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Calendar No. 641

113TH CONGRESS
2d Session

SENATE

REPORT
113–301

NATIONAL PARK SYSTEM DONOR ACKNOWLEDGMENT ACT

DECEMBER 10, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2873]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2873) to authorize the Secretary of the Interior to acknowledge contributions at units of the National Park System, having considered the same, reports favorably thereon with an amendment and recommends 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 "National Park System Donor Acknowledgment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DONOR ACKNOWLEDGMENT.—The term "donor acknowledgment" means an appropriate statement or credit acknowledging a donation.

(2) NATIONAL PARK SYSTEM.—The term "National Park System" includes each program and individual unit of the National Park System.

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

SEC. 3. DONOR ACKNOWLEDGMENTS IN UNITS OF NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary may authorize a donor acknowledgment to recognize a donation to—

(1) the National Park Service; or

(2) the National Park System.

(b) RESTRICTIONS.—A donor acknowledgment shall not be used to state or imply—

(1) recognition of the donor or any product or service of the donor as an official sponsor, or any similar form of recognition, of the National Park Service or the National Park System;

(2) a National Park Service endorsement of the donor or any product or service of the donor; or

(3) naming rights to any unit of the National Park System or a National Park System facility, including a visitor center.

(c) REQUIREMENTS.—

(1) DISPLAY.—A donor acknowledgment shall be displayed—
(A) in a manner that is approved by the Secretary; and
(B) for a period of time, as determined by the Secretary, that is commensurate with the amount of the contribution and the life of the structure.
(2) GUIDELINES.—The Secretary shall establish donor acknowledgment guidelines that take into account the unique requirements of individual units and programs of the National Park System.
(3) USE OF SLOGANS PROHIBITED.—A donor acknowledgment shall not permit the use of—
(A) an advertising slogan; or
(B) a statement or credit promoting or opposing a political candidate or issue.

(d) PLACEMENT.—
(1) VISITOR AND ADMINISTRATIVE FACILITIES.—A donor acknowledgment may be located on or inside a visitor center or administrative facility of the National Park System (including in a specific room or section) or any other appropriate location, such as on a donor recognition wall or plaque.
(2) OUTSIDE.—A donor acknowledgment may be located in an area outside of a visitor or administrative facility described in paragraph (1), including a bench, brick, pathway, area of landscaping, or plaza.
(3) PROJECTS.—A donor acknowledgment may be located near a park construction or restoration project, if the donation directly relates to the project.
(4) VEHICLES.—A donor acknowledgment may be placed on a National Park Service vehicle, if the donation directly relates to the vehicle.
(5) LIMITATION.—Any donor acknowledgment associated with a historic structure or placed outside a park restoration project—
(A) shall be freestanding; and
(B) shall not obstruct a natural or historical site or view.

(e) PRINTED, DIGITAL, AND MEDIA PLATFORMS.—The Secretary may authorize the use of donor acknowledgments under this section to include donor acknowledgments on printed, digital, and media platforms, including brochures or Internet websites relating to a specific unit of the National Park System.

SEC. 4. COMMEMORATIVE WORKS ACT AMENDMENTS.

Section 8905 of title 40, United States Code, is amended—
(1) in subsection (b), by striking paragraph (7); and
(2) by adding at the end the following:

"(c) DONOR CONTRIBUTIONS.—
"(1) ACKNOWLEDGMENT OF DONOR CONTRIBUTION.—Except as otherwise provided in this subsection, the Secretary of the Interior or Administrator of General Services, as applicable, may permit a sponsor to acknowledge donor contributions at the commemorative work.
"(2) REQUIREMENTS.—An acknowledgment under paragraph (1) shall—
"(A) be displayed—
"(i) inside an ancillary structure associated with the commemorative work; or
"(ii) as part of a manmade landscape feature at the commemorative work; and
"(B) conform to applicable National Park Service or General Services Administration guidelines for donor recognition, as applicable.
"(3) LIMITATIONS.—An acknowledgment under paragraph (1) shall—
"(A) be limited to an appropriate statement or credit recognizing the contribution;
"(B) be displayed in a form in accordance with National Park Service and General Services Administration guidelines;
"(C) be displayed for a period of up to 10 years, with the display period to be commensurate with the level of the contribution, as determined in accordance with the plan and guidelines described in subparagraph (B);
"(D) be freestanding; and
"(E) not be affixed to—
"(i) any landscape feature at the commemorative work; or
"(ii) any object in a museum collection.
"(4) COST.—The sponsor shall bear all expenses related to the display of donor acknowledgments under paragraph (1).
"(5) APPLICABILITY.—This subsection shall apply to any commemorative work dedicated after January 1, 2010.".

