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HIBBEN CENTER ACT

OCTOBER 6, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 3258]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3258) 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, 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 "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) 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:

(1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed $1,750,000; and

(2) the cost of improvements, not to exceed $2,488,000.

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 BILL

The purpose of H.R. 3258 is 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.

BACKGROUND AND NEED FOR LEGISLATION

From 1929–1937 the University of New Mexico (UNM) conducted field schools and archaeological research, resulting in extensive collections held at its Maxwell Museum of Anthropology. Commencing in 1949, the University progressively transferred the property to the federal government as part of a succession of agreements by which the National Park Service (NPS) established the Chaco Canyon Park while university archaeologists and curators worked with their NPS counterparts to continue field research in the area. In 1969 the research partnership was formalized with the creation of Chaco Research Center, located at UNM, where NPS took over the bulk of field research in the Park while collaborating with UNM faculty and staff on analysis, storage and instruction deriving from this activity. With termination of most active field work in 1985, this partnership has continued while concentrating on the publication of this long phase of investigation and joint NPS/UNM curation of the vast and unmatched collections, all held in the Maxwell Museum of the University of New Mexico.

The proposed project will relocate the Chaco Park personnel currently working in the Maxwell Museum into the Hibben Center for Archaeological Research adjacent to the museum. This structure built and funded by The University of New Mexico, donated by Professor Frank Hibben, first director of the Maxwell Museum of Anthropology at UNM and an early Chaco Canyon researcher, is intended to give the long-lasting partnership a permanent home. Two floors of the building opened in 2003 with the completed portion housing the Southwestern archaeology collections of the University of New Mexico together with research laboratories and photographic archives.

Under the terms of this legislation, the Secretary of the Interior would enter into an agreement with the University of New Mexico to lease space in the Hibben Center. The lease term should not exceed 40 years and a minimal lease fee will be paid by the NPS. This bill also allows the Secretary to contribute to the cost of construction of the Hibben Center, not exceeding $1.75 million and calls for the NPS to contribute a share of the ongoing operation expenses of the center as well.

COMMITTEE ACTION

H.R. 3258 was introduced on October 7, 2003, by Congresswoman Heather Wilson (R–NM). The bill was referred to the Committee on

Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On September 14, 2004, the Subcommittee held a hearing on the bill. On September 15, 2004, the Full Resource Committee met to consider the bill. By unanimous consent, the Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill. Subcommittee Chairman Congressman George Radanovich (R–CA) offered an amendment in the nature of a substitute. The amendment eliminated the provision in the bill calling for the NPS to share in the ongoing operating expenses of the Hibben Center as well as addressed technical concerns raised by the Administration during its testimony in Subcommittee. The amendment was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

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 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.

4. Congressional Budget Office Cost Estimate. 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. 3258—Hibben Center Act

H.R. 3258 would authorize the Secretary of the Interior to lease space for up to 40 years in the Hibben Center for Archaeological Research, a new facility built by the University of New Mexico. The bill would authorize the Secretary to enter into a lease agreement to provide for nominal annual rent, to make leasehold improvements related to the care of the archaeological collections, and to pay a pro-rata share of the annual operating expenses of the center. In addition, the bill would authorize the Secretary to contribute up to $1.75 million towards the construction costs of the center and up to $2.488 million for improvements. For these purposes, the bill would authorize the appropriation of whatever amounts are necessary.

Based on information provided by the National Park Service and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3258 would cost the federal government approximately $4.25 million over the next five years. Of this amount, we estimate that $1.75 million would be paid to the university in 2005 for construction costs. The remaining $2.488 million would be spent in 2004 or 2005 for leasehold improvements and furnishings. We estimate that annual costs (including payments for rent and possibly a federal contribution for center operating costs such as utilities) would be negligible.

H.R. 3258 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The bill would provide a benefit to the University of New Mexico (public university), and any costs to the university would be incurred voluntarily.

On July 10, 2003, CBO transmitted a cost estimate for S. 643, the Hibben Center Act, as ordered reported by the Senate Committee on Energy and Natural Resources on June 25, 2003. The two versions of the Hibben Center Act are similar, and their estimated costs are about the same.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

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