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HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH ACT OF 2003

JULY 11, 2003.—Ordered to be printed

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

R E P O R T

[To accompany S. 643]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hibben Center Act”.

SEC. 2. LEASE AGREEMENT.

(a) AUTHORIZATION.—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) TERM; RENT.—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) OPERATING EXPENSES.—The lease may require the Secretary to contribute a pro rata share of the Hibben Center’s annual operating expenses, in addition to any nominal annual rent.

(d) IMPROVEMENTS.—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

SEC. 3. GRANT.

Upon execution of the lease, the Secretary may contribute to the University of New Mexico up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000.

SEC. 4. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

PURPOSE OF THE MEASURE

The purpose of S. 643 is to authorize the Secretary of the Interior to enter into an agreement with the University of New Mexico, to leave space in the Hibben Center for Archaeological Research at the University, and to provide a grant to the University for the Federal share of the cost of construction of the Hibben Center.

BACKGROUND AND NEED

Chaco Culture National Monument was established in 1907 to protect the prehistoric sites and archaeological resources located in Chaco Canyon. The monument was redesignated as Chaco Culture National Historic Park in 1980. The University of New Mexico (University) originally owned a significant portion of the land located within the boundaries of the park and from the 1920s to 1947, conducted archaeological research there.

In 1949, the University conveyed to the United States all right, title, and interest of the University in and to the land in the park and entered into a memorandum of agreement with the National Park Service (NPS) establishing a research partnership with the park.

Since 1971, the NPS, through memoranda of understanding and cooperative agreements with the University, has maintained a research museum collection and archive at the University. Both the NPS and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories. Insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collection difficult.

To remedy this problem, the University recently constructed the Hibben Center for Archaeological Research. The Center is a state-of-the-art museum facility to store and research the University's and the National Park Service's archaeological holdings and archives related to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

S. 643 authorizes the Secretary of the Interior to make a grant to the University to contribute the Federal Share of the cost of construction of the center, and to enter into along-term lease to use a portion of the center.

LEGISLATIVE HISTORY

S. 643 was introduced by Senator Domenici on March 18, 2003. The Subcommittee on National Parks held a hearing on S. 643 on June 10, 2003. At the business meeting on June 25, 2003, the Committee on Energy and Natural Resources ordered S. 643, as amended, favorably reported.

In the 107th Congress, a similar bill S. 3138, was introduced by Senator Domenici on October 7, 2002.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 25, 2003, by unanimous vote of a quorum present, recommends that the Senate pass S. 643, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 643, the Committee adopted an amendment in the nature of a substitute. The substitute removes the congressional findings and definitions, and clarifies the lease agreement.

The substitute amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 titles the bill as the “Hibben Center Act”.

Section 2(a) authorizes the Secretary to enter into an agreement with the University to lease space in the Center for research on, and curation of the archaeological research collections of the NPS relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

Subsection (b) states that the lease shall provide for a term not to exceed 40 years and a nominal annual lease payment.

Subsection (c) states that the lease may require the Secretary to contribute a share of the Center’s annual operating expenses.

Subsection (d) states that the lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

Section 3 authorizes the Secretary to contribute up to 37% of the construction of the Center, not to exceed \$1,750,000, to the University.

Section 4 authorizes the Secretary to enter into cooperative agreements with the University, Federal agencies, and Indian tribes for curation, research, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

Section 5 authorizes the appropriations necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 643. 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. 643, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 29, 2003, 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 S. 643. These reports had not been received at the time the report on S. 643 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the NPS at the Subcommittee hearing follows:

STATEMENT OF D. THOMAS ROSS, ASSISTANT DIRECTOR, RECREATION AND CONSERVATION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 643, a bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

