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MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE LAND EXCHANGE ACT

AUGUST 25, 2004.—Ordered to be printed

Filed, under authority of the order of the Senate of July 22, 2004

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

R E P O R T

[To accompany S. 1616]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1616) to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1616 is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the city of Atlanta, Georgia.

BACKGROUND AND NEED

The Martin Luther King, Junior, National Historic Site is located in downtown Atlanta. The historic site's visitor center is located on a very small lot that has no emergency access, making it virtually impossible for firefighting and other emergency equipment to reach the historic site. To address this problem, the city of Atlanta has agreed to exchange a parcel of land adjacent to the historic site for a vacant lot owned by the National Park Service (NPS). The vacant lot has been deemed by the NPS to have no historic significance and is of interest to the city of Atlanta for development purposes. The acquisition of the city-owned property would allow the NPS to

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establish easy street access to the visitor center and museum and greatly improve the ability for emergency vehicles to reach the historic site.

To facilitate this exchange, H.R. 1616 will amend the park's enabling legislation, Public Law 96–428, to allow the Secretary of the Interior to acquire additional lands by exchange.

LEGISLATIVE HISTORY

H.R. 1616 was introduced by Representative Lewis on April 3, 2003. The bill was favorably reported by the House Committee on Resources on July 9, 2003 (H. Rpt. 108–255). A similar measure, S. 1789, was introduced by Senator Miller on October 28, 2003. The Senate Subcommittee on National Parks held a hearing on H.R. 1616 and S. 1789 on May 20, 2004. The Committee on Energy and Natural Resources ordered H.R. 1616 favorably reported on July 14, 2004.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on July 14, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1616 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles this bill the "Martin Luther King, Junior, National Historic Site Land Exchange Act".

Section 2(a) contains Congressional findings.

Subsection (b) states that the purpose of the Act is to authorize a land exchange between the National Park Service and the city of Atlanta.

Section 3 amends the enabling Act for the historic site, Public Law 96–428.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 2004.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1616, the Martin Luther King, Junior, National Historic Site Land Exchange Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 1616—Martin Luther King, Junior, National Historic Site Land Exchange Act

H.R. 1616 would authorize the National Park Service (NPS) to acquire land within for the Martin Luther King, Junior, National Historic Site by exchange. The new authority would enable the NPS to exchange a small parcel of land owned by the agency for a parcel owned by the city of Atlanta that is less than 0.5 acres. The newly acquired tract would be used for access to the historic site.

Based on information provided by the NPS and assuming the availability of appropriations, CBO estimates that it would cost the federal government about $200,000 over the next fiscal year to complete the exchange and pave the new property. For this estimate, CBO assumes that the properties to be exchanged would be determined by NPS to be roughly equal in value.

H.R. 1616 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On August 11, 2003, CBO transmitted a cost estimate for H.R. 1616 as ordered reported by the House Committee on Resources on July 9, 2003. The two versions of the legislation are identical, as are the costs.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 1616.

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. 1616.

EXECUTIVE COMMUNICATIONS

On May 7, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1616. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on H.R. 1616 follows:

STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY, FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views

on S. 1789 and H.R. 1616. These bills would authorize the exchange of lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

The Department supports both of these bills, which are identical. At a hearing on June 17, 2003, the Department testified in support of H.R. 1616, which passed the House without amendment on October 28, 2003.

Both bills would allow the National Park Service (NPS) to exchange land currently owned on Edgewood Avenue for land of equal or greater value from the City of Atlanta (City). The exchange would provide the Martin Luther King, Junior, National Historic Site (park) with emergency access to the park visitor center, and would help in the continuing revitalization of Edgewood Avenue. Although appraisals have not been completed, there would be no acquisition costs associated with this equal value exchange. Development of the newly acquired land, in order to provide paved access for emergency vehicles, is estimated to cost $160,000. There would be no increase in operational costs or the need to fund additional facilities.

Both bills would amend Section 2(b) of P.L. 96–428, the act that established Martin Luther King, Jr. National Historic Site, to allow the Secretary of the Interior to acquire land within the boundary of the park that is owned by the State of Georgia, or any political subdivision of the State, by exchange. Currently, P.L. 96–428 only allows the Secretary to acquire such lands by donation.

The park and nearby Preservation District, which includes Sweet Auburn, the economic and cultural center of Atlanta's African American community during most of the 20th century, were established in 1980 to preserve, protect and interpret the places where Dr. King was born, worked, worshipped, and is buried. Located near downtown Atlanta, the park consists of 34.47 acres, of which 13.04 acres is currently in federal ownership.

Most of the park is self-guided, including the visitor center, Historic Ebenezer Baptist Church, Dr. King's gravesite, Freedom Hall and Historic Fire Station No. 6. Guided tours are provided for Dr. King's Birth Home. In addition, the park preserves and maintains 22 historic properties. Most these properties are located on the same block as the Birth Home and are restored to the 1930s period when Dr. King lived on Auburn Avenue. These historic properties are leased, as residential units, to the general public.

In 1992 when the NPS began planning for a visitor center, the preferred location was determined to be the site of the City-owned Martin Luther King, Jr. Community Center. In accordance with P.L. 96–428, land could only be acquired from the City of Atlanta by donation. The City, realizing the importance of having an NPS visitor center within the park, agreed to donate the community center to the NPS.

Due in large part to the City's generosity, the visitor center has been completed. However, emergency vehicles are unable to access the visitor center from nearby streets and additional land is needed to provide this emergency vehicle access. The City owns 1.71 acres that are adjacent to the visitor center, have easy access from Jackson Street, and could be developed to provide the needed emergency access for the visitor center. The City is interested in conveying all, or a portion, of this property to the NPS through an exchange.

When the park was established, the boundary was created to ensure the preservation of Dr. King's neighborhood. Included within the boundary is Edgewood Avenue. In order to assure preservation of the area NPS has gradually acquired several properties along Edgewood Avenue, which was a deteriorating commercial area.

At the time the park was established, there were no local efforts to preserve properties along Edgewood Avenue. However, during the past 10 years several individuals and organizations, with the support of the City, have initiated restoration of the preservation district, including Edgewood Avenue. NPS ownership on Edgewood Avenue is no longer needed solely to ensure preservation and NPS has identified land along Edgewood Avenue that would be suitable for an exchange with the City, in order to acquire the parcel adjacent to the visitor center.

That completes my testimony. I would be happy to answer any questions that you or any 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 H.R. 1616, as ordered 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

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 in the State of Georgia. The national historic site 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", numbered NASM/SERO/20, 109–C, and dated May 1980, 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 office 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 and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, 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 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.*

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