

TO EXTEND 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

JUNE 30, 2014.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3802]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3802) to extend 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, 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. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.

Section 1 of Public Law 107-62 (40 U.S.C. 1003 note), as amended by Public Law 111-169, is amended—

(1) by striking “2013” and inserting “2020” in subsection (c); and

(2) by amending subsection (e) to read as follows:

“(e) DEPOSIT OF EXCESS FUNDS FOR ESTABLISHED MEMORIAL.—

“(1) If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), 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 account provided for in section 8906(b)(3) of title 40, United States Code.

“(2) If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, 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 a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the Administrator (as appropriate) following the process provided for in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.”.

PURPOSE OF THE BILL

The purpose of H.R. 3802 is to extend the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

BACKGROUND AND NEED FOR LEGISLATION

On November 5, 2001, President George Bush signed Public Law 107–62 which authorized the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia. The memorial will honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family’s legacy of public service.

The Foundation has been working toward securing a location for the memorial, but a previous extension of their authority expired in 2013. H.R. 3802 authorizes an extension to this authority so that the Foundation may continue development and planning until December 2, 2020.

COMMITTEE ACTION

H.R. 3802 was introduced on December 19, 2013, by Congressman Stephen F. Lynch (D–MA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On February 26, 2014, the Subcommittee held a hearing on the bill. On April 9, 2014, 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; the amendment was adopted by unanimous consent. 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. 3802—A bill to extend 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

H.R. 3802 would extend, through December 2, 2020, the authority of the Adams Memorial Foundation (a private nonprofit organization) to construct a commemorative work on federal lands within the District of Columbia honoring former President John Adams and his family. The authorization for the commemorative work related to the Adams family expired on December 2, 2013.

CBO estimates that enacting H.R. 3802 would have no significant effect on the federal budget. The commemorative work, which would be carried out without the use of federal funds, would be subject to the requirements of the Commemorative Works Act. Under that act, any entity that receives a permit to construct a memorial in the District of Columbia or its environs must donate to the federal government an amount equal to 10 percent of the memorial's estimated construction cost. That amount, as well as any project funds remaining after construction of the memorial, would be subsequently transferred, without further appropriation, to the National Park Foundation (a nonfederal entity) to support ongoing maintenance of the memorial.

Based on the experience of similar commemorative projects, CBO expects that any amounts collected by the federal government would not be received for several years and would be offset by transfers to the National Park Foundation soon thereafter. Because enacting H.R. 3802 would affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that such effects would be insignificant. Enacting the bill would not affect revenues.

H.R. 3802 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. CBO estimates that enacting H.R. 3802 would have no significant effect 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 extend the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

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):

SECTION 1 OF PUBLIC LAW 107-62

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.

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

(a) FINDINGS.—The Congress finds the following:

(1) Few families have contributed as profoundly to the United States as the family that gave the Nation its second president, John Adams; its sixth president, John Quincy Adams; first ladies Abigail Smith Adams and Louisa Catherine Johnson Adams; and succeeding generations of statesmen, diplomats, advocates, and authors.

(2) John Adams (1735-1826), a lawyer, a statesman, and a patriot, was the author of the Constitution of the Commonwealth of Massachusetts (the oldest written constitution still in force), the leader of the Second Continental Congress, a driving force for independence, a negotiator of the Treaty of Paris (which brought the Revolutionary War to an end), the first Vice President, the second President, and an unwavering exponent of freedom of conscience and the rule of law.

(3) Abigail Smith Adams (1744-1818) was one of the most remarkable women of her time. Wife of former President John Adams and mother of former President John Quincy Adams, she was an early advocate for the rights of women and served

the cause of liberty as a prolific writer, fierce patriot, and staunch abolitionist.

(4) John Quincy Adams (1767-1848), the son of John and Abigail Adams, was a distinguished lawyer, legislator, and diplomat and a master of 7 languages, who served as Senator, Minister to the Netherlands under President George Washington, Minister to Prussia under the first President Adams, Minister to Great Britain under President James Madison, chief negotiator of the Treaty of Ghent (which ended the War of 1812), Secretary of State under President James Monroe, author of the Monroe Doctrine (which declared the Western Hemisphere off limits to European imperial expansion), sixth President, and the only former President to be elected to the House of Representatives, where he was known as "Old Man Eloquent" and served with great distinction as a leader in the fight against slavery and a champion of unpopular causes.

(5) Louisa Catherine Johnson Adams (1775-1852), the wife of former President John Quincy Adams, was an educated, accomplished woman and the only first lady born outside the United States. Like Abigail Adams, she wrote eloquently on behalf of the rights of women and in opposition to slavery.

(6) Charles Francis Adams (1807-1886), the son of John Quincy and Louisa Adams, served 6 years in the Massachusetts legislature, was a steadfast abolitionist who received the Free Soil Party's vice-presidential nomination in 1848, was elected to his father's seat in the House of Representatives in 1856, and served as ambassador to Great Britain during the Civil War, where his efforts were decisive in preventing the British Government from recognizing the independence of the Confederacy.

(7) Henry Adams (1838-1918), the son of Charles Francis Adams, was an eminent writer, scholar, historian, and public intellectual, and was the author of many celebrated works, including "Democracy", "The Education of Henry Adams", and his 9-volume "History of the United States during the Administrations of Jefferson and Madison".

(8) Both individually and collectively, the members of this illustrious family have enriched the Nation through their profound civic consciousness, abiding belief in the perfectibility of the Nation's democracy, and commitment to service and sacrifice for the common good.

(9) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated former Presidents as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to former President John Adams.

(10) In recognition of the 200th anniversary of the end of the presidency of John Adams, the time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of his contributions and those of his family.

(b) **AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.**—The Adams Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to

honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family's legacy of public service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work shall be 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] 2020.

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Adams Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

[(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. 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.]

(e) DEPOSIT OF EXCESS FUNDS FOR ESTABLISHED MEMORIAL.—

(1) *If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), 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 account provided for in section 8906(b)(3) of title 40, United States Code.*

(2) *If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, 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 a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the Administrator (as appropriate) following the process provided for in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.*

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