

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE  
AMENDMENTS ACT

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DECEMBER 2, 2013.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 1846]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1846) to amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lower East Side Tenement National Historic Site Amendments Act”.

**SEC. 2. AMENDMENTS.**

Public Law 105-378 is amended—

(1) in section 101(a)—

(A) in paragraph (4), by striking “the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor” and inserting “the Lower East Side Tenements at 97 and 103 Orchard Street in New York City are outstanding survivors”; and

(B) in paragraph (5), by striking “the Lower East Side Tenement is” and inserting “the Lower East Side Tenements are”;

(2) in section 102—

(A) in paragraph (1), by striking “Lower East Side Tenement found at 97 Orchard Street” and inserting “Lower East Side Tenements found at 97 and 103 Orchard Street”; and

(B) in paragraph (2), by striking “which owns and operates the tenement building at 97 Orchard Street” and inserting “which owns and operates the tenement buildings at 97 and 103 Orchard Street”;

(3) in section 103(a), by striking “the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated” and

inserting “the Lower East Side Tenements at 97 and 103 Orchard Street, in the City of New York, State of New York, are designated”; and  
 (4) in section 104(d), by striking “the property at 97 Orchard Street” and inserting “the properties at 97 and 103 Orchard Street”.

#### PURPOSE OF THE BILL

The purpose of H.R. 1846 is to amend the Act establishing the Lower East Side Tenement National Historic Site.

#### BACKGROUND AND NEED FOR LEGISLATION

In 1988, the Lower East Side Tenement Museum was founded to preserve and interpret the history of immigration through the personal experiences of generations of newcomers who settled in and built lives on Manhattan’s Lower East Side. In 1994, the Lower East Side Tenement was declared a National Historic Landmark, and later in 1998 the Lower East Side Tenement National Historic Site was designated as an affiliated site of the National Park System. Affiliated sites are not owned or managed by the federal government.

In 2007, the Museum obtained a neighboring 1888 tenement (103 Orchard Street), which was restored and renovated to serve as a visitor and education center. H.R. 1846 would expand the boundaries of the National Historic Site to include the building.

#### COMMITTEE ACTION

H.R. 1846 was introduced on May 7, 2013, by Congresswoman Nydia M. Velázquez (D–NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On October 3, 2013, the Subcommittee held a hearing on the bill. On October 30, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause

3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 1846—Lower East Side Tenement National Historic Site Amendments Act*

H.R. 1846 would expand the boundaries of the Lower East Side Tenement National Historic Site in New York City, New York. The current site is located at 97 Orchard Street, and the legislation would add 103 Orchard Street to the site. Established in 1998, the Lower East Side Tenement National Historic Site is owned and operated by the Lower East Side Tenement Museum, a nonprofit organization authorized to receive technical and financial assistance from the National Park Service (NPS). In recent years, NPS has provided about \$250,000 annually in assistance to the museum. Based on information provided by NPS, CBO estimates that implementing H.R. 1846 would not significantly increase that assistance and would have no significant impact on the federal budget. Enacting H.R. 1846 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1846 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by NPS, CBO estimates that implementing H.R. 1846 would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Act establishing the Lower East Side Tenement National Historic Site.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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):

### PUBLIC LAW 105–378

AN ACT To establish the Lower East Side Tenement National Historic Site, and for other purposes.

## TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK

### SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) **the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor** *the Lower East Side Tenements at 97 and 103 Orchard Street in New York City are outstanding survivors* of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) **the Lower East Side Tenement is** *the Lower East Side Tenements* are owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New

York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

#### SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term “historic site” means the [Lower East Side Tenement found at 97 Orchard Street] *Lower East Side Tenements found at 97 and 103 Orchard Street* on Manhattan Island in the City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term “Museum” means the Lower East Side Tenement Museum, a nonprofit organization established in the City of New York, State of New York, [which owns and operates the tenement building at 97 Orchard Street] *which owns and operates the tenement buildings at 97 and 103 Orchard Street* and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.), [the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated] *the Lower East Side Tenements at 97 and 103 Orchard Street, in the City of New York, State of New York, are designated* a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site’s story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

**SEC. 104. MANAGEMENT OF THE HISTORIC SITE.**

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire [the property at 97 Orchard Street] *the properties at 97 and 103 Orchard Street* or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

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