

TO ESTABLISH THE ADAMS MEMORIAL COMMISSION TO
CARRY OUT THE PROVISIONS OF PUBLIC LAW 107-62,
AND FOR OTHER PURPOSES

FEBRUARY 16, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1220]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1220) to establish the Adams Memorial Commission to carry out the provisions of Public Law 107-62, 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. ADAMS MEMORIAL COMMISSION.

(a) COMMISSION.—There is established a commission to be known as the “Adams Memorial Commission” (referred to in this section as the “Commission”) for the purpose of establishing a permanent memorial to honor John Adams and his legacy as authorized by Public Law 107-62, located in the city of Washington, District of Columbia, including sites authorized by Public Law 107-315.

(b) MEMBERSHIP.—The Commission shall be composed of—

(1) four persons appointed by the President, not more than two of whom may be members of the same political party;

(2) four Members of the Senate appointed by the President pro tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate, of which not more than two appointees may be members of the same political party; and

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives, of which not more than two appointees may be members of the same political party.

(c) CHAIR AND VICE CHAIR.—The members of the Commission shall select a Chair and Vice Chair of the Commission. The Chair and Vice Chair shall not be members of the same political party.

(d) VACANCIES.—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) INITIAL MEETING.—Not later than 45 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(g) NO COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(h) DUTIES.—The Commission shall consider and formulate plans for a permanent memorial to honor John Adams and his legacy, including the nature, location, design, and construction of the memorial.

(i) POWERS.—The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) accept gifts, including funds from the Adams Memorial Foundation, to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial; and

(3) hold hearings, enter into contracts for personal services and otherwise, and do such other things as are necessary to carry out this section.

(j) REPORTS.—The Commission shall—

(1) report the plans required by subsection (h), together with recommendations, to the President and the Congress at the earliest practicable date; and

(2) in the interim, make annual reports on its progress to the President and the Congress.

(k) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) TERMINATION.—The Commission shall terminate 7 years after the date of the enactment of this Act.

SEC. 2. AMENDMENT TO PUBLIC LAW 107-62.

Public Law 107-62 is amended by striking “Adams Memorial Foundation” each place it occurs and inserting “Adams Memorial Commission”.

PURPOSE OF THE BILL

The purpose of H.R. 1220 is to establish the Adams Memorial Commission to carry out the provisions of Public Law 107-62.

BACKGROUND AND NEED FOR LEGISLATION

The Adams family, including our nation’s 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 our Nation’s first Vice President, John Adams was elected President in 1796. Abigail Adams, an early advocate of women’s rights and a staunch abolitionist, is regarded as one of the most influential First Ladies. John Quincy Adams served in the Senate and as Secretary of State in the Monroe Administration prior to his election as President in 1824. He was subsequently elected to the House of Representatives, where he served until his death in 1848. Despite the enormous contributions of John Adams and his family to our nation, there is no memorial in Washington, D.C., dedicated to their legacy.

On November 5, 2001, President George W. Bush signed Public Law 107-62, which authorized the Adams Memorial Foundation to use private funds to construct a commemorative work on federal land in the District of Columbia 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 (CWA, 40 U.S.C. 8901 et seq.). Under the CWA, a construction permit for the commemorative work must be issued within seven years of authorization, or the legislative authority lapses.

Since 2001, the Adams Memorial 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 Congress, the 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. Under the CWA, the original legislative authority to establish the memorial expired on December 2, 2009. Congress subsequently extended the Foundation's authority until September 30, 2010, through Public Law 111–88; until December 2, 2013, through Public Law 111–169; and more recently, until December 2, 2020, through Public Law 113–291.

H.R. 1220 would establish the Adams Memorial Commission to plan, accept funds for, and construct a permanent memorial to John Adams and his legacy. The authorities and responsibilities previously conferred on Adams Memorial Foundation will be transferred to the Adams Memorial Commission, and the Commission will expire seven years following enactment of the Act.

COMMITTEE ACTION

H.R. 1220 was introduced on February 27, 2017, 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 Federal Lands. On January 10, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered and the bill, as amended, was 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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 15, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1220, a bill to establish the Adams Memorial Commission to carry out the provisions of Public Law 107–62, and for other purposes.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 1220—A bill to establish the Adams Memorial Commission to carry out the provisions of Public Law 107–62, and for other purposes

H.R. 1220 would establish the Adams Memorial Commission to plan, accept funds for, and construct a permanent memorial in Washington, D.C., to honor John Adams. The commission would consist of 12 members and would terminate 7 years after enactment. Under the bill, members of the commission would serve without pay, but could be reimbursed for expenses in carrying out their duties. CBO estimates that any such costs, which would be subject to appropriation, would not be significant.

Public Law 107–62 authorized the nonprofit Adams Memorial Foundation to establish the memorial in accordance with the Commemorative Works Act (CWA) and to collect donations for that purpose. The foundation's authority to establish the memorial expires December 2, 2020. H.R. 1220 would transfer the foundation's authorities to the new commission.

The bill would authorize the commission to accept donations, which would be recorded in the budget as offsetting receipts (or, reductions in direct spending) and to spend those receipts without further appropriation. Under the CWA, any entity that receives a permit to construct a memorial must donate to the National Park Foundation (a nonprofit organization) an amount equal to 10 percent of the estimated construction cost. That amount and any project funds remaining after construction would be available in the future for the memorial's maintenance.

Because enacting H.R. 1220 would affect direct spending, pay-as-you-go procedures apply. However, 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 an expenditure soon thereafter. Thus, CBO estimates, the net effect on direct spending would be insignificant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 1220 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1220 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 establish the Adams Memorial Commission to carry out the provisions of Public Law 107–62.

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. This bill does not contain any directed rule makings.

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

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 italics, and existing law in which no change is proposed is shown in roman):

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] *Adams Memorial Commission* 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 in 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, 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] *Adams Memorial Commission* 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 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] *Adams Memorial Commission* 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] *Adams Memorial Commission* 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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