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SENATE

{ REPORT
108-364

BENJAMIN FRANKLIN NATIONAL MEMORIAL FINANCIAL ASSISTANCE ACT

SEPTEMBER 28, 2004.—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. 1852]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1852) to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, 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. BENJAMIN FRANKLIN NATIONAL MEMORIAL.

The Secretary of the Interior may provide a grant to the Franklin Institute to—

- (1) rehabilitate the Benjamin Franklin National Memorial (including the Franklin statue) in Philadelphia, Pennsylvania; and
- (2) develop an interpretive exhibit relating to Benjamin Franklin, to be displayed at a museum adjacent to the Benjamin Franklin National Memorial.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000.

(b) REQUIRED MATCH.—The Secretary of the Interior shall require the Franklin Institute to match any amounts provided to the Franklin Institute under this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1852 is to authorize the Secretary of the Interior to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania to the Franklin Institute and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

BACKGROUND AND NEED

Dedicated in 1938, the Memorial Hall of the Franklin Institute Science Museum serves as the nation's primary location honoring Franklin's life, legacy and ideals. The Benjamin Franklin National Memorial (Memorial) is an affiliated area of the National Park System that is owned and administered by the Franklin Institute. The Memorial includes a colossal seated marble statue of Franklin carved by sculptor James Earle Fraser, which stands in the rotunda of the Franklin Institute's main building in Philadelphia. The statue and surrounding Memorial Hall were designated as the Benjamin Franklin National Memorial on October 25, 1972 (Public Law 92-551). Public Law 92-551 contained no provision for the appropriation of funds to be used for acquisition, development, operation or maintenance of the Memorial. The House committee report on Public Law 92-551 anticipated that the Franklin Institute would continue to operate and maintain the Memorial at no cost to the government. The National Park Service entered into a Memorandum of Agreement (MOA) with the Franklin Institute on November 6, 1973. The MOA outlines the major responsibilities of each party regarding the operations of the Memorial. The Franklin Institute agreed to preserve the memorial in perpetuity, to make no substantial alterations or repairs without the Secretary of the Interior's approval and to admit the public, free of charge, to the Memorial. In turn, the Secretary agreed to include the Memorial in publications, to make appropriate references to it in the interpretive and information programs of Independence National Historical Park, and to cooperate with the Institute in all appropriate and mutually agreeable ways on behalf of the Memorial.

In 2000, the Institute received approximately \$300,000 from the Department of the Interior in the form of a "Save America's Treasures" grant. Since 1973, this is the only funding provided to the Institute by the Department. The task of preserving and maintaining the Memorial has proven to be a costly endeavor for the Franklin Institute.

S. 1852 would authorize up to \$10 million in Federal funds to provide needed rehabilitation and to enhance the experience at the Memorial by adding exhibition space for the proper display of Franklin artifacts. The Institute hopes to renovate the Memorial prior to the celebration of the 300th anniversary of Franklin's birth in 2006.

LEGISLATIVE HISTORY

S. 1852 was introduced by Senators Specter and Santorum on November 12, 2003. A related measure, H.R. 3753, was introduced on February 3, 2004 by Representative Hoeffel. The Committee on Energy and Natural Resources' Subcommittee on National Parks held a hearing on S. 1852 on July 15, 2004. At the business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered S. 1852 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on September 15, 2004, by a unanimous

voice vote of a quorum present, recommends that the Senate pass S. 1852, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1852, the Committee adopted an amendment in the nature of a substitute. The amendment removes the section containing Congressional findings and replaces language specifying exhibits containing artifacts and multimedia collections with broader language requiring that an interpretive exhibit be developed. Section 2 was amended to include a requirement that all amounts provided by the Secretary of the Interior to the Franklin Institute be matched equally by the Institute. The amendment is described in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior to provide a grant to the Franklin Institute to rehabilitate the Benjamin Franklin Memorial and to develop an interpretive exhibit relating to Benjamin Franklin.

Section 2(a) authorizes to be appropriated \$10,000,000 to carry out this Act.

Subsection (b) requires that all amounts provided under this Act by the Secretary, be matched equally by the Franklin Institute.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1852—A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin

S. 1852 would authorize the appropriation of \$10 million to rehabilitate the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and to develop interpretive exhibits at the adjacent museum. Assuming appropriation of this amount, CBO estimates that the National Park Service would pay the Franklin Institute grants totaling \$10 million over the next five years.

The legislation 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.

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 S. 1852.

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. 1852.

EXECUTIVE COMMUNICATIONS

On June 24, 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 S. 1852. 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 S. 1852 follows:

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1852, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin. The Department does not support this bill.

This bill would authorize financial assistance in the form of a grant to the Franklin Institute to rehabilitate the Benjamin Franklin National Memorial, and to develop an exhibit featuring artifacts and multimedia collections relating to Benjamin Franklin, to be displayed at a museum adjacent to the memorial. An amount not to exceed \$10,000,000 would be authorized to be appropriated in fiscal years 2004 through 2008 for these purposes.

For many years, regardless of Administrations, the Department has opposed legislation authorizing appropriations for non-National Park Service construction projects. Many of these projects, like the rehabilitation of the Ben Franklin National Memorial, represent an important contribution to the preservation of our Nation's history. However, each time such legislation is enacted and appropriations follow, it further reduces a limited amount of discretionary funds available to address the priority needs of our national parks and other programs administered by the National Park Service. With the emphasis we have placed on the President's initiative to reduce the deferred maintenance backlog, it has become more important than ever to avoid authorizing funding for non-National Park Service projects that would likely draw funds from the National Park Service's budget. We are committed to supporting initiatives to commemorate the 300th anniversary of Benjamin Franklin and the interpretation of his legacy, especially at Franklin Court, a unit of Independence National Historical Park in Philadelphia, but given the current demands on National Park Service funds, we cannot support this legislation.

The Benjamin Franklin National Memorial is an affiliated area of the National Park System that is owned and administered by the Franklin Institute. The Memorial includes a colossal seated marble statue of Franklin carved by sculptor James Earle Fraser, which stands in the Rotunda of the Franklin Institute's main building at 20th Street and the Benjamin Franklin Parkway in Philadelphia. The statue and surrounding Memorial Hall was designated as the Benjamin Franklin National Memorial on October 25, 1972 (P.L. 92-551) and made no provision for appropriated funds to be used for acquisition, development, operation or maintenance of this Memorial. The House committee report on P.L. 92-551 anticipated that the Franklin Institute would continue to operate and maintain the Memorial at no cost to the government.

A Memorandum of Agreement (MOA) entered into on November 6, 1973, falls under the administrative authority of Independence National Historical Park. The MOA outlines the major responsibilities of each party regarding the operations of the national memorial. The Franklin Institute agreed to preserve the memorial in perpetuity, that no substantial alterations or repairs be taken without Secretarial approval, that the public shall be admitted without charge to the memorial, and that there will be equal employment opportunities. In turn, the Secretary agreed to include the memorial in publications, to make appropriate references to it in the interpretive and information programs of Independence National Historical Park, and to cooperate with the Institute in all appropriate and mutually agreeable ways on behalf of the memorial.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks, and I will be happy to answer any questions you or other committee members might 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. 1852 as ordered reported.

