

## Calendar No. 239

109TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
109-147

### BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATION ACT OF 2005

---

OCTOBER 19, 2005.—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. 652]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 652) 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 without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 652 is to authorize the Secretary of the Interior to provide financial assistance to the Franklin Institute 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.

#### BACKGROUND AND NEED

The Franklin Institute is a non-profit corporation established in memory of Benjamin Franklin in Philadelphia, Pennsylvania in 1824. The Institute operates a Science Museum, whose mission is to stimulate interest in and promote public understanding of science.

The Memorial Hall of the Franklin Institute Science Museum serves as the Nation's primary location honoring Benjamin 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 Me-

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 Science Museum. 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 (H. Rpt. 92-1592) 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 operation 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 its maintenance and promotion 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. 652 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. 652 was introduced by Senators Specter and Santorum on March 17, 2005. The Subcommittee on National Parks held a hearing on the bill on July 28, 2005. Similar legislation, S. 1852, was introduced by Senators Specter and Santorum in the 108th Congress. At its business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 652 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 652 as described herein. A nay vote was registered by Senator Thomas.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the Act, "The Benjamin Franklin National Memorial Commemoration Act of 2005."

*Section 2* 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 3* (a) authorizes the appropriation of up to \$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 costs of this measure has been provided by the Congressional Budget Office:

#### *S. 652—Benjamin Franklin National Memorial Commemoration Act of 2005*

S. 652 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. Enacting the legislation would not affect direct spending or revenues.

S. 652 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. 652. 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. 652, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 652 were included in testimony received by the Committee at a hearing on the bill on July 28, 2005 as follows:

#### STATEMENT OF STEPHEN P. MARTIN, 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. 652, 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 anni-

versary 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 interpretive exhibit 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 for these purposes, with the Franklin Institute required to provide matching funds.

For many years, 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. 652, as ordered reported.