The Department of the Interior supports S. 643, as the completion of the Hibben Center would be the final step in carrying out the Federal government's responsibility for the protection the archaeological resources that were collected during the Chaco Project in the 1970's. Although there are significant costs associated with this legislation, the bill directly supports a key park mission by authorizing a better curatorial facility for park resources. This legislation would authorize an appropriation of \$3,772,000 for construction costs, tenant improvements and costs associated with a long-term lease for a portion of the Hibben Center at the University of New Mexico. The facility will provide for the protection of the cultural resources taken from Federal lands at Chaco Culture National Historical Park and Aztec Ruins National Monument. The project is currently on the National Park Service (NPS) five-year list for line item projects and passage of this legislation is necessary for Federal funds to be expended. There would be no additional annual operating for maintenance expenses to the Federal government beyond the existing level expended for the current substandard facilities.

HISTORY OF THE PROJECT

Chaco Canyon and the University of New Mexico (UNM) have been partners since Chaco Canyon National Monument was founded in 1907. From 1907 to 1949, the State of New Mexico owned sections of land within the monument's boundaries for the benefit of UNM. Since its Anthropology Department was founded in 1929, UNM has been a leader in Southwestern archaeology. The university

conducted an archaeological field school in Chaco Canyon from 1929–1948 and excavated many important sites. Students from virtually every college in the country participated in these field schools. Dr. Frank C. Hibben was a teaching assistant at the UNM field school, and remained interested in Chaco throughout his long career. The UNM field schools produced extensive museum collections still held by UNM.

In 1949 the university deeded its land to the United States government. Since then, the UNM–NPS partnership has continued through a series of formal agreements to conduct research and to care for the UNM and NPS Chaco museum collections. Since 1970, the main NPS Chaco collection has been housed on the UNM campus. Today the NPS Chaco Collection contains approximately 1.5 million artifacts, representing nearly 6,000 years of prehistory and history. In 1980, Congress expanded the monuments' boundaries and created Chaco Culture National Historical Park to preserve and interpret Chacoan resources and to facilitate research. Chaco Canyon is on the National Register of Historic Places and in 1987 was designated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site.

For the past 100 years archeologists have considered Chaco Canyon to be one of the most important pre-Columbian archaeological regions in the United States. In 1970 Congress created the Chaco Project—a multi-year, multi-disciplinary research partnership with the University of New Mexico to study Chacoan archaeology. The million-dollar project was the largest archaeological project in the country at that time, and it generated the bulk of the Chaco archaeological collections. However, the Chaco Project did not address the long-term storage needs of the collections. In 1983, UNM committed itself to providing temporary storage space for the collection until a joint UNM/NPS repository could be built. However, the UNM storage space was rapidly filled to capacity. Over the past 20 years, the collection (including office and work space) has spilled over into inappropriate and substandard spaces throughout the UNM campus.

Both NPS and UNM have long recognized that the storage facilities provided by UNM are inadequate and do not meet DOI standards for the care of archaeological collections. The need for a repository for the cultural resources has been acknowledged in numerous planning documents for Chaco Culture NHP and Aztec Ruins NM, including the Chaco Culture National Historical Park 1985 General Management Plan, 1987 Memorandum of agreement with the University of New Mexico, 1990 Resource Management Plan and the 1993 Collections Management Plan. In 1987, UNM and NPS museum staff began planning a new curation facility that would house the archaeological collections of both institutions and meet all federal standards. Finding funding for such a facility was the main stumbling block. In 1997, Dr. Hibben made a commitment of \$3 mil-

lion to help fund a new research and curation facility at UNM, and he asked Chaco Culture NHP to partner with him. In 2001, the park's project to match Dr. Hibben's funding for a new curation facility was added to the NPS Line Item Construction Program for funding in FY 2003, pending Congressional authorization. In the FY 2004 priority list this project is slated for funding FY 2006.

