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SENATE

{ REPORT
{ 111-137

NATIONAL LAW ENFORCEMENT MUSEUM ACT

MARCH 2, 2010.—Ordered to be printed

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

R E P O R T

[To accompany S. 1053]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1053) to amend the National Law Enforcement Museum Act to extend the termination date, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1053 is to amend the National Law Museum Act by extending the authority to begin construction of the museum by three years to November 9, 2013.

BACKGROUND AND NEED

The National Law Enforcement Museum Act (Public Law 106-492) authorized the construction of a National Law Enforcement Museum in Washington, DC, to record and tell the story of U.S. law enforcement through exhibits, collections, research, and education. The law provided direction on planning, approval, design, and location of the museum. It required that no federal dollars be used for the design and construction and further directed the National Law Enforcement Officers Memorial Fund to finance and administer the project in coordination with the Commission of Fine Arts, the National Capital Planning Commission, and the National Park Service. Lastly, the law required that the construction begin within 10 years of the law's date of enactment, which was November 9, 2000.

The National Law Enforcement Officers Memorial Fund (NLEOMF) has completed a substantial portion of the planning, co-

ordination, and approval for the museum, and has successfully managed the current Law Enforcement Memorial since 1991. The Commission of Fine Arts and the National Capital Planning Commission have both given final approval of the design and construction plans for the museum. NLEOMF has worked closely with the National Park Service on the project and has submitted the construction documents to the Department of the Interior for final approval.

However, because of current economic conditions, NLEOMF is unable to obtain all necessary bond financing from its lender to construct the museum. Without those funds, NLEOMF will not be able to break ground for the museum as required by the 2010 statutory deadline. NLEOMF still anticipates being able to secure these bonds but needs additional time to do so. S. 1053 extends the statutory deadline for an additional three years, to November 9, 2013.

LEGISLATIVE HISTORY

S. 1053 was introduced by Senator Murkowski on May 14, 2009. The Subcommittee on National Parks held a hearing on the bill on July 15, 2009. (S. Hrg. 111–92.) At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered S. 1053 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass S. 1053.

SUMMARY OF S. 1053

S. 1053 amends section 4(f) of the National Law Enforcement Museum Act (Public Law 106–492) to extend the deadline to begin construction of the National Law Enforcement Museum by three years, from 2010 to 2013.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1053—A bill to amend the National Law Enforcement Museum Act to extend the termination date

S. 1053 would extend through November 9, 2013, the authority of the National Law Enforcement Officers Memorial Fund to construct a museum honoring law enforcement officers on federal lands within the District of Columbia. The extension would give the foundation, a nonprofit organization, an additional three years to begin construction.

Because the museum would be established with nonfederal funds, CBO estimates that enacting S. 1053 would have no significant effect on the federal budget.

The bill 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 Matthew Pickford. The estimate was approved by Theresa Gullo, 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. 1053.

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. 1053, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1053, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the July 15, 2009, Subcommittee hearing on S. 1053 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING DEPUTY
DIRECTOR—SUPPORT SERVICES, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1053, a bill to amend the National Law Enforcement Museum Act to extend the termination date.

The Department has no objection to this legislation. S. 1053 would amend section 4(f) of Public Law 106-492 to authorize construction of the Museum to begin up to 13 years after the date of enactment of that law. If amended, the authority to construct the Museum would terminate on November 9, 2013.

Public Law 106-492 authorizes the National Law Enforcement Officers Memorial Fund (the Fund) to design, plan, construct and maintain a National Law Enforcement Museum on land within U.S. Reservation 7 in the District of Columbia, south of the National Law Enforcement Officers Memorial. Reservation 7 is one of the original public reservations of the City of Washington. With the exception of the Memorial, Reservation 7 has been under the jurisdiction of the District of Columbia since 1970. Reservation 7 is also listed in the National Register of Historic Places as a significant element of the L'Enfant Plan.

The Act for the new museum requires that the design be approved by the Secretary of the Interior, the National Capital Planning Commission (NCPC), and the U.S. Commission of Fine Arts (CFA). Over the past few years, the Fund has coordinated extensively with the National Park Service (NPS), on behalf of the Secretary of the Interior, as well as the courts, the NCPC, CFA, the D.C. State Historic Preservation Officer (DC SHPO), and the District of Columbia government. When the Department appeared before this Committee to testify on S. 1438, a bill to establish a National Law Enforcement Museum on Federal land in the District of Columbia, on April 27, 2000, we were concerned, from an historic preservation standpoint, about the impact of locating a new building within this complex of six historic public buildings dating from 1820 to 1939. However, the careful design and placement of the museum have resolved these concerns, as evidenced by the execution of a Memorandum of Agreement on June 23, 2008, by the DC SHPO, the Fund, the NPS, and NCPC, fulfilling the requirement of Section 106 of the National Historic Preservation Act. Site and building plans for the museum were approved by the CFA on May 24, 2008, the NCPC on August 28, 2008. The plans were prepared according to the requirements of the National Law Enforcement Museum Act and are the result of agreements on perimeter security, shared access to the loading facility, the design of the shared plaza, and a pavilion design that is compatible with the Courts' historic buildings at Judiciary Square.

The Act prohibits the Fund from beginning construction of the museum unless the Secretary of the Interior "determines that sufficient amounts are available to complete construction of the Museum." The Secretary currently cannot make this determination. On February 11, 2009, the Fund announced a new time line and budget for the project which were approved by its Board of Directors during the week of February 2, 2009. The announcement proposed a new start date in the fall of 2010, with an anticipated completion of mid-2013. Cost savings measures will reduce the construction budget from \$80 million to \$51 million, with a corresponding reduction in size from 100,000 square feet to 55,000 square feet and a reduction in the number of floors from four to three. The Fund has advised that these changes will not impact the above-ground features of the museum but will require the re-design of the underground spaces. The reduced footprint will eliminate the need to relocate a number of utilities and will thereby diminish the potential impact to the adjacent Law Enforcement Officers Memorial.

The Fund has also advised that the changes will not diminish the design or the visitors' experience; however, the revised plans have not yet been submitted for review. Though the NPS will not own, operate, or maintain the museum, we look forward to reviewing the revised design as required by the National Law Enforcement Museum Act.

Mr. Chairman, this concludes my prepared testimony on S. 1053, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1053 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL LAW ENFORCEMENT MUSEUM ACT

(Public Law 106–492; Approved November 9, 2000)

AN ACT To establish the National Law Enforcement Museum on Federal land in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Law Enforcement Museum Act”.

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SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

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(f) **FAILURE TO CONSTRUCT.**—If the Memorial Fund fails to begin construction of the Museum by the date that is **[10 years]** *13 years* after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.