

Calendar No. 98

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-40

NATIONAL PEACE GARDEN MEMORIAL

JUNE 26, 1997.—Ordered to be printed

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

REPORT

[To accompany S. 731]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 731) to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill, do pass.

PURPOSE OF THE MEASURE

The purpose of S. 731 is to extend the legislative authority for the construction of the National Peace Garden Memorial for five additional years, through June 30, 2002.

BACKGROUND AND NEED

In 1987, Congress enacted Public Law 100-63, which authorized the National Peace Garden Foundation, a non-profit organization, to construct the National Peace Garden in Washington D.C. on a site to be determined by the Secretary of the Interior “to honor the commitment of the people of the United States to world peace.” In 1988, the National Park Service designated a 10-acres site on Hains Point as the location for the memorial.

Section 8 of the Commemorative Works Act requires the Secretary of the Interior, prior to issuing a construction permit for a memorial or monument, to make a determination that: (1) the location and design of the memorial have been approved by the Secretary, the National Capital Planning Commission, and the Commission on Fine Arts; and (2) that the organization authorized to construct the memorial has raised the necessary funds to complete

construction, along with an additional 10 percent to be used for maintenance endowment fund.

After numerous design changes, the final design for the Peace Garden was approved by the appropriate agencies in 1993. However, the Foundation has yet to raise most of the estimated \$13 million required to complete construction, as well as the \$1.3 million for the maintenance fund. However, the Foundation has recently added several members to its Board of Directors with fundraising expertise and is currently implementing a major fundraising campaign.

Section 10(b) of the Commemorative Works Act provides that the legislative authority to construct a memorial shall expire 7 years after the date the memorial was authorized. In 1994, Congress extended the legislative authority for the Peace Garden and two other memorials through June 30, 1997. S. 731 would extend the legislative authority for the Peace Garden through 2002.

LEGISLATIVE HISTORY

S. 731 was introduced by Senator Bumpers on May 8, 1997. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on the bill on May 21, 1997. Senator Coverdell was added as a cosponsor on June 3, 1997.

At the business meeting on June 11, 1997, the Committee on Energy and Natural Resources ordered S. 731 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 12, 1997, by a unanimous vote of a quorum present, recommends that the Senate pass S. 731 without amendment.

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

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Smith	
Mr. Gorton	
Mr. Burns ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman ¹	
Mr. Akaka ¹	
Mr. Dorgan ¹	
Mr. Graham ¹	
Mr. Wyden	

Mr. Johnson¹
Mrs. Landrieu

¹Indicates voted by proxy.

SUMMARY OF S. 731

S. 731 extends the legislative authority for the National Peace Garden through June 30, 2002.

COST AND BUDGETARY CONSIDERATIONS

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

S. 731—A bill to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes

CBO estimates that enacting S. 731 would have no effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 731 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

S. 731 would extend the authority to construct the National Peace Garden until June 30, 2002. The extension would provide an additional five years for the private sponsors of the site to obtain the necessary financing and building permits. In 1994, the deadline for the site was extended from June 30, 1994, to June 30, 1997. Because the memorial is to be constructed with private funds, extending the construction authority would have no impact on the federal budget.

The CBO contact for this estimate is Deborah Reis. This estimate was approved by Paul N. Van de Water, 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. 731. 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. 731, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 21, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 731. These reports had not been received at the time the report on S. 731 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. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF KATE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to appear before your committee to provide the views of the Department of the Interior on S. 731, a bill to extend the legislative authority for construction of the National Peace Garden memorial.

We support the extension of the legislative authorities for the National Peace Garden memorial. S. 731 would grant a five-year extension for construction of the National Peace Garden memorial.

National peace garden memorial

The establishment of the National Peace Garden memorial was authorized in 1987 by P.L. 100-63. The memorial will be constructed on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The garden will provide an interpretation of the experience of peace in the environment of a garden which will offer visitors the experience of reflecting on the condition and ways of achieving peace. By its prominence among the memorials in our Nation's Capital, which represent our commitment to freedom and democracy, the National Peace Garden will affirm our identity as a nation committed to peace.

Commemorative Works Act

We would like to take this opportunity to address the need to amend the Commemorative Works Act as it deals with the sunset clause.

Establishing a sunset clause for memorial projects has been a requirement of the Congress for more than 100 years. Sunset periods were traditionally set for periods of duration between 3 and 7 years. Amending the sunset clause of the Commemorative Works Act would aid the Congress in its consideration of individual extensions for memorial authorities. In 1994 three memorial groups sought extensions of their individual authorizations, and the Commemorative Works Act was amended.

The bills before you are the result of economic, procedural, or organizational situations that are not uncommon to the sixteen authorized groups who have been involved in the standardized requirements for constructing memorials on Federal, open-space property managed by the National Park Service.

Six organizations completed their projects within their legislative authorities. A seventh organization, formed to construct The Memorial to Women in Military Service for America, began construction within its individually extended ten-year timeframe. Between 1992 and 1997, six

organizations have been developing memorial projects under the seven-year authorization provision.

Granting individual extensions of time to memorial organizations at varying stages in the process and for different time periods has led to confusion and inconsistency. Such decisions are disruptive to an orderly process and the public's understanding of the organization's need for donations to support these projects.

Each group seeking to erect a memorial conducts a planning process to identify and receive approvals for its site and a design process of creation, development, and approval. They must establish financial targets and fundraising programs and develop construction documents and contracting commitments. All these actions are necessary to bring a memorial to the point of construction within seven years.

Once a group has an approved site for a proposed memorial, the National Park Service reserves that location only for that memorial during the Congressionally authorized period. The first legislative authorities established under the Commemorative Works Act began to expire in 1993. While these sites might have been ideal for memorials authorized in later years, the National Park Service has not been free to offer them for consideration or study.

We feel the Commemorative Works Act should provide a methodology for evaluating and granting extensions of legislative authorities. We feel the Act should be examined to determine standards or criteria to be added to the Act to aid the Congress in evaluating future legislative proposals. We respectfully offer that a review by the National Capital Memorial Commission with regard to these points, similar to the reports requested by the Committee in its consideration of the 1991 and 1994 amendments to the Act, may be useful in future consideration of memorial authorities. The Commission is prepared to meet this summer to review the Act. Based on that review, the Administration may then propose draft legislation to amend the Act, including a possible amendment to address the issue of legislatively mandated time requirements.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you may have.

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 S. 731, as ordered reported.