

## Calendar No. 634

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 105-396

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### WOMEN'S PROGRESS COMMEMORATION ACT

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OCTOBER 9 (legislative day, OCTOBER 2), 1998.—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. 2285]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2285) to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 2285 is to establish the Women's Progress Commemoration Commission, to honor the 150th anniversary of the Seneca Falls Convention held in New York in July 1848, and to help ensure the historic preservation of sites that have been instrumental in American women's history.

#### BACKGROUND AND NEED

One hundred and fifty years ago a remarkable group of women and men came together and wrote one of the most important documents of the American women's movement, the Seneca Falls Declaration of Sentiments and Resolutions. Modeled closely after the Declaration of Independence, this document is a declaration of women's independence. Radical at the time, it expounded such ideas as allowing women to vote, obtain higher education, and to participate in economic activities. This year marks the occasion of the 150th anniversary of the Seneca Falls Convention.

S. 2285 would establish the Women's Progress Commemoration Commission to prepare and submit a report to the Secretary of the Interior identifying sites of historical significance to the women's

movement. The report would also recommend actions to rehabilitate and preserve the sites, and provide interpretive and educational materials and activities for visitors at the sites.

The Commission will consist of fifteen members, 3 each appointed by the President, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

#### LEGISLATIVE HISTORY

S. 2285 was introduced July 10, 1998 by Senators Dodd, Stevens, Kennedy, Moynihan, D'Amato, Torricelli, Lieberman, Daschle, Collins, Landrieu, Reid, DeWine, Moseley-Braun, Mikulski, Boxer, Snowe, Murray, Feinstein, Lautenberg and referred to the Committee on Energy and Natural Resources. Since the bill's introduction Senator Hutchison has been added as a cosponsor. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2285 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 2285, favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 24, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2285, as described herein.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title as the "Women's Progress Commemoration Act."

*Section 2* lists the findings of the bill. The findings include: (1) the original Seneca Falls Convention, held in upstate New York in July 1848, convened to consider the social conditions and civil rights of women at that time; (2) the convention marked the beginning of an admirable and courageous struggle for equal rights for women; (3) the 150th Anniversary of the convention provides an excellent opportunity to examine the history of the women's movement; and (4) a Federal Commission should be established for the important task of ensuring the historic preservation of sites that have been instrumental in American women's history, creating a living legacy for generations to come.

*Section 3* (a) establishes a commission to be known as the Women's Progress Commemoration Commission (Commission). The Commission would be composed of 15 members: 3 appointed by the President, 3 appointed by the Speaker of the House of Representatives, 3 appointed by the Minority Leader of the House of Representatives, 3 appointed by the Majority Leader of the Senate, and 3 appointed by the Minority Leader of the Senate.

Subsection (b) states that members of the Commission will be individuals who have knowledge or expertise, in matters to be studied by the Commission. Members may be from the public or private sector, and may include Federal, State, or local employees, members of academia, nonprofit organizations, or other interested indi-

viduals. This section also provides that members appointed will come from diverse economic, professional, and cultural backgrounds.

Subsection (c) states that vacancies are to be filled in the same manner as the original appointment no later than 30 days after the vacancy occurs.

Finally, this section states that the initial meeting of the Commission will occur no later than 30 days after all members of the Commission have been appointed and subsequent meetings will meet at the call of the Chairperson. A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

*Section 4* states that no later than one year after the initial meeting of the Commission, the Commission shall submit to the Secretary of the Interior a report that identifies sites of historical significance to the women's movement, and recommend actions under the National Historic Preservation Act and other laws to rehabilitate and preserve the identified sites.

*Section 5* authorizes the Commission to hold hearings, receive testimony and evidence, that the Commission considers necessary to carry out its duties. Under this section, the Commission may request from any Federal department or agency information the Commission considers necessary to carry out the provisions of this Act.

*Section 6* states that members of the Commission who are not employees of the Federal Government, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the performance of the duties of the Commission. Members who are employees of the Federal Government will serve without compensation, in addition to that received for services as an employee of the Federal Government. All members will receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business while in the performance of the duties of the Commission.

Subsection (c) authorizes the Chairperson of the Commission to appoint an executive director and any other personnel as may be necessary to carry out the duties of the Commission. The employment and termination of an executive director shall be subject to confirmation by a majority of the Commission.

Subsection (c)(2) states that the executive director would be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, except the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of that title.

This section also allows for any Federal employee to be detailed to the Commission without interruption or loss of civil service status, benefits, or privilege.

*Section 7* authorizes the necessary funding to carry out this Act and allows the Commission to accept donations from non-Federal sources to defray the costs of the operations of the Commission.

*Section 8* provides for termination of the Commission 30 days after the Commission submits their report to the Secretary of the Interior.

