

Calendar No. 542

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-303

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1997

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

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

REPORT

[To accompany S. 1408]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1408 is to establish the Lower East Side Tenement National Historic Site, in New York City, as an affiliated area of the National Park System.

BACKGROUND AND NEED

Between 1880 and 1921, millions of immigrants flooded New York, entering through Ellis Island and finding their way to thousands of dwellings in the Lower East Side of New York City. These dwellings, called tenements, were designed and constructed to provide affordable shelter to the incoming masses of poor immigrant workers.

The tenement located at 97 Orchard Street in New York City was built in 1864 during the first immigration rush to provide housing for immigrants. The brick building, rising five stories with a raised basement, housed more than twenty families on a lot planned for a single-family residence. Each floor had four three-room apartments, with two windows in one room and none in the others. The privies and water pigot for all residents were located

outdoors and immediately adjacent to the building. The public bathhouse was down the street.

Conditions improved at 97 Orchard Street following the passage of the New York Tenement House Act of 1901. Two toilets were installed on each floor. A skylight was installed over the stairway and interior windows were cut in the walls to allow additional light throughout each apartment. The ground floor became commercial space. Electricity was installed in 1918. Further improvements were mandated in 1935, but the owner of this building chose to close the building rather than follow the new regulations. It remained boarded up for sixty years until the Lower East Side Tenement Museum (Tenement Museum) leased the building in 1988. The Lower East Side Tenement Museum was designated a National Historic Landmark in 1994.

In a Special Resource Study Report, the National Park Service found the Lower East Side Tenement Museum met the criteria for eligibility and suitability as a unit of the National Park System. The Study concluded that there is no other site presently in the National Park System or National Historic Landmark Program that comprehensively interprets immigration and tenement life during the country's peak immigration period of 1880–1920. The study also found that tenements are distinctive architectural forms not represented elsewhere, and that 97 Orchard Street is an outstanding example of an early tenement preserved from that period.

The Lower East Side Tenement National Historic Site will be designated as an affiliated unit of the National Park System. The Secretary of the Interior, in consultation with the Lower East Side Tenement Museum will coordinate the operation and interpretation of the historic site with the Statue of Liberty, Ellis Island, and Castle Clinton National Monuments. The National Park Service may enter into an agreement with the Tenement Museum to provide funding for the development of the historic site, and to provide technical and financial assistance. The historic site will continue to be owned, operated and managed by the Lower East Side Tenement Museum.

LEGISLATIVE HISTORY

S. 1408 was introduced by Senators D'Amato and Moynihan on November 7, 1997 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 1408 on July 18, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 1408 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1408, as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Lower East Side Tenement National Historic Site Act of 1997".

Section 2 lists the findings and the purposes of the bill. The findings include: (1) immigration, and the resulting cultural diversity, is a key factor in defining the identity of the United States; (2) many citizens of the United States trace their ancestry to other nations; (3) no other neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan; (4) the Lower East Side Tenement at 97 Orchard Street is an outstanding survivor of a large number of buildings that housed immigrants; (5) the Lower East Side Tenement is owned and operated by the Lower East Side Tenement Museum; (6) the Lower East Side Museum is dedicated to interpreting immigrant life and its importance to United States history; and (7) the Lower East Side Tenement is nationally significant, and on April 19, 1994 the Lower East Side Tenement was designated as a National Historic Landmark. In addition the National Park Service found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System. The purposes of the bill are listed as follows: (1) to ensure the preservation, maintenance and interpretation of the Lower East Side Tenement at 97 Orchard Street, and to interpret the themes of immigration, tenement life, along with the housing reform movement, and tenement architecture in the United States; (2) to ensure continued interpretation of the nationally significant immigrant phenomenon; and (3) to enhance the interpretation of two other related National Park Service sites.

Section 3 defines certain key terms in the Act.

Section 4 designates the Lower East Side Tenement Museum as a National Historic Site. The Historic Site will continue to be owned and operated by the Tenement Museum and the Secretary of the Interior (Secretary), in consultation with the Tenement Museum, will coordinate the operation and interpretation of the historic site with three other related National Park Service sites in and around New York City.

Section 5 directs the Secretary, within two years after the enactment of this Act and in consultation with the Museum, to develop a general management plan for the site. The plan will outline how interpretation and operations of the site would be coordinated with the Statue of Liberty National Monument, Ellis Island National Monument and Castle Clinton National Monument. Further, the Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation and preservation of the site, and the Secretary may provide technical and financial assistance to the Museum.

Section 6 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 1998.

