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SENATE

{ REPORT
115-249

NATIONAL EMERGENCY MEDICAL SERVICES COMMEMORATIVE WORK ACT

MAY 16, 2018.—Ordered to be printed

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

R E P O R T

[To accompany S. 1692]

[Including Cost Estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1692) to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1692 is to authorize the National Emergency Medical Services Memorial Foundation (Foundation) to establish a commemorative work in the District of Columbia and its environs.

BACKGROUND AND NEED

Emergency Medical Service (EMS) providers respond to approximately 37 million emergency calls annually across the United States. These professionals are first responders in all types of emergency situations, ranging from medical emergencies, to natural disasters, to fires, and acts of terrorism. According to the Department of Labor and the National Highway Safety Administration, EMS providers die in the line of duty at a rate more than twice the national average for all occupational fatalities. Over 650 men and women who served have made the ultimate sacrifice while performing their duties, which have occurred in every state across the country.

S. 1692 authorizes the Foundation to establish a commemorative work on federal land in the District of Columbia and its environs to commemorate the sacrifice and commitment of the EMS first responders. The project must be planned and constructed with non-federal funds and in accordance with the Commemorative Works Act.

LEGISLATIVE HISTORY

S. 1692 was introduced by Senators Coons, Capito, Cotton, Cassidy, Shaheen, and Warren on August 1, 2017. The Senate Subcommittee on National Parks conducted a hearing on S. 1692 on February 14, 2018. Similar language is also included in section 7126 of S. 1460, the Energy and Natural Resources Act of 2017 (Cal. 162).

A companion measure, H.R. 1037, was introduced by Rep. Lynch in the House of Representatives on February 14, 2017, and referred to the Natural Resources Committee.

In the 114th Congress, Senator Coons introduced similar legislation, S. 2628, on March 3, 2016. On March 17, 2016, the Subcommittee on National Parks held a hearing on S. 2628. Similar legislation, H.R. 2274, was introduced in the House of Representatives by Rep. Lynch on May 12, 2015, and referred to the Natural Resources Committee.

The Committee on Energy and Natural Resources met in open business session on March 8, 2018, and ordered S. 1692 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 8, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1692.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Findings

Section 2 contains Congressional findings.

Section 3. Authorization to establish commemorative work by the National Emergency Medical Services Foundation

Section 3(a) authorizes the Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the commitment and service represented by EMS.

Subsection (b) requires the establishment of the commemorative work to be in compliance with the Commemorative Works Act (40 U.S.C. Chapter 89).

Subsection (c) requires the Foundation to be solely responsible for the acceptance of contributions for, and payment of the expenses of, the commemorative work establishment. This subsection also prohibits the use of Federal funds to pay for any establishment-related expense.

Subsection (d) requires the Foundation to transmit any remaining balance of funds received for the establishment of the commemorative work to the Secretary of the Interior for deposit into an account with the National Park Foundation (40 U.S.C. 8906(b)(3)), after all payments for the expenses of the establishment of the commemorative work, including those required for maintenance and preservation of the work, have been made. If following the expiration of the authority for the commemorative work there remains a balance of funds received for the establishment of the work, this subsection further directs the Foundation to transmit the balance amount to a separate account with the National Park Foundation for memorials, to be available to the Secretary or Administrator of the General Services, as appropriate, for the maintenance of the commemorative work.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office: S. 1692 would authorize the National Emergency Medical Services Memorial Foundation (a nonprofit organization) to establish a memorial in or near the District of Columbia to commemorate the commitment and service of first responders in medical emergencies.

Because S. 1692 would prohibit the use of federal funds to establish the memorial, CBO estimates that implementing the bill would have no effect on spending subject to appropriation.

The project would be subject to the requirements of the Commemorative Works Act. That act directs any entity that receives a permit to construct a memorial to donate to the National Park Foundation (a nonprofit organization whose subsequent donations to the National Park Service are recorded on the budget) an amount equal to 10 percent of the memorial's estimated construction costs. That donation and any project funds remaining after construction would be available for maintenance of the memorial without the need for appropriations.

Based on the experience of similar commemorative projects, CBO expects that any amounts collected by the federal government for maintenance of the memorial would not be received for several years and would be offset by an expenditure soon thereafter. Thus, on net, CBO estimates that the effect on direct spending would be insignificant.

Because enacting S. 1692 would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting S. 1692 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1692 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.

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.1692. 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.1692, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1692, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 14, 2018, hearing on S. 1692 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 1692, A BILL TO AUTHORIZE THE NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES

The Department supports S. 1692. The memorial authorized by this legislation would commemorate the commitment and service of the Emergency Medical Services profession. S. 1692 prohibits federal funds from being used to establish the memorial.

The Commemorative Works Act (CWA), 40 U.S.C. Chapter 89, precludes establishing a memorial to members of the Emergency Medical Services profession as a group because the memorialization of members of a group may not be authorized until after the 25th anniversary of the death of the last surviving member. Therefore, our support for this proposal is based upon our understanding that this memorial will recognize the “commitment and service” of the Emergency Medical Services profession, not the organization’s members.

A memorial to honor the commitment and service of a profession is not a concept that is explicitly described in the CWA, and it does not fit the typical mold for commemoration under the CWA. However, there is a precedent for this type of memorial: the National Peace Corps Memorial, which Congress authorized in 2014. That memorial was authorized not to commemorate Peace Corps participants explicitly, which would be inconsistent with the CWA, but rather to commemorate the “mission of the Peace Corps and the ideals on which the Peace Corps was founded.”

At the September 14, 2015, meeting of the National Capital Memorial Advisory Commission, the Commission reviewed H.R. 2274, a bill nearly identical to S. 1692. It was the consensus of the Commission that the language was clear that the memorial authorized by the bill would not commemorate individuals or a group of individuals, and therefore was not inconsistent with the CWA. We agree with the Commission's interpretation.

Finally, we note that S. 1692 provides that unspent funds raised for the construction of the memorial be provided to the National Park Foundation for deposit in an interest-bearing account as stated in 40 U.S.C. Section 8906(b)(3). This is a provision we strongly support including in all legislation authorizing memorials under the CWA.

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 the bill as ordered reported.

