

Calendar No. 305

111TH CONGRESS
2d Session "

SENATE

REPORT
111-155

ADAMS MEMORIAL FOUNDATION

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MARCH 2, 2010.—Ordered to be printed
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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2802]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2802) to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 2802 is to extend the legislative authority of the Adams Memorial Foundation by an additional three years until December 2, 2013, in order to allow more time to establish a commemorative work in honor of former President John Adams and his family's legacy.

BACKGROUND AND NEED

The Adams family, including the second President, John Adams, his wife Abigail Adams, and their son, the sixth President, John Quincy Adams, has made a distinguished contribution to American history. Following his service as the Nation's first Vice President, John Adams was elected President in 1797. John Adams' wife, Abigail Smith Adams, was an early advocate of women's rights, a fierce patriot, and a staunch abolitionist. She is still regarded as one of the most influential first ladies. Their son, John Quincy Adams, served in the Senate and as Secretary of State in the Monroe Administration prior to his election as President in 1825. He

was subsequently elected to the House of Representatives, where he served for 17 years until his death in 1848.

On November 5, 2001, the Adams Memorial Act (Public Law 107-62) was signed authorizing the Adams Memorial Foundation to establish a memorial honoring former President John Adams and the Adams family. On December 2, 2002, Congress enacted Public Law 107-315, approving the location for the commemorative work within Area I, the monumental core area in Washington, D.C. described in the Commemorative Works Act (40 U.S.C. 8901 et seq.). Under the Commemorative Works Act, a construction permit must be issued with seven years of authorization, or the legislative authority lapses.

Since that time, the Foundation has established a board of trustees and supporting committees, developed initial design concepts, conducted reviews of potential locations, engaged commemorative planning and design services, and coordinated with the Congress, National Park Service, and other stakeholders. It has not, however, been able to select a site, design the memorial, receive the requisite approvals, or raise sufficient funds for the construction to date. Under the terms of the authorizing legislation, the legislative authority to establish the memorial expired on December 2, 2009; however section 130 of Public Law 111-88, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010, extended the authority until September 30, 2010.

In order to complete the memorial before the extended expiration date, H.R. 2802 amends Public Law 107-62 to further extend the authorization to December 2, 2013.

LEGISLATIVE HISTORY

H.R. 2802 was introduced by Representative Delahunt on June 10, 2009. It was passed by the House of Representatives on September 22, 2009 by a voice vote.

The Subcommittee on National held a hearing on H.R. 2802 on November 4, 2009. At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 2802 favorably reported.

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 H.R. 2802.

SECTION-BY-SECTION ANALYSIS

Section 1(a) amends section 1(c) of Public Law 107-62 to extend the legislative authority for the Adams Memorial Foundation to establish a commemorative work on federal land in the District of Columbia until December 2, 2013.

Subsection (b) makes technical amendments to Public Law 107-62 to update code references to the Commemorative Works Act resulting when title 40 of the United States Code was enacted into positive law.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 2802—An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy

H.R. 2802 would extend through December 2, 2013, the authority of the Adams Memorial Foundation to construct a memorial to the former president on federal lands within the District of Columbia. The extension would give the foundation, a nonprofit organization, an additional four years to obtain the necessary funds to complete the memorial project. Authority for the monument expired on December 2, 2009.

Because the prospective memorial would be established with nonfederal funds, CBO estimates that enacting H.R. 2802 would have no effect on the federal budget.

The act 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.

On September 14, 2009, CBO transmitted a cost estimate for H.R. 2802 as ordered reported by the House Committee on Natural Resources on September 10, 2009. The CBO cost estimates for the two versions of the legislation are the same.

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

REGULATORY IMPACT EVALUATIONS.

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 H.R. 2802.

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 H.R. 2802, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 2802, as 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 November 4, 2009 Subcommittee hearing on H.R. 2802 follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, 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 H.R. 2802, a bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

The Department supports H.R. 2802 as passed by the House.

H.R. 2802 would amend Public Law 107-62 to extend to December 2, 2013 the authorization for establishing a memorial in the District of Columbia or its environs to honor President John Adams and his legacy. In addition to providing an extension of authority, H.R. 2802 also contains technical amendments to the original authorizing legislation, Public Law 107-62, enacted in 2001, which contains outdated references to the Commemorative Works Act (CWA). The references currently cited in Public Law 107-315 refer to the CWA as codified under 40 U.S.C. 1001 et seq. The CWA, however, was recodified under 40 U.S.C. 8901 et seq. on August 21, 2002 (Public Law 107-217). The proposed amendments in H.R. 2802 would update and correct the references to the CWA.

The authority to establish the John Adams memorial was originally approved by Congress on November 5, 2001. The Adams Memorial Foundation (Foundation) requested that the subject of the commemoration be determined to be of preeminent and lasting significance to the Nation so that the proposed memorial might be placed in Area I, a request that was considered favorably by the National Capital Memorial Advisory Commission in 2002 and recommended to Congress. P.L. 107-315, enacted on December 2, 2002, granted the Foundation that additional authority to seek a site for their memorial within Area I. Authorizations under the CWA have a seven-year sunset period which extends from the date on which the Area I authority was granted to allow for time to obtain a building permit and begin construction of a memorial. As the Foundation has not yet been able to select a site, design the memorial, receive the requisite approvals, or raise sufficient funds for the construction of the memorial, a permit could not be granted. Therefore, the authority to establish the memorial would expire on December 2, 2009. However, Section 130 of the Conference Report to Accompany H.R. 2996—the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, extends the authority until September 30, 2010. H.R. 2802 would extend to December 2, 2013, the authority to establish a commemorative work to honor former President John Adams, his wife Abigail Adams, and former President John Quincy Adams and their legacy of public service.

With an additional four years of legislative authority, the Foundation should be in a viable position to achieve site and design approvals as well as to raise the minimum 75 percent of the funds sufficient to build the memorial. Should they meet these thresholds, the Secretary of the Interior may exercise his authority under the CWA to grant an additional three-year administrative extension to allow the Foundation to finalize construction documents and raise the balance of necessary funding.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members 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 Act H.R. 2802 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):

AN ACT To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

(Public Law 107-62; Approved November 5, 2001)

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

SECTION 1. COMMEMORATIVE WORK TO HONOR JOHN ADAMS AND HIS LEGACY.

* * * * *

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.) *accordance with chapter 89 of title 40, United States Code, except that any reference in section 8903(e) of that chapter to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond December 2, 2013.*

* * * * *

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1001, et seq.) (40 U.S.C. 8901 et seq.), or upon expiration of the authority for the commemorative work under section 10(b) of such Act, there remains a balance of funds received for the establishment of the commemorative work, the Adams Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

SEC. 2. DEFINITIONS.

For purposes of this Act, the terms “commemorative work” and “the District of Columbia and its environs” have the meanings given to such terms in section 2 of the Commemorative Works Act (40 U.S.C. 1002) (40 U.S.C. 8902(a)).