

## Calendar No. 636

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SENATE

{ REPORT  
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### PEOPLING OF AMERICA THEME STUDY ACT

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JUNE 27, 2000.—Ordered to be printed

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

### REPORT

[To accompany S. 2478]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2478) to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 4, after line 10, insert:  
“(3) **PEOPLING OF AMERICA.**—The term ‘peopling of America’ means the migration to and within, and the settlement of, the United States.”
2. On page 4, line 16, insert “trails,” after “areas,”.
3. On page 5, line 11, strike “Places” and all that follows through the end of the sentence and insert in lieu thereof “Places.”.
4. On page 6, line 18, insert “trails,” after “areas,”.

#### PURPOSE OF THE MEASURE

The purpose of S. 2478 is to direct the Secretary of the Interior to conduct a theme study on the peopling of America to provide a basis for identifying, interpreting, and preserving sites related to the migration, immigration, and settling of America.

#### BACKGROUND AND NEED

The National Park Service includes only one significant site that celebrates the peopling of America. Ellis Island, which is now part of the Statue of Liberty National Monument, welcomed over 12 million immigrants between 1892 and 1954, a large majority of whom crossed the Atlantic from Europe. Ellis Island celebrates these im-

migrant experiences through a museum, historic buildings, and a memorial wall. Ellis Island, however, focuses on only Atlantic immigration and thus reflects the experience only of those groups who were processed during its active period.

Not all immigrants and their descendants can identify with Ellis Island. Tens of millions of other immigrants traveled to the United States through other ports of entry and at different times in the Nation's history and prehistory.

S. 2478 would direct the Secretary of the Interior to prepare a theme study to identify regions, areas, districts, structures and cultures that illustrate and commemorate key events or decisions in the peopling of America, and which can provide a basis for the preservation and interpretation of the peopling of America. The study would provide recommendations concerning the designation of new national historic landmarks and authorize the Secretary to make such designations based on the study's recommendations. The study would also identify those units of the National Park System at which the peopling of America could be interpreted, and provide the Secretary with information to make recommendations for potential inclusion of new areas within the System. The bill also includes provisions to facilitate the development of cooperative programs with educational institutions, public history organizations, state and local governments, and groups knowledgeable about the peopling of America.

#### LEGISLATIVE HISTORY

S. 2478 was introduced by Senators Akaka and Graham on April 27, 2000. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2478 on May 11, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 2478, favorably reported, as amended.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2478, if amended as described herein.

#### COMMITTEE AMENDMENTS

During the consideration of S. 2478, the Committee adopted an amendment to: add trails to the list of items that should be studied; provide a definition of "peopling of America"; and eliminate the explicit requirement that the Secretary of the Interior assist members of the public in evaluating sites for inclusion on the List of Historic Structures and/or Landmarks.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title.

*Section 2* contains Congressional findings regarding the peopling of America.

*Section 3* provides definitions for terms used in the bill.

*Section 4(a)* directs the Secretary of the Interior (Secretary) to prepare and submit to Congress a theme study on the peopling of America.

*Subsection 4(b)* describes the purpose of the study, which are to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that best illustrate and commemorate key events or decisions affecting the peopling of America; and can provide a basis for the preservation and interpretation of the peopling of America.

*Subsection 4(c)* requires the study to identify and make recommendations for the designation of new national historic landmarks, and directs the Secretary to make such designations based on the study's findings.

*Subsection 4(d)* requires the study to identify units of the National Park System at which the peopling of America may be interpreted, and directs the Secretary to make recommendations to Congress regarding sites for which studies for potential inclusion within the System should be authorized.

*Subsection 4(e)* directs the Secretary, after submitting the theme study to Congress, to continue the activities described in section 4(c) and (d).

*Subsection 4(f)* authorizes the Secretary to identify appropriate means of establishing links between the entities identified in subsections (b) and (d) and other groups of people for the purpose of maximizing opportunities for education and research on the peopling of America. The Secretary is also authorized to enter into cooperative arrangements to preserve and interpret key sites in the peopling of America.

*Section 5* authorizes the Secretary to enter into cooperative agreements to prepare the theme study.

*Section 6* authorizes the appropriation of such sums as are necessary to carry out the Act.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 14, 2000.*

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. 2478, the Peopling of America Theme Study Act.

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

Sincerely,

ROBERT A. SUNSHINE  
(For Dan L. Crippen, Director).

Enclosure.

*S. 2478—Peopling of America Theme Study Act*

S. 2478 would direct the Secretary of the Interior to conduct a study on how the United States was populated, including the settlement and migration to and within the United States and its territories. The legislation would require the Secretary to identify and designate new national historic landmarks.

Assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend up to \$300,000 over the next three years to conduct the study and enter into cooperative agreements with local governments and other entities. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 2478 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 contacts for this estimate are Deborah Reis and Ali Aslam. The 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. 2478. The bill is not a regulatory measure in the sense of imposing Government-establishing 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. 2478, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 6, 2000, 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. 2478. These reports had not been received at the time the report on S. 2478 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 National Park Service 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 present the Department of the Interior's views on S. 2478, to direct the Secretary of the Interior to conduct a theme study on the peopling of America.

The Department supports S. 2478 with amendments. We believe that the theme study on the peopling of America and related actions authorized by this bill would lead to a better understanding of the contributions many different groups of people made to the development of our nation

and to the preservation and interpretation of sites that help tell the stories of those contributions.

We should note that this study is not one of the new area studies proposed for authorization and funding in the letter to the Senate Energy and Natural Resources Committee and the House Resources Committee accompanying the President's FY 2001 budget. We would recommend that the studies in that letter receive priority for authorization and funding.

S. 2478 would require the Secretary of the Interior to prepare a National Historic Landmark theme study on the peopling of America—that is, on the migration, immigration, and settlement of the population of the United States. The purpose of the study would be to identify places and groups and people that best illustrate and commemorate key events or decisions affecting the peopling of America, and that can provide a basis for the preservation and interpretation of the movements of groups of people that have shaped the United States. This would include groups that came to America before the nation of the United States existed. The study would identify and nominate new national historic landmarks, and would also encourage the nomination of properties to the National Register of Historic Places. In addition, the theme study would include an identification of current sites within units of the National Park System at which the peopling of America may be interpreted.

In addition to authorizing the theme study, S. 2478 would require the Secretary to take certain actions on the basis of the study. Those actions include designating new national historic landmarks and recommending sites for which studies for potential inclusion in the National Park System should be authorized according to the provisions of the National Park Service Omnibus Management Act of 1998 (P.L. 105–391). Such sites would presumably be included in the Secretary's annual list of proposed new area studies that accompanies the President's budget, pursuant to the Act. The Secretary would be required to evaluate, identify, and designate new national historic landmarks and to evaluate, identify, and recommend new area studies related to the peopling of America on an ongoing basis.

In addition, on the basis of the theme study, the Secretary would be authorized to identify appropriate means for establishing ways to link places, groups of people, and units of the National Park System to maximize opportunities for public education and scholarly research on the peopling of America. The Secretary would also be authorized to enter into cooperative arrangements with appropriate entities to preserve and interpret key sites in the peopling of America. And, the Secretary would be required to use the documentation in the theme study for a broad range of educational initiatives and cooperative programs to encourage the preservation and interpretation of the peopling of America. Finally, the Secretary would be authorized to use cooperative agreements with various entities knowl-

edgeable about the peopling of America both for the theme study itself and for the actions undertaken as a result of the study.

The National Historic Landmarks program was established by the Act of August 21, 1935, commonly known as the Historic Sites, Buildings and Antiquities Act (16 U.S.C. 461 et seq.) and is implemented according to 36 CFR part 65. The program's mission is to identify those places that best illustrate the themes, events, or persons that are nationally significant to the history of the United States and that retain a high degree of integrity. Potential National Historic Landmarks are often identified through "theme studies" such as the one that would be authorized by S. 2478. One ongoing theme study related to the "peopling of America" is a joint effort by the National Park Service and the Society for American Archaeology entitled "The Earliest Americans," which is designed to identify sites related to the initial migration of Native Americans to North America at the end of the last Ice Age.

The Secretary of the Interior has previously recognized as National Historic Landmarks a number of sites that could be associated with sections of the "peopling of America" theme. One example is the Angel Island Immigration Station in California. Other recognition has focused on the places where various immigrant communities lived, worked, worshipped, and were buried. In addition, the National Park Service has identified several National Historic Trails, such as the Mormon Pioneer and the California National Historic Trails, which focus on settlement and migration within the United States.

If the Peopling of America theme study is authorized and funded, we anticipate that the National Park Service would partner with nationwide historical and anthropological organizations to provide experts in the history of immigration to the United States and migration within the country.

While we support the authorization of the theme study, we recommend that the bill be amended to add a definition of "peopling of America" to Section 3 of the bill. We also believe that "trails" should be added to the list of places that would be identified as places that illustrate key immigration or migration events in Section 4(b) and to the list of places that are considered for education and research purposes in Section 4(f)(1)(a). And, we recommend that "assisting members of the public in evaluating sites" of historic importance called for in Section 4(b)(2)(B) not be an explicit requirement of the theme study, as that is an activity that is beyond the scope of a study.

Mr. Chairman, the story of immigration and migration is historically relevant to all Americans; it is a vital part of our national character. If the peopling of America theme study is authorized and funded, the National Park Service will be ready to explore this uniquely American story so that we and future generations will better understand our collective heritage as immigrants.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other 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. 2478, as ordered reported.

