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PEACE CORPS COMMEMORATIVE FOUNDATION

APRIL 22, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 230]

The Committee in Energy and Natural Resources, to which was referred the bill (S. 230) to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the district of Columbia and its environs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 230 is to authorize the Peace Corps Commemorative Foundation, a non-profit organization established by the National Peace Corps Association, to establish a commemorative work in the District of Columbia and its environs, to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded.

BACKGROUND AND NEED

The Peace Corps traces its roots and mission to 1960, when then-Senator John F. Kennedy, during a speech to students at the University of Michigan, challenged those young adults to give two years of service to help people in developing countries. Five months later, President Kennedy signed an executive order establishing the Peace Corps as a federal agency devoted to world peace and friendship, and appointed R. Sargent Shriver to organize and direct the Corps.

Since that time, over 210,000 Peace Corps volunteers have served in 139 host countries to train local people in technologies and issues including agricultural production, water quality im-

provement, basic education, health and AIDS education, information technology, and environmental protection.

S. 230 authorizes the Peace Corps Commemorative Foundation to establish a memorial to commemorate the Peace Corps and the ideals on which it was founded.

LEGISLATIVE HISTORY

S. 230 was introduced by Senators Portman and Udall of Colorado on February 7, 2013. Senators Begich and Johnson of South Dakota are also cosponsors. At its business meeting on March 14, 2013, the Committee ordered S. 230 favorably reported without amendment.

The Committee also considered identical legislation during the 112th Congress, sponsored by Senators Portman, Udall of Colorado, and others. The Subcommittee on National Parks held a hearing on S. 1421 on October 19, 2011 (S.Hrg. 112–224). At its business meeting on November 10, 2011, the Committee ordered S. 1421 favorably reported (S.Rpt. 112–127). The Senate passed S. 1421 without amendment by unanimous consent on December 30, 2012.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 14, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 230.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the establishment of a memorial on federal land in the District of Columbia and its environs to commemorate the mission of the Peace Corps and the ideals on which it was founded.

Subsection (b) directs that the memorial be established according to the Commemorative Works Act (40 U.S.C. 9801 et seq.).

Subsection (c) prohibits use of federal funds to pay for the establishment of the memorial and directs the Peace Corps Commemorative Foundation to be solely responsible for accepting contributions for and paying expenses of the memorial.

Subsection (d) requires the Peace Corps Commemorative Foundation to transmit any excess funds, upon completion of the memorial and the establishment of a perpetual maintenance and preservation fund for the memorial, to the Secretary of the Interior for deposit into an account with the National Park Foundation.

Section 2 contains language clarifying how budgetary effects of the bill, if any, will be determined.

COST AND BUDGETARY CONSIDERATIONS

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

S. 230—A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes

S. 230 would authorize a nonprofit organization to establish a commemorative work on federal lands in the District of Columbia. Enacting the bill would affect direct spending; therefore, pay-as-

you-go procedures apply. However, CBO estimates that the net effect on the budget would be insignificant in any year. Enacting the bill would not effect revenues.

The legislation would authorize the Peace Corps Commemorative Foundation to establish a memorial to honor the Peace Corps. The memorial project, which would be completed 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 National Park Foundation (a nonprofit organization) 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 available in future years for 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 a transfer to the National Park Foundation (a nonfederal entity) soon thereafter.

S. 230 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.

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. 230.

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. 230, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 230, 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

Executive Communications were not requested by the Senate Committee on Energy and Natural Resources in the 113th Congress. The following Administration testimony references identical legislation introduced in the 112th Congress.

The testimony provided by the National Park Service at the October 19, 2011, Subcommittee on National Parks hearing on S. 230 follows.

STATEMENT OF WILLIAM D. SHADDOX, ACTING ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and environs, and for other purposes.

The Department supports S. 1421, which would authorize a memorial commemorating the formation of the Peace Corps and the ideals of world peace and friendship upon which the Peace Corps was founded. This proposal provides that no federal funds be used for establishing the memorial.

Although this proposal does not seek any exceptions to the Commemorative Works Act (CWA), it should be noted that this proposal to honor the ideals upon which the Peace Corps was founded does not fit the typical mold for commemoration. The concept of establishing a memorial to "ideals" is not explicitly described in the CWA. When testifying on H.R. 4195, a similar bill introduced in the 111th Congress, we identified our concerns that a bill such as that could set an unwelcome precedent for any and all future concepts identified only as "ideals," resulting in an untenable influx of memorial proposals. However, there is precedent for such commemoration: specifically, the National Peace Garden, which Congress authorized in 1987, and the Memorial to Japanese American Patriotism in World War II, which was authorized in 1992.

Our support for this proposal is based upon our understanding that this memorial will recognize the establishment of the Peace Corps and the significance of the ideals it exemplifies, not the organization's members. The CWA precludes a memorial to members of the Peace Corps as the commemoration of groups may not be authorized until after the 25th anniversary of the death of the last surviving member of a group.

The Department notes that S. 1421 reflects suggestions made to strengthen the language in this proposal as recommended in our testimony on H.R. 4195 in the 111th Congress, and by the National Capital Memorial Advisory Commission (NCMAC) at its meeting on April 21, 2010. The National Capital Memorial Advisory Commission has not reviewed S. 1421, but in their June 23, 2011 review of the companion bill H.R. 854, which is almost identical to this bill, they expressed support for the concept of a memorial to the ideals of the Peace Corps. NCMAC found that the provisions of H.R. 854 connect the ideals to the exceptional aspects of American character that are exhibited in the ideals of the Peace Corps. We share the Commission's support for the idea of commemorating volunteerism and international cooperation as worthy ideals and practice of the Peace Corps.

Finally, S. 1421 provides that unspent funds raised for the construction of the memorial be provided to the National Park Foundation for deposit in an interest-bearing account as stated in 40 U.S.C. Section 8906(b)(3), as recommended in our testimony on H.R. 4195 in the 111th Congress. We appreciate the inclusion of this provision, and would like to work with the committee on an additional technical amendment to the language.

That concludes my testimony, Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

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 the bill S. 230, as ordered reported.

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