

## Calendar No. 363

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SENATE

{ REPORT  
110-165

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### EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL HONORING VETERANS

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SEPTEMBER 17, 2007.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 995]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 995) to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 995 is to extend the legislative authority for completion of a memorial honoring disabled veterans of the United States Armed Forces.

#### BACKGROUND AND NEED

In 2000, Congress enacted Public Law 106-348, which authorized the Disabled Veterans' LIFE Memorial Foundation to establish a memorial on Federal land in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. The Foundation is a 501(c)(3) nonprofit organization whose sole purpose is to raise the funds necessary to build the Memorial. The authorizing legislation requires the memorial to be constructed in accordance with the Commemorative Works Act (40 U.S.C. 8901 et seq.).

In December, 2006, Congress enacted Public Law 109-396, which specified a site south of the Mall and west of the Rayburn House

Office Building (near the C Street ramp to I-395) as the location for the memorial.

The Commemorative Works Act requires that a memorial's sponsor fund all costs associated with the planning, design, and construction of the memorial, plus an additional ten percent to be used as a maintenance fund. The sponsoring entity must raise all required funds and have the memorial design approved by the appropriate Federal reviews before the Secretary of the Interior is authorized to issue a construction permit.

To date the Foundation has raised approximately \$26 million of the estimated \$65 million cost of construction. The Foundation hopes to have the remaining funds in hand by 2010.

Under the Commemorative Works Act, legislative authority for a memorial expires seven years after the date of enactment of the authorizing legislation, so the Disabled Veterans' Memorial authority expires on October 24, 2007. H.R. 995 extends the authority through October 24, 2015.

#### LEGISLATIVE HISTORY

H.R. 998, sponsored by Representative Hare, passed the House of Representatives by a vote of 390-0 on March 5, 2007. A companion measure, S. 824, was introduced by Senator Thune and co-sponsored by Senators Snowe, Dorgan, and Johnson. The Subcommittee on National Parks held a hearing on H.R. 998 and S. 824 on July 12, 2007.

Similar legislation, H.R. 4275, passed the House of Representatives in the 109th Congress by a voice vote on September 25, 2006, although no further action occurred in the Senate.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered H.R. 995 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass H.R. 995.

#### SUMMARY OF THE MEASURE

H.R. 995 amends the authorizing legislation for the Disabled Veterans Memorial (Public Law 106-348) to make several conforming amendments to reflect the codification of the Commemorative Works Act as part of title 40, chapter 89, United States Code, and extends the legislative authority for the memorial until October 24, 2015, notwithstanding the provisions of 40 U.S.C. 8903(e).

#### COST AND BUDGETARY CONSIDERATIONS

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

JULY 30, 2007.

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 995, an act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 995—An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States*

H.R. 995 would extend until October 24, 2015, the authority to construct a memorial on federal land to honor veterans who became disabled while serving in the Armed Forces of the United States. The extension would give the Disabled Veterans' LIFE Memorial Foundation (the site's sponsor) an additional eight years to obtain the necessary funds and complete the project.

Because the prospective memorial would be established with nonfederal funds, extending the authority to build it would not affect the federal budget. Enacting the legislation would not affect direct spending or revenues.

H.R. 995 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 contacts for this estimate are Deborah Reis and David Reynolds. This estimate was approved by Peter H. Fontaine, 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 H.R. 995. The Act 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 H.R. 995, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the July 12, 2007, Subcommittee hearing on H.R. 995 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 824 and H.R. 995, bills to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. The Department supports enactment of this legislation.

S. 824 and H.R. 995 would authorize an additional eight years for the Disabled Veterans' LIFE Memorial Foundation (Foundation) to establish the American Veterans Disabled for Life Memorial in the District of Columbia. This memorial was authorized on October 24, 2000 and the extension would extend the authority to October 24, 2015. The authority to establish the memorial will expire on October 24, 2007 if the Foundation has not secured a permit to begin construction from the National Park Service (NPS) before that date.

The Foundation has proceeded in a professional and responsible manner in all aspects of the memorial process. The site was approved in 2001, the design concept was approved in 2004, and the Foundation continues to seek the direction and advice of the NPS, the National Capital Planning Commission and the Commission of Fine Arts in developing the design of the memorial. We look forward to productive meetings with both commissions as the design nears completion.

The Foundation proposes to build the memorial on two acres across Washington Avenue from the U.S. Botanic Gardens and just east of the Department of Health and Human Services headquarters building. The triangular-shaped site is bounded by Second Street to the west, Washington Avenue to the east, and the I-395 tunnel portals on the south. The property was managed by the District of Columbia until December 15, 2006. The site was then transferred to the National Park Service under the terms of the Federal and District of Columbia Government Real Property Act of 2006.

In 2004, the Foundation proceeded to the point of developing its approved design concept but could move no further until the management of the property was determined. Valuable planning time for the memorial was lost while this legislation was under consideration in the 109th Congress. Given the legislative delay as well as the unique aspects of this site and the need to revise traffic patterns in order to achieve both a site worthy of this memorial and the proper urban design in the context of both the U.S. Capitol and the U.S. Botanic Gardens, we feel it is fair to allow the Foundation additional time beyond the four months that now remain available to the Foundation to

continue fundraising and complete the design development. We have every expectation that groundbreaking for the memorial will occur within the time period this proposed extension will allow.

There are four instances where similar extensions of time have been granted for the completion of truly superior memorials that the Department manages. They are the memorials to Women in Military Service for America, George Mason, World War II, and Victims of Communism. Extensions also have been granted for the Martin Luther King, Jr. Memorial, and we are currently working with the Martin Luther King, Jr., Memorial Foundation in the development of the design in consultation with the National Capital Planning Commission and the Commission of Fine Arts.

The Department has enjoyed an excellent working relationship with the Disabled Veterans LIFE Memorial Foundation and we are confident that this extension is an appropriate action and worthy of your consideration.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

#### 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 H.R. 995, 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):

#### PUBLIC LAW 106-348

106th Congress

Approved October 24, 2000

AN ACT To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED FORCES.**

(a) **MEMORIAL AUTHORIZED.**—The Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—**[The establishment]** *Except as provided in subsection (e), the establishment* of the memorial shall be in accordance with the **[Commemorative Works Act (40 U.S.C. 1001 et seq.)]** *chapter 89 of title 40, United States Code.*

(c) PAYMENT OF EXPENSES.—The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under [section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))] *section 8906 of title 40, United States Code*), [or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)),] there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE 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 (40 U.S.C. 1008(b)(1))] *8906(b)(2) or (3) of such title*.

(e) TERMINATION OF AUTHORITY.—*Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish the memorial under this section shall expire on October 24, 2015.*

