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

REPORT

[To accompany S. 2490]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2490), to establish the Blackwell School National Historic Site in Marfa, Texas, 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. 2490 is to establish the Blackwell School National Historic Site in Marfa, Texas, as a unit of the National Park System.

BACKGROUND AND NEED

The Blackwell School in Marfa, Texas, is associated with the period of racial segregation in Marfa public schools and the only extant property directly associated with Hispanic education in Marfa, since the other buildings were torn down after the Blackwell School closed in 1965. The Blackwell School is a tangible reminder of the period during which the doctrine of “separate but equal” dominated education and social systems.

Mexican and Mexican American culture and history in Marfa is tied to the Blackwell School, which for more than 50 years served as a leading feature of the Hispanic community, illustrating the challenge of maintaining cultural identity in a dominant Anglo society. Hispanic influences continue to be seen in social and religious organizations, business and government institutions, and shared experiences of language, food, and music in Marfa, Texas.
The Blackwell School is closely associated with the broad patterns of local, State, and national history in the area of school segregation. Mexicans and other members of the Latin American diaspora have placed a high value on education as a means of economic, social, and political advancement, but Hispanics and Latinos have not always had equitable opportunities and access to quality educational facilities in the United States. The original historic school building and grounds on which the Blackwell School building stands provide an authentic setting to commemorate and interpret the history of the Blackwell School.

LEGISLATIVE HISTORY

Senators Cornyn and Padilla introduced S. 2490 on July 27, 2021. The Subcommittee on National Parks held a hearing on the bill on October 6, 2021. A companion bill was introduced in the House of Representatives by Representatives Gonzalez and Vela on July 27, 2021. H.R. 4706 was favorably reported by the House Natural Resources Committee on December 1, 2021 and passed the House of Representatives by a roll call vote of 417 yeas to 8 nays on December 8, 2021. H.R. 4706 was received in the Senate and referred to ENR on December 9, 2021.

COMMITTEE RECOMMENDATION

The Senate 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. 2490. Senator Lee asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title of the Act, the “Blackwell School National Historic Site Act.”

Sec. 2. Findings

Section 2 contains Congressional findings.

Sec. 3. Definitions

Section 3 defines key terms used in the bill.

Sec. 4. Establishment of the Blackwell Schools National Historic Site

Subsection (a) establishes the Blackwell School National Historic Site as a unit of the National Park System at such time as the Secretary of the Interior determines that a sufficient quantity of land has been acquired to constitute a manageable unit; and that the Marfa Unified School District has entered into a written agreement with the Secretary to donate or co-manage the site consistent with the purposes of the National Historic Site.

Subsection (b) requires the Secretary to prepare a map of the National Historic Site as soon as practicable after the date of enactment, and to make the map available for public inspection in the appropriate offices of the National Park Service.
Subsection (c) limits the land or land interest acquisition authority of the Secretary to donation, purchase using donated funds, or exchange.

Subsection (d) directs the Secretary to administer the National Historic Site in accordance with this Act and laws generally applicable to units of the National Park System, and requires the Secretary to prepare a general management plan for the National Historic Site within 3 years that the funds are made available and submit a report to Congress.

Subsection (e) provides for the Secretary to enter into cooperative agreements with the Blackwell School Alliance and other local, regional, State, academic, and nonprofit partners for interpretive and educational programming, technical assistance, and rehabilitation relating to the National Historic Site.

Subsection (f) provides that neither private property nor non-Federal public property shall be included within the boundaries, or managed as part of the National Historic Site or without the written consent of the owner of the property.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 2490 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. 2490 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. 2490. 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. 2490, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2490, 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 October 6, 2021, hearing on S. 2490 follows:
STATEMENT OF JOY BEASLEY, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, 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 views of the Department of the Interior (Department) on S. 2490 to establish the Blackwell School National Historic Site in Marfa, Texas, and for other purposes.

S. 2490 would establish Blackwell School National Historic Site as a unit of the National Park System when the Secretary of the Interior enters into a written agreement with the Marfa Unified School District for donation or co-management of the site and acquires sufficient lands within the boundaries of the national historic site to constitute a manageable unit. The NPS would be required to develop a management plan for the site no later than 3 years after the date on which funds are first made available for this purpose. The bill also directs the Secretary of the Interior to enter into cooperative agreements with the Blackwell School Alliance (and other partners) for interpretive and educational programming, technical assistance, and rehabilitation for the site.

Through the mid-twentieth century, segregation of school children in Texas was a common practice, although Texas had no official state law mandating this segregation. The Blackwell School was the only public educational institution for Hispanic children in Marfa, Texas, from 1909 to 1965. Marfa retains a rich Hispanic cultural presence, and the Blackwell School remains an important tangible link for the community as well as a historical reminder of our nation’s segregated past. The Blackwell School is listed in the National Register of Historic Places for its local historical significance.

The National Park Service (NPS) deeply understands that education is important to a democratic society, and recognizes the important contribution to America’s story that is represented by places, such as the Blackwell School, where Hispanic students were segregated for their education. The NPS shares similar chapters in our nation’s history at other locations, including Brown v. Board of Education National Historic Site and Little Rock High Central High School National Historic Site. Education is one of the chapters in America’s story that is underrepresented in the National Park System. Establishing a unit of the National Park System could be one way to preserve and interpret the resources and related stories of Blackwell School.

The NPS has not had the opportunity to evaluate the Blackwell School as a potential unit of the National Park System. Amending the bill to provide for a special resource study of the Blackwell School, rather than the establishment of a new unit, would enable the NPS to better under-
stand this story in the national context and work with the public, the local community, and other stakeholders to gather information regarding both the school’s history as well as the historic preservation and management needs of the site. We would be happy to provide suggested language for such an amendment. If the Committee decides to move forward on this bill without a study, the Department would appreciate the opportunity to provide technical amendments to the bill.

Chairman King, Ranking Member Daines, thank you for the opportunity to appear before you today. I would be happy 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 as ordered reported.