

PROVIDING FOR AN EXTENSION OF THE LEGISLATIVE AUTHORITY OF
THE ADAMS MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORA-
TIVE WORK IN HONOR OF FORMER PRESIDENT JOHN ADAMS AND HIS
LEGACY, AND FOR OTHER PURPOSES

SEPTEMBER 21, 2009.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2802]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, 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.

(a) LEGISLATIVE AUTHORITY.—Section 1 of Public Law 107-62 is amended by adding after subsection (e) the following new subsection:

“(f) EXPIRATION OF LEGISLATIVE AUTHORITY.—Notwithstanding section 8903(e) of title 40, United States Code, the legislative authority of the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs in honor of former President John Adams and his family’s legacy shall expire on December 2, 2013.”

(b) TECHNICAL AMENDMENTS.—Public Law 107-62 is amended—

(1) in section 1(c), by striking “(40 U.S.C. 1001, et seq.)” and inserting “(40 U.S.C. 8901, et seq.)”;

(2) in section 1(e), by striking “(40 U.S.C. 1001, et seq.)” and inserting “(40 U.S.C. 8901, et seq.)”; and

(3) in section 2, by striking “(40 U.S.C. 1002)” and inserting “(40 U.S.C. 8902(a))”.

PURPOSE OF THE BILL

The purpose of H.R. 2802 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Public Law 107–62, signed on November 5, 2001, authorized the Adams Memorial Foundation to establish a commemorative work in the Washington, D.C. area to honor John Adams, the second President of the United States, along with his wife Abigail Adams, their son and sixth President John Quincy Adams, and the family’s legacy of public service. This law mandated compliance with the Commemorative Works Act (40 U.S.C. 8901, et seq.) and required that the Foundation raise all required funds for the memorial, specifically prohibiting use of federal funds for this purpose.

Public Law 107–315, signed on December 2, 2002, authorized the Adams Memorial Foundation to locate the commemorative work in “Area I,” generally the area surrounding the national mall, excluding the “Reserve.” The Commemorative Works Act, as amended, specifies that the legislative authority for the establishment of a commemorative work in Area I expires seven years after the date of enactment of the authorizing legislation, in this case December 2, 2009. The Commemorative Works Act allows for administrative extension of this authority under certain conditions, namely that either construction contracts have been let or final designs have been approved and 75% of needed funds have been raised.

The Adams Memorial Foundation has secured seed funding, completed initial reviews of design concepts and sites, and selected a contractor to study site alternatives and prepare an Environmental Assessment. A design competition will be held after a final site is selected and approved, and the Foundation estimates that construction could begin in three years or less, pending required approvals. Despite these efforts, the requirements for an administrative extension of time will not be met by December 2, 2009.

COMMITTEE ACTION

H.R. 2802 was introduced on June 10, 2009 by Representative Bill Delahunt (D–MA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On July 30, 2009, the Subcommittee held a hearing on the bill during which the Administration testified in favor of the legislation with the recommendation that it be amended to reduce the extension from seven years to four years, in order to encourage the expedited completion of the project.

On September 10, 2009, the full Natural Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of H.R. 2802. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to incorporate the recommendation of the Administration to limit the extension to four years instead of seven. The amendment was adopted by unanimous consent. The bill, as amended, was then

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) 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)(3)(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.

2. **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.

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 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.

4. **Congressional Budget Office Cost Estimate.** 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. 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

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.

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 bill 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 Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2802 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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):

ACT OF NOVEMBER 05, 2001

(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) * * *

* * * * *

(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.)] (40 U.S.C. 8901, et seq.).

* * * * *

(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.

(f) EXPIRATION OF LEGISLATIVE AUTHORITY.—Notwithstanding section 8903(e) of title 40, United States Code, the legislative au-

thority of the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs in honor of former President John Adams and his family's legacy shall expire on December 2, 2013.

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)).