The Hibben Center for Archaeological Research was designed to sit adjacent to the UNM Maxwell Museum of Anthropology. The building is three stories with a full basement. During planning it was decided that UNM would occupy the basement and the ground floor; the NPS would occupy the entire second floor and three-fourths of the third floor. Due to Dr. Hibben's advanced age and failing health, UNM proceeded with the construction of the Hibben Center, which was dedicated in October 2002, a few months after Dr. Hibben's death. Dr. Hibben's funds completed the building shell and build outs of the basement and ground floor. The NPS will build out the second and third floor with passage of S. 643.

NEED FOR THE PROJECT

The current storage conditions of the world-class Chaco Museum Collection are substandard and pose a threat to the preservation and security of the artifacts and archives. The bulk of the archaeological collections are stored in a room in the UNM Anthropology Building, built in 1937. This room has no temperature or environmental controls, no smoke detection or fire suppression system, and only a rudimentary security system. Aging plumbing pipes that run through the ceiling of the room frequently leak, exposed phone and data lines pose a fire risk, and insect infestations are a constant problem. This space is currently at 99% capacity. The remainder of the NPS archaeology collection is housed in the Maxwell Museum warehouse. The conditions at the warehouse are the same, except there is no heating, cooling or ventilation system in the building at all. Lighting fixtures were finally added a few years ago. Due to the nature of the structure, rodent and insect infestations are an ongoing problem. Rodents have destroyed some of the Maxwell Museum's collections. This facility exceeded 100% capacity several years ago, and the 16' high wooden shelves are overloaded with boxes and are unsafe. The Chaco Museum Archive is housed on the third and floor levels in the stacks of UNM's Zimmerman Library, built in 1950. The stacks have no temperature or environmental controls, no fire suppression system, and no security system. The antiquated evaporative cooling system in the library fluctuates dramatically during the summer season, pouring excessively harmful humidity into the archive. Dust from the aging building covers everything. The main storage room has built-in structural shelving supports that are so closely spaced that map cases will not fit between them. One map case sits in a hallway because it will not fit through a narrow, non-code, non-ADA compli-

ant emergency exit door. Flights of stairs link the archive storage room and the office, and there is no elevator access to the archive office.

None of the storage areas meet DOI standards set forth in 36 CFR 79, *Curation of Federally-Owned and Administered Archaeological Collections* (1990) or NPS museum standards. The poor storage conditions contribute to the deterioration of the collection. The lack of adequate security puts the collection at risk especially given the large (25,000+ students), urban university setting. The lack of ADA access violates federal law. The dispersed storage, office, and workspaces make it impossible to efficiently and effectively manage or use the collection. The overcrowding of storage and workspaces makes providing research access, mandated by 36 CFR 79, extremely difficult.

BENEFIT OF THE PROJECT

The NPS is committed to supporting the Department and Secretary Norton's 4 C's initiative of cooperation, consultation, and communication, all in the service of conservation and believe this project supports that goal. Partnerships are a cost-effective way of doing business. If the NPS were to construct a new facility on its own, it would cost more than three-and-a-half times as much. Under this project, the NPS will invest now in tenant improvements and will enter into a 40-year lease with UNM at a cost of \$1 dollar per year. UNM will bear the annual operations and maintenance cost. As a result, the cost of this facility to the federal government, amortized over the forty-year lease, will be \$5.60 per square foot. A comparable GSA-leased space would cost \$20.00 per square foot.

This project will also involve a partnership between two NPS parks: Chaco Culture NHP and Aztec Ruins National Monument. These parks share the World Heritage Site designation because of their close archaeological relationship. Under this project, Aztec Ruins NM archaeological collections will also be stored in the Hibben Center, making research of Chacoan culture more centralized and efficient.

In addition to the monetary benefits, this project will continue a collaboration which, since 1949, has been a model of Federal and state partnerships. The NPS will continue to benefit by having its Chaco Museum Collection housed in a research university setting, with the attendant advantages, while UNM will continue to benefit by having a World Heritage Site collection readily available to its faculty and students for research and training.

That concludes my testimony. I would be glad to answer any questions that you or the 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 S. 643, as ordered reported.