SEC. 5. EFFECT OF ACT.

Nothing in this Act or an amendment made by this Act—
(1) requires the Secretary to accept a donation; or

(2) modifies section 145 of Public Law 108–108 (16 U.S.C. 1a–1 note; 117 Stat. 1280).

PURPOSE

The purpose of S. 2873 is to authorize the Secretary of the Interior to acknowledge contributions at units of the National Park System.

BACKGROUND AND NEED

The National Park Service (NPS) consists of 401 units throughout the United States. In addition to appropriated funds, National Park managers rely upon donations to help accomplish the preservation and education mission of the NPS. Traditionally, NPS policy has been restrictive on acknowledgments of donors in an attempt to avoid commercialization of the National Park System. Recognizing the importance of donor recognition, the National Park Service is clarifying its policy to include more apparent recognition of these donors.

Legislation is needed to authorize the Secretary of the Interior to provide appropriate recognition for donations to the National Park Service or the National Park System.

LEGISLATIVE HISTORY

S. 2873 was introduced by Senators Coburn, Enzi and Warner on September 18, 2014.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 13, 2014, by a voice vote of a quorum present, recommends that the Senate pass S. 2873, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 398, the Committee adopted an amendment in the nature of a substitute. The amendment changes the definition of donor acknowledgment. The amendment also provides more specific guidance about intent for protecting the National Park System from endorsement or commercialization. It also provides clarification on how donor recognition should be handled at commemorative works. The committee amendment is explained in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "National Park System Donor Acknowledgment Act."

Section 2 contains definitions of the terms "Donor Acknowledgment", "National Park System", and "Secretary".

Section 3 authorizes the Secretary of the Interior to recognize a donation to the National Park Service or National Park System.

Subsection (b) contains the prohibition of donor acknowledgment recognizing a donor, or any product or service of the donor, as an official sponsor of the National Park Service or the National Park System. Additionally, donor recognition should not imply National

Park Service endorsement, nor allow for naming rights to a unity of the National Park System or a facility.

Subsection (c) provides requirement on how donor acknowledgment can be displayed. It requires the Secretary to develop guidelines for donor acknowledgment. Use of advertising slogans, or political statements are prohibited.

Subsection (d) provides guidance of placement of donor acknowledgment.

Subsection (e) allows the Secretary to use donor recognition on printed, digital, and media platforms.

Section 4 amends the Commemorative Works Act to allow the Secretary to acknowledge donations at Commemorative Works.

Section 5 articulates that the Secretary is not required to accept a donation. Additionally, it clarifies that this act does not modify law governing use of the National Mall in Washington, DC.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at *www.cbo.gov*.

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. 2873.

The Act 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. 2873, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2873, 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 Committee did not request Administration views on S. 2873.

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 bill S. 2873, as ordered reported are shown as follow (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):

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

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Subtitle II—Public Buildings and Works

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PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA

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CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

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§ 8905. Site and design approval

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(b) DECISION CRITERIA.—In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, and the Secretary or Administrator (as appropriate) shall be guided by, but not limited by, the following criteria:

(1) SURROUNDINGS.—To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

(2) LOCATION.—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space, existing public use, and cultural and natural resources.

(3) MATERIAL.—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) LANDSCAPE FEATURES.—Landscape features of commemorative works shall be compatible with the climate.

(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).[1]

(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

[(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.]

(c) DONOR CONTRIBUTIONS.—

(1) ACKNOWLEDGMENT OF DONOR CONTRIBUTION.—Except as otherwise provided in this subsection, the Secretary of the Inte-

rior or Administrator of General Services, as applicable, may permit a sponsor to acknowledge donor contributions at the commemorative work

(2) REQUIREMENTS.—An acknowledgment under paragraph (1) shall—

(A) be displayed—

(i) inside an ancillary structure associated with the commemorative work; or

(ii) as part of a manmade landscape feature at the commemorative work; and

(B) conform to applicable National Park Service or General Services Administration guidelines for donor recognition, as applicable.

(3) LIMITATIONS.—An acknowledgment under paragraph (1) shall—

(A) be limited to an appropriate statement or credit recognizing the contribution;

(B) be displayed in a form in accordance with National Park Service and General Services Administration guidelines;

(C) be displayed for a period of up to 10 years, with the display period to be commensurate with the level of the contribution, as determined in accordance with the plan and guidelines described in subparagraph (B);

(D) be freestanding; and

(E) not be affixed to—

(i) any landscape feature at the commemorative work; or

(ii) any object in a museum collection.

(4) COST.—The sponsor shall bear all expenses related to the display of donor acknowledgments under paragraph (1).

(5) APPLICABILITY.—This subsection shall apply to any commemorative work dedicated after January 1, 2010.

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