

Calendar No. 57

104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-34

CARL GARNER FEDERAL LANDS CLEANUP DAY

APRIL 7 (legislative day, APRIL 5), 1995.—Ordered to be printed

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

REPORT

[To accompany S. 197]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 197) to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT.

“The Federal Lands Cleanup Act of 1985 (Public Law 99-402; 36 U.S.C. 169i-169i-1) is amended by striking the terms “Federal Lands Cleanup Day” or “Federal Lands National Cleanup Day” each place they occur and inserting in lieu thereof, “Carl Garner Federal Lands Cleanup Day”.”.

PURPOSE OF THE MEASURE

The purposes of S. 197 is to amend the Federal Lands Cleanup Act of 1985 by renaming it the “Carl Garner Federal Lands Cleanup Day”.

BACKGROUND AND NEED

The Federal Lands Cleanup Act designates the first Saturday after Labor Day of each year as Federal Lands Cleanup Day, and requires each Federal land managing agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning up and maintaining Federal lands.

S. 197 would redesignate Federal Lands Cleanup Day as Carl Garner Federal Lands Cleanup Day. Mr. Garner is the resident engineer with the Army Corps of Engineers at Greers Ferry Lake in Arkansas. Since 1970, he has organized a group of volunteers to have an annual cleanup day at the lake. The project became popular enough that it was extended to other Corps-operated lakes in Arkansas, along with other Federal and State lands in the State, and is now known as the "Great Arkansas Cleanup." According to the sponsor S. 197, Senator Bumpers, the efforts of Mr. Garner were the inspiration for his introduction of the Federal Lands Cleanup Act in 1985.

LEGISLATIVE HISTORY

S. 197 was introduced by Senator Bumpers on January 11, 1995, and referred to the Committee on Energy and Natural Resources.

In the 103rd Congress, Senator Bumpers introduced S. 851 on April 29, 1993. The bill was originally referred to the Committee on Environmental and Public Works; that committee was discharged by unanimous consent on May 13, 1993 and the bill was referred to the Committee on Energy and Natural Resources. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 851 on June 17, 1993. At the business meeting of the Committee on Energy and Natural Resources, S. 851 was ordered favorably reported, and passed the Senate on July 21, 1993.

Similar provisions were included in H.R. 3252, a comprehensive bill on parks, rivers, trails, and historic sites. The House passed H.R. 3252 on November 23, 1993. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 3252 on May 19, 1994. At the business meeting on September 21, 1994, the Committee on Energy and Natural Resources ordered H.R. 3252 to be favorably reported, but no further action was taken.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered S. 127, favorably reported, as amended.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass S. 197, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield ¹	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas ¹	
Mr. Kyl ¹	
Mr. Grams	
Mr. Jeffords ¹	

Mr. Burns ¹
Mr. Johnston
Mr. Bumpers
Mr. Ford
Mr. Bradley
Mr. Bingaman
Mr. Akaka
Mr. Wellstone ¹
Mr. Heflin ¹
Mr. Dorgan

¹ Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 197, the Committee adopted an amendment in the nature of a substitute. The amendment made a technical change to reflect the replacement of both "Federal Lands Cleanup Day" and "Federal Lands National Cleanup Day" with "Carl Garner Federal Lands Cleanup Day" in the Federal Lands Cleanup Act of 1985.

SUMMARY OF S. 197

S. 197 amends the Federal Lands Cleanup Act of 1985 to redesignate Federal Lands Cleanup Day as Carl Garner Federal Lands Cleanup Day.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 1995.

Hon. FRANK H. MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 197, a bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995. Enactment of this legislation would have no effect on the federal budget or on those of state or local governments. S. 197 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 197 would rename the Federal Lands Cleanup Day as the Carl Garner Federal Lands Cleanup Day.

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

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

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. 197. 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 person 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. 197, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 24, 1995, the Committee on Energy and Natural Resources has requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 197. These reports had not been received at the time the report on S. 197 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

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 the bill S. 197, as ordered 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):

TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES

[36 U.S.C. 169i-169i-1]

* * * * *

FEDERAL LANDS CLEANUP ACT OF 1985

§ 169i. Federal Lands Cleanup Day; designation, observation, etc.

The first Saturday after Labor Day of each year is designated as “[Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day*”. The President shall issue a proclamation calling upon the people of the United States to observe [Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day* with appropriate ceremonies, programs, and activities: *Provided, however,* That the activities associated with [Federal Lands Cleanup Day] *Carle Garner Federal Lands Cleanup Day* may be undertaken in individual States on a day other than the first Saturday after Labor Day if the affected Federal land managers determine the because of climatological or other factors, an alternative date is more appropriate.

§ 169i—1. Federal participation in [Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day*

(a) FEDERAL LAND MANAGEMENT AGENCIES; DUTIES; DEFINITION—(1) In order to observe [Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day* at the Federal level, each Federal land management agency shall organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and providing for the maintenance of Federal public lands, recreation areas, and waterways within the jurisdiction of such agency.

(2) For purposes of this Act, the term “Federal land management agency” shall include—

- (A) the Forest Service of the Department of Agriculture;
- (B) the Bureau of Land Management of the Department of the Interior;
- (C) the National Park Service of the Department of the Interior;
- (D) the Fish and Wildlife Service of the Department of the Interior;
- (E) the Bureau of Reclamation of the Department of the Interior; and
- (F) the Army Corps of Engineers.

(b) OBJECTIVES; COOPERATION WITH STATE, COUNTY, AND LOCAL AGENCIES.—Each Federal land management agency shall plan for and carry out activities on [Federal Lands National Cleanup Day] *Carl Garner Federal Lands Cleanup Day* which—

- (1) encourage continuing public and private sector cooperation in preserving the beauty and safety of areas within the jurisdiction of such agency;
- (2) increase citizens’ sense of ownership and community pride in such areas;
- (3) reduce litter on Federal lands, along trails and waterways, and within such areas; and
- (4) maintain and improve trails, recreation areas, waterways and facilities.

Such activities shall be held in cooperation with appropriate State, county, and local government agencies.

(c) REPORT TO CONGRESS.—(1) Within ninety days following the first [Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day* occurring after August 27, 1986, each Federal land management agency shall provide a summary report to Congress briefly outlining the types of activities undertaken; the sites involved; the nature and extent of the volunteer involvement; the cost savings realized from the program and the overall success of such agency in observing [Federal Lands Cleanup Day] *Carl Garner Federal Lands Cleanup Day*.

(2) Such reporting requirements shall remain in effect for two years after the submission of the first report.