

PROVIDING FOR THE FURNISHING OF STATUES BY THE
TERRITORIES OF THE UNITED STATES FOR DISPLAY IN
STATUARY HALL IN THE UNITED STATES CAPITOL

JULY 30, 2010.—Referred to the House Calendar and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House
Administration, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5711]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 5711) to provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 5711 is a bill to enhance the artistic display of sculpture in the United States Capitol by providing five territorial possessions of the United States with the right to request that no more than one statue of a prominent, deceased person associated with each jurisdiction be displayed in the National Statuary Hall Collection. They are American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

The National Statuary Hall Collection was created by statute in 1864 (2 U.S.C. 2081) to honor distinguished persons chosen by the states for display in what is now called Statuary Hall; in later years the statues were also displayed outside the overcrowded Hall,

and, more recently, in the Capitol Visitors Center. In 2005, New Mexico submitted the 100th statue to complete the Collection, with two from each state.

Choices of potential historical personages to receive the honor would be made by the respective governments of the territories, and presented to the Joint Committee of Congress on the Library. Each would bear the costs of making the statues and transporting them into the Capitol for display. H.R. 5711 would also provide to each possession the ability to replace its statue, at a future time, as currently permitted by Federal law for existing statues in the Collection.

BACKGROUND AND NEED FOR H.R. 5711

Upon completion of the new House wing of the Capitol in 1857, the House of Representatives looked for a use for its old chamber, located between the Rotunda and the House wing. The idea for a statuary hall was proposed in April of 1864, during President Lincoln's administration, and National Statuary Hall was created by law on July 2, 1864. Each state was invited to send two statues of worthy citizens of their choosing for display.

By 1933, National Statuary Hall contained 65 statues and began to suffer from overcrowding and safety issues involving excess weight. Congress then passed House Concurrent Resolution 47 to allow for the relocation of statues within the Capitol by the Joint Committee on the Library. In the 106th Congress, the efficacy of a House-numbered concurrent resolution beyond the Congress in which it had originated was discussed. As a result, the JCL's authority was codified in legislation in December of 2000, when Congress passed the Consolidated Appropriations of 2001 (Public Law 106-554 [40 U.S.C. 187a]), which also allowed states to request the JCL to allow replacements of statues.

Each territorial possession addressed in this legislation has a unique history and acquired its association with the United States in different ways. At the time of the creation of the Collection, none of the five territories was, as yet, a possession of the United States. Puerto Rico and Guam were acquired in 1898, American Samoa in 1899, the U.S. Virgin Islands in 1917, and the Northern Mariana Islands in 1944. Residents of American Samoa are U.S. nationals; residents of the other four possessions are U.S. citizens.

Current federal law grants states the ability to honor the achievements of two of their citizens by displaying statues in the U.S. Capitol. The territories of the United States are not included, but they have played significant roles in American history. The contributions of their prominent residents should also be provided an opportunity for recognition in the National Statuary Hall Collection. H.R. 5711 would accomplish that.

The Committee intends that the Joint Committee on the Library, pursuant to its statutory authority, would determine appropriate locations within the Capitol complex for display of statues presented by the five territorial possessions for inclusion in the National Statuary Hall Collection.

COMMITTEE CONSIDERATION

H.R. 5711 was introduced on July 13, 2010 by Delegate Eni F.H. Faleomavaega of American Samoa. The Committee on House Ad-

ministration conducted a markup of the bill on July 14th, 2010. The Committee ordered the bill reported favorably, by voice vote, a quorum being present. No amendments were offered during committee consideration.

ANALYSIS OF THE BILL (AS REPORTED)

Section 1. Section 1 authorizes the President to invite each territory of the United States to provide and furnish no more than one statue celebrating the achievements of deceased citizens that each territory deems worthy of the honor. The subjects of the statues must be deceased for no fewer than 10 years.