*Section 9* states that no later than 2 years and not later than 5 years after the date on which the Commission submits their report to the Secretary of the Interior, the Secretary of the Interior shall submit to Congress a report describing the actions that have been taken to preserve the sites identified in the Commission report.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 30, 1998.*

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. 2285, the Women's Progress Commemoration Act.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### *S. 2285—Women's Progress Commemoration Act*

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2285 would cost the Federal Government between \$3 million and \$6 million, mostly over the next two years. The bill could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that any new receipts (from donations) would be offset by direct spending of such amounts soon after collection. S. 2285 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of State, local or tribal governments.

S. 2285 would establish the Women's Progress Commemoration Commission. The bill would require that, within one year after its first meeting, the commission submit to the Department of the Interior (DOI) a report that identifies sites of historical significance to the women's movement. In addition, the report would include recommendations to rehabilitate and preserve these sites and provide interpretive and educational materials and activities thereon.

Within two years after the commission submits its report (and again three years later), DOI would submit to Congress progress reports on actions taken to preserve the sites identified by the commission.

The 15 members of the commission would be appointed by the President and the Congress. Commission members who are Federal employees would serve without additional compensation, while those who are not would be paid at a specified rate for each day that they are engaged in commission business. Commission members would also receive travel expenses. The commission would terminate one month after its submits its report to the department. S. 2285 would authorize the appropriation of whatever amounts are necessary for the commission's activities. In addition, the commission may accept and spend donations to help offset operating costs.

Based on the funding experience of other, similar commissions and assuming appropriation of the necessary amounts. CBO estimates that the Federal Government would spend between \$3 million and \$6 million to compensate commission members and personnel and to fund such activities such as holding hearings and preparing reports. Most of these funds would be spent during fiscal years 1999 and 2000, while a small portion would be used by DOI to prepare and submit reports to the Congress in later years. It is possible that donations could offset some of the commission's expenses, reducing the need for Federal appropriations.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, 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. 2285. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 2285, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On September 3, 1998, 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. 2285. These reports had not been received at the time the report on S. 2285 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR  
EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPART-  
MENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 2285, a bill to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women. The bill would establish a national commission which would prepare and submit a report to the Secretary of the Interior that identifies sites of historical significance to the women's movement and recommends actions for the rehabilitation, preservation and interpretation of those sites.

Although we appreciate the intent of the bill to honor the 150th Anniversary of the Seneca Falls Convention, we have concerns with the legislation. The bill would duplicate many recent and ongoing efforts, including the 1992 National Park Service Women's History Theme Study and the existing President's Commission on the Celebration of Women in American History. One of the best ways to honor the 150th Anniversary would be to proceed with restoring some of the sites identified in the 1992 study, through funds requested in the FY 1999 budget for the Millennium Initiative or other sources. We also have concerns about the commission's structure, compensation for members, and waivers of civil service laws, all of which are unusual for advisory commissions. The Department of Justice and other agencies are reviewing this bill and may have concerns.

Over the last 25 years extensive scholarship on women in American history has been undertaken. It is for all intents and purposes a new area of study in American history. As more is learned about the role of women and their contributions to American history, a greater and more comprehensive understanding of our nation's history is developing. This new information has allowed historians to reexamine the essential role that women have played in the creation and development of this country.

The National Park Service as well as a number of other groups and organizations, including the National Trust for Historic Preservation and the National Coordinating Committee for the Promotion of History, have been involved for a number of years in studying women's history and sites throughout America associated with women. The Congress directed the National Park Service to conduct a Women's History Theme Study in the late 1980's. The study was completed in 1992 with the publication of "Reclaiming the Past, Landmarks of Women's History". That study and other work have identified sites of significance throughout the nation that should be protected. The National Park Service has designated a number of sites identified in the study as National Historic Landmarks.

With the 150th Anniversary of the Seneca Falls Convention being celebrated this year a great deal of attention is being paid to women's history in America. The White House announced the "President's Commission on the Celebration of Women in American History" on July 1, 1998.

The governor of New York has established the "New York State Commission Honoring The Achievements of Women" to celebrate and pay tribute to the women's rights movement. The Commission established by S. 2285 would be of national standing that would focus on the sites associated with the historic efforts to secure equal rights for women and make recommendations on how they should be preserved and interpreted.

Much has been done to identify sites and events nationwide which relate to the women's movement and women's role in American History. The research and scholarship is far from complete and is evolving daily. However, any new commission, organization or group charged with addressing the issue of women in America and their struggle for equal rights has a great deal of scholarship and information on which to rely and build upon. The value of any new effort will be in the advancement of the issues. We hope that such a commission and report as proposed in S. 2285 would build on existing research and scholarship and take advantage of the extensive information that currently exists.

As the primary agency responsible for implementation of the National Historic Preservation Act, the National Park Service would likely play a role in assisting the Commission in its work. Although the National Park Service believes that our involvement is important and appropriate, our ability to assist the Commission would be contingent upon availability of funding for NPS priorities.

This completes my statement.

#### 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 S. 2285, as ordered reported.