

MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK  
ACT OF 2016

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FEBRUARY 24, 2016.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2880]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2880) to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Martin Luther King, Jr. National Historical Park Act of 2016”.

**SEC. 2. MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK.**

The Act entitled “An Act to establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes” (Public Law 96-428) is amended—

(1) in subsection (a) of the first section, by striking “the map entitled ‘Martin Luther King, Junior, National Historic Site Boundary Map’, number 489/80,013B, and dated September 1992” and inserting “the map entitled ‘Martin Luther King, Jr. National Historical Park Proposed Boundary Revision’, numbered 489/128,786 and dated June 2015”;

(2) by striking “Martin Luther King, Junior, National Historic Site” each place it appears and inserting “Martin Luther King, Jr. National Historical Park”;

(3) by striking “national historic site” each place it appears and inserting “national historical park”;

(4) by striking “historic site” each place it appears and inserting “historical park”; and

(5) by striking “historic sites” in section 2(a) and inserting “historical parks”.

**SEC. 3. REFERENCES.**

Any reference in a law (other than this Act), map, regulation, document, paper, or other record of the United States to “Martin Luther King, Junior, National His-

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

#### PURPOSE OF THE BILL

The purpose of H.R. 2880 is to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia.

#### BACKGROUND AND NEED FOR LEGISLATION

On October 10, 1980, Congress passed Public Law 96–428, establishing Martin Luther King, Jr. National Historic Site, 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. . . .”

The original boundary of the Historic Site was generally centered on a portion of Auburn Avenue in Atlanta, Georgia, that includes Martin Luther King, Jr.’s birthplace, Ebenezer Baptist Church, and the immediate neighborhood. The legislation also designated a Preservation District that extended protection beyond the immediate neighborhood surrounding Dr. King’s birthplace and Ebenezer Baptist Church to include the broader Sweet Auburn community’s commercial district.

Since 1980, Congress has twice modified the boundaries of the Historic Site and Preservation District (Public Law 102–575 and Public Law 108–314). H.R. 2880 further modifies the boundaries to include the Prince Hall Masonic Temple. The Prince Hall Masonic Temple is where the Southern Christian Leadership Conference (SCLC) 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 SCLC has now relocated to another building on the same block. Including the Prince Hall Masonic Temple within the unit’s boundary permits 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 redesignates the National Historic Site as a National Historical Park. The titles given to various areas managed by the National Park Service 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. Redesignation of the Historic Site does not affect the laws or policies that govern the area.

#### COMMITTEE ACTION

H.R. 2880 was introduced on June 24, 2015, by Congressman John Lewis (D-GA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock (R-CA) offered an amendment designated #1. The amendment was

adopted by unanimous consent. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on February 3, 2016.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2880—Martin Luther King, Jr. National Historical Park Act of 2015*

H.R. 2880 would designate the Martin Luther King, Junior, National Historic Site in Atlanta, Georgia as the Martin Luther King, Junior, 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.

Because enacting H.R. 2880 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2880 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2027.

H.R. 2880 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.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or

tax expenditures. The Congressional Budget Office has concluded that “any cost . . . would be insignificant” and subject to appropriation.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### **PUBLIC LAW 96-428**

AN ACT To establish the Martin Luther King, Junior, National Historic Site 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 Historical Park* in the State of Georgia. The [national

historic site] *national historical 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 Historical Park* and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national [historic sites] *historical 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 historical 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.

(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 historical 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 historical 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 historical 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 historical 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 historical 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] *historical 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 di-

rectly 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 Historical Park* Advisory Commission (hereinafter referred to in this section as the "Commission"). The Commission shall consist of thirteen 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 historical 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 historical 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, in-

cluding 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 historical 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 any structure or change in land use within the preservation district 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】** *historical park* 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. 8251, as amended (16 U.S.C. 1a-1 et seq.)).