Hon. FRANK H. MURKOWSKI,
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 S. 1408, the Lower East Side Tenement National Historic Site Act of 1997.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1408—Lower East Side Tenement National Historic Site Act of 1997

S. 1408 would designate the Lower East Side Tenement in New York as a national historic site. The bill would authorize the National Park Service (NPS) to enter into an agreement with the Lower East Side Tenement Museum, which owns the site, to provide for interpretation and preservation of the tenement. For this purpose, the NPS would provide technical and financial assistance, including any necessary amounts for capital improvements and repairs. The bill also would authorize the NPS to coordinate the operation and interpretation of the new site with other nearby NPS units, such as the Statue of Liberty.

Assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend about \$7.5 million to implement S. 1408 over the next five years. This total includes \$5 million for making needed capital improvements and for creating an interpretive program for the tenement. In addition, about \$0.5 million annually over this period would be used for operating and planning expenses.

S. 1408 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandate Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, 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. 1408. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 1408, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1408, a bill to establish the Lower East Side Tenement National Historic Site in the City of New York.

The bill would designate the National Historic Landmark at 97 Orchard Street in New York City's Lower East Side as a National Historic Site and make such an affiliated site of the National Park System. The bill would authorize the Secretary of the Interior to enter into a cooperative agreement with and provide technical and financial assistance to the Lower East Side Tenement Museum to ensure the marking, interpretation and preservation of the historic site. The Secretary is also authorized to develop, with the Museum, a general management plan for the historic site. The plan would outline the roles and responsibilities of the Secretary at the site and how interpretation and programming for the site would be integrated and coordinated with that of the Statue of Liberty, Ellis Island and Castle Clinton National Monuments.

The Department of the Interior supports enactment of this legislation. We believe the piece of American history being preserved and interpreted at the Lower East Side Tenement is historically significant and should be recognized. It is an important piece of our history that we celebrate at the Statue of Liberty, Ellis Island and Castle Clinton National Monuments in New York City. The Lower East Side Tenement is the continuation of the story of the immigrant experience and explains what happened once thousands of people were allowed to enter the United States after being processed at Ellis Island. In April of 1994, the Lower East Side Tenement at 97 Orchard Street was designated a National Historic Landmark by the Secretary of the Interior.

At the direction of Congress, we undertook a special resources study of the Lower East Side Tenement Museum. Our report concludes that the tenement at 97 Orchard Street is an outstanding example of a surviving tenement associated with immigration and immigrant ways of life in the United States during the latter half of the 19th century and the early 20th century. The tenement meets the criteria of national significance, suitability and feasibility for inclusion of the site in the National Park System.

Built in 1863–1864, the building at 97 Orchard Street, is one of the earliest tenements erected on Manhattan's Lower East Side. During its 72-year tenure as housing, it may have been home to as many as 10,000 immigrants. While the exterior of the building resembles other nearby tenements, this building is remarkable because the upper floors were not altered or utilized since they were sealed in the 1930s. These floors, although deteriorated, are thus preserved and provide a poignant reminder of tenement life during the greatest period of immigration in American history. Millions of immigrants passed through Ellis Island, and earlier, Castle Clinton, and found their way to thousands of similar dwellings on New York's Lower East Side.

The non-profit Lower East Side Tenement Museum creatively interprets the tenement and surrounding neighborhood. It links the tenement's story to those of Ellis Island and Castle Clinton. The Museum owns the building and has undertaken major stabilization and restoration work so as to insure the building's preservation. The Museum's visitor center and office space are located in separate, nearby locations. The Museum conducts a variety of programs both for visitors to the Museum as well as for the community and neighborhood groups and organizations.

Our study evaluated three management alternatives for the site. These were: (1) create a new National Park System unit with full ownership and operation of the site by the National Park Service; (2) establish the site as an affiliated area of the National Park System and work cooperatively with the Tenement Museum; and (3) take no federal action. We support the second alternative that calls for a partnership approach. Under this approach the Tenement Museum would own, operate and have primary responsibility for the site. The Museum is a small organization with limited resources but is a capable institution that should remain involved in the operation and management of the historic site. The National Park Service would provide technical and financial assistance to the site and the Tenement Museum through cooperative agreements. The involvement of the National Park Service at the Tenement Museum would enhance the ongoing programs of the Museum as well as those of the National Park Service offered at Ellis Island and Castle Clinton.

Mr. Chairman, the Lower East Side Tenement is an outstanding cultural resource. It represents a significant part of the story of American immigration. It offers a unique opportunity to teach present and future generations of Americans about the lives of immigrants, about the experience of many of our ancestors, about how and where they lived. The establishment of the Lower East Side Tenement National Historic Site as an affiliated area of the National Park System, managed by the Tenement Museum with assistance from the National Park Service, is critical to the successful preservation and interpretation of this impor-

tant resource and American story. We fully support the legislation as drafted and encourage your passage of this legislation.

If enacted, funding for implementation of S. 1408 would be contingent upon Federal budgetary constraints and Departmental funding priorities.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to respond to any questions you or members of the Subcommittee may have regarding this bill.

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 S. 1408, as ordered reported.