Section 2. A territory of the United States may request the Joint Committee on the Library to approve the replacement of a statue that was furnished pursuant to Section 1. This request will be considered by the Joint Committee if the request has been approved by the Governor of the territory. This request cannot be made until the statue that is to be replaced has been displayed for at least 10 years or unless the Joint Committee waives this requirement for cause. If approved by the Joint Committee on the Library, the Architect of the Capitol will enter into an agreement with the territory to carry out the replacement procedure pursuant to any conditions the Joint Committee may require. The new statue is subject to the same conditions set forth in Section 1 and the territory shall bear the entire cost of the replacement process.

Upon replacement and subject to the approval of the Joint Committee on the Library, ownership of the statue will be transferred to the territory. The replaced statue is prohibited from being displayed again in the U.S. Capitol unless specifically authorized by Federal law. The Architect of the Capitol, upon Joint Committee approval, is authorized to direct and provide for the location and relocation of any statues.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of House rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration.

The Committee cites the legislative power broadly granted to Congress under Article I. Pursuant to House rule X, clause 1(j)(4), the jurisdiction of the Committee on House Administration includes statuary and pictures, and acceptance or purchase of works of art for the U.S. Capitol.

Committee votes

Clause 3(b) of House rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 5711.

Congressional budget office estimate

Clause 3(c)(3) of House rules XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the CBA, if timely submitted. The Director submitted the following estimate:

JULY 20, 2010.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5711, a bill to provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Alan Eder and Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 5711—A bill to provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol

H.R. 5711 would authorize the President to invite each territory of the United States (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands) to provide one statue of a deceased citizen known for distinguished civic or military service for placement in Statuary Hall in the United States Capitol. The bill would require each territory to pay the costs of providing a new statue. CBO estimates that implementing H.R. 5711 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 5711 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 Alan Eder and Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Federal mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 5711 includes no federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local

law. The Committee states that H.R. 5711 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House rule X. The House's representation on the Joint Committee on the Library, which has jurisdiction over the placement of statues in the Collection, consists predominantly of members of the Committee on House Administration. The Committee has oversight responsibility under clause 4(d)(1)(B) of rule X for the management of services provided to the House by the Architect of the Capitol, except those that lie within the jurisdiction of the Committee on Transportation and Infrastructure. The AoC would supervise physical placement, and replacement, of statues in the National Statuary Hall Collection. The Committee finds that the Architect and the JCL can determine appropriate locations within the U.S. Capitol for inclusion of additional statues in the National Statuary Hall Collection.

Statement of general performance goals and objectives

Clause 3(c)(4) of House rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee finds that the addition of one statue each from the five territorial possessions addressed by this legislation to the National Statuary Hall Collection would add to its artistic merit and increase its historical interest to the American people.

Congressional "earmarks"

Clause 9 of House rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill as reported contains no such items.

Congressional Accountability Act applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation applies to the Legislative Branch. H.R. 5711 makes no change to the terms and conditions of employment, access to public services or accommodations in the Legislative Branch.

Changes in existing law made by the bill, as reported

H.R. 5711 would not amend existing law.

MINORITY VIEWS

While we support the territories having the ability to place statues within Statuary Hall, we believe this legislation should have been consolidated and brought into conformity with H.R. 5493, the bill authorizing the placement of statues in Statuary Hall for the District of Columbia. In committee, Ranking Member Lungren offered an amendment that would have combined the two bills in a form that would have ensured broad bipartisan support for the legislation. Unfortunately, the amendment was not adopted and therefore the problems with both pieces of legislation in their current forms persist.

We support the objective of giving the territories a statue within the Capitol complex; unfortunately this legislation cannot be considered without recognizing that granting DC two statues and the territories only one sets up an argument that the advocates of extending the full rights of the individual states to the District of Columbia will use to advance their cause in contravention of the Constitution.

DANIEL E. LUNGREN.
KEVIN MCCARTHY.
GREGG HARPER.

