

Calendar No. 96

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-38

GUNSTON HALL

JUNE 26, 1997.—Ordered to be printed

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

REPORT

[To accompany S. 423]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 423) to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 423 is to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial honoring George Mason, for 3 additional years, through August 10, 2000.

BACKGROUND AND NEED

Gunston Hall, Virginia, is the historical home of George Mason and is managed by a Board of Regents (Board). Under current legislation, the Board is authorized to work with the National Park Service and other agencies to establish and construct a monument to George Mason. The monument is to be situated near the Jefferson Memorial in Washington, D.C. The existing authority for establishment of the monument expires August 10, 1997.

In 1990, Congress enacted Public Law 101-358, which authorized the Board of Regents of Gunston Hall to establish a memorial to George Mason. Gunston Hall, located in Virginia, is the historical home of George Mason, the author of Virginia's 1776 "Declaration of Rights," and an active participant in the Constitutional Convention.

Section 8 of the Commemorative Works Act (Public Law 99-652) 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 a maintenance endowment fund.

In 1992, the Secretary approved a proposal to locate the memorial in the “monumental core area” defined in the Commemorative Works Act, and Congress ratified the location in Public Law 102-277. The memorial, which will be known as the “George Mason Memorial Garden,” will be located between Ohio Drive and the George Mason Memorial Bridge, overlooking the Tidal Basin.

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. S. 423 would extend the legislative authority for the George Mason memorial for an additional 3 years, through August 10, 2000.

The memorial will be called the George Mason Memorial Garden and will be located between Ohio Drive and the George Mason Memorial Bridge. It will overlook the Tidal Basin and occupy approximately 100,000 square feet in an area currently known as the Pansey Garden—very near the new Roosevelt Memorial. The Board is committed to raising the approximately \$1 million necessary to complete the monument. The National Park Service will maintain the monument upon completion, although the maintenance costs will be paid by the maintenance endowment fund.

LEGISLATIVE HISTORY

S. 423 was introduced by Senators Robb and Warner on March 12, 1997. The subcommittee on National Parks, Historic Preservation and Recreation held a hearing on the bill on May 21, 1997. At the business meeting on June 11, 1997, the Committee on Energy and Natural Resources ordered S. 423 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. 423 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*	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman*	
Mr. Akaka*	
Mr. Dorgan*	
Mr. Graham*	
Mr. Wyden	
Mr. Johnson*	
Ms. Landrieu	

*Indicates voted by proxy.

SUMMARY OF S. 423

S. 423 extends the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to George Mason. The extension would run until August 10, 2000 and would supersede the previous authorized deadline of August 10, 1997.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate for this measure has been provided by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 423—A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason

CBO estimates that enacting of S. 423 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. 423 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. 423 would extend until August 10, 2000, the authority to establish a memorial to George Mason, the author of the Virginia Declaration of Rights. The extension would give the Board of Regents of Gunston Hall (the site's sponsor) an additional three years to obtain the necessary financing for the project. Under current law, authority to construct the site will expire on August 10, 1997. Because the prospective memorial is to be established with non-federal funds, there would be no impact on the federal budget from extending the authority to establish it.

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. 423. 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. 423, 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. 423. These reports had not been received at the time the report on S. 423 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. 423, a bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason.

We support the extension of the legislative authorities for the George Mason Memorial. S. 423 would grant a three-year extension for the George Mason Memorial to be established by the Board of Regents of Gunston Hall.

GEORGE MASON MEMORIAL

In 1990, P.L. 101-358 authorized the Board of Regents of Gunston Hall to establish a memorial to George Mason, author of the Virginia Bill of Rights, who is widely recog-

nized for his role in events surrounding the drafting of the U.S. Constitution and its first ten amendments, the Bill of Rights. The memorial will be built on Federal land in the District of Columbia near the span of the 14th Street Bridge, which was named in his honor, and across the Tidal Basin from the memorial to his renowned colleague and compatriot, President Thomas Jefferson

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 au-

thorized 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. 423 as ordered reported.

