local governments, management entities, organizations, and interested members of the public associated with the affiliated area;

(B) identify, as appropriate, the roles and responsibilities of the National Park Service and management entity in administering and interpreting the affiliated area in such a manner that it does not interfere with existing operations and continued use of existing facilities; and

(C) require the Secretary to coordinate the preparation and implementation of the management plan and interpretation of the affiliated area with the Brown v. Board of Education National Historic Site.
(2) PUBLIC COMMENT.—The Secretary shall—

(A) hold not less than one public meeting in the general proximity of each affiliated area on the proposed general management plan, including opportunities for public comment; and

(B) publish the draft general management plan on the internet and provide an opportunity for public comment.

(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall transmit the general management plan for each affiliated area developed under subparagraph (1) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) MANAGEMENT ENTITY.—The organizations described in paragraphs (8), (9), and (10) of section 102(a) shall be the management entity for its respective affiliated area.

(e) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance and grants and enter into cooperative agreements with the management entity for each affiliated area to provide financial assistance for the marketing, marking, interpretation, and preservation of the respective affiliated area.

(f) LAND USE.—Nothing in this section affects land use rights of private property owners within or adjacent to the affiliated areas, including activities or uses on private land that can be seen or heard within the affiliated areas and the authorities for management entities to operate and administer the affiliated areas.

(g) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to acquire property in an affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of an affiliated area. Each affiliated area shall continue to be owned, operated, and managed by its respective public and private owners.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,250,000 to carry out the purposes of this title including land acquisition and initial development at the historic site, and there is authorized to be appropriated such sums as are necessary to carry out sections 103(c) and 106.