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UKRAINE FAMINE MEMORIAL

APRIL 20, 2006.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 562]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 562) to authorize the Government of the Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 562 is to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the famine and genocide that occurred in Ukraine in 1932 and 1933.

BACKGROUND AND NEED

During 1932 and 1933, Soviet leader Josef Stalin moved to suppress nationalist and anti-Bolshevik urges among ethnic Ukrainians. To pacify the Ukrainians, Stalin set impossibly high grain quotas. Farmers who failed to meet the quotas had their other food confiscated. Those who were found in possession of even meager portions of grain reserved for their families were often executed for “withholding” grain.

As a result of Stalin’s actions, millions of Ukrainians starved to death during the winter of 1932–1933. Ukrainians call this forced starvation the Holodomor and historians estimate that between 5

and 10 million people died during the event. Twenty-six nations, including the United States, have recognized Stalin's "famine" as an act of genocide.

H.R. 562 would authorize the government of Ukraine to establish a memorial to the famine victims on Federal land in the District of Columbia. The bill would require the memorial to comply with the Commemorative Works Act. However, the bill would exempt the memorial from 4 provisions of the Works Act: two provisions that require memorials to commemorate American history and two provisions that require the Secretary to maintain and preserve the memorial. The memorial would be built with non-Federal funds.

LEGISLATIVE HISTORY

H.R. 562 was introduced by Representative Levin and others on February 2, 2005. The bill passed the House of Representatives on November 16, 2005, on a voice vote. It was referred to the Committee on Energy and Natural Resources on November 17, 2005. The Subcommittee on National Parks held a hearing on H.R. 562 on February 16, 2006. At the business meeting on March 15, 2006, the Committee on Energy and Natural Resources ordered H.R. 562 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 15, 2006, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 562.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the government of Ukraine to establish, on Federal land in the District of Columbia, a memorial to victims of the Ukrainian famine and genocide of 1932 and 1933.

Subsection (b) requires compliance with the Commemorative Works Act, with four minor exceptions: It waives two provisions that require the memorial to commemorate American history and two provisions that require the Secretary to maintain and preserve the memorial.

Section 2 states that the United States government will not pay any expenses for the establishment or maintenance of this memorial.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 562—An act to authorize the government of Ukraine to establish a memorial on federal land in the District of Columbia to honor the victims of the manmade famine that occurred in the Ukraine in 1932–1933

CBO estimates that enacting H.R. 562 would have no impact on the federal budget. Enacting the legislation would not affect direct spending or revenues. H.R. 562 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.

H.R. 562 would authorize the government of Ukraine to establish a memorial honoring the men, women, and children who perished by famine under communist rule in Ukraine from 1932 to 1933. The legislation would require that the establishment of the memorial comply with the major provisions of the Commemorative Works Act. As a memorial gift from a foreign nation, the government of Ukraine would be responsible for constructing, maintaining, and preserving the memorial. No federal funds could be used for those purposes.

The CBO staff contact for this estimate is Matthew Pickford. 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. 562. 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 H.R. 562, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on H.R. 562 were included in testimony received by the Committee at a hearing on the bill on February 16, 2006. This testimony follows:

STATEMENT OF JOHN PARSONS, ASSOCIATE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, 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 H.R. 562, a bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the man-made famine that occurred in Ukraine in 1932–1933.

The Department opposes enactment of this legislation because it duplicates efforts currently underway to establish a memorial that would honor all victims of communism worldwide. This memorial, the Victims of Communism Memorial, was authorized by P.L. 103–199 on December 17, 1993.

H.R. 562 would authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the men, women, and children who perished by famine under communist rule in Ukraine from 1932–1933. The bill would require that the establishment of the memorial comply with the major provisions of the Commemorative Works Act, but contains minor exceptions to four provisions. Two provisions require a commemora-

tive work to have significance to the American Experience, and two relate to the requirement that the Secretary maintain and preserve the memorial. As a memorial gift from a foreign nation, the Government of Ukraine would be responsible for establishing, constructing, maintaining and preserving the memorial.

The people of Ukraine were brought to the verge of physical extinction in 1932–1933 when a man-made disaster resulted in the deaths of millions of innocent men, women, and children. The Soviet Government, under the political control of Joseph Stalin, used food as a weapon to annihilate or suppress the political and cultural identity of the Ukrainian people. To fill impossibly high grain quotas, assigned brigades seized the 1932 crop from one of the world's most fertile farmlands. Those who resisted giving up their crops were killed. Millions of people starved while stockpiles of seized grain rotted by the tons. Attempts were made by the United States Government to intercede at the height of the famine to provide food and other necessary supplies to help the starving people of Ukraine. In 1988, the United States Commission on the Ukraine Famine reported that the people of Ukraine were victims of genocide, or “starved to death in a man-made famine.”

The National Capital Memorial Advisory Commission (Commission), established in 1986 to review proposals to establish memorials and provide its recommendation to the Secretary of the Interior and committees of Congress, reviewed this proposal on March 15, 2005. While it supported a similar proposal in the 108th Congress, the Commission has since considered revisions made by the Victims of Communism Memorial Foundation (Foundation) to expand its effort as a two-fold commemoration. The Foundation is proposing a memorial to victims of communism worldwide that would be supplemented by a virtual museum to tell the history of the impact of communism. The Commission also concluded that because the Victims of Communism Memorial would encompass the history of the Ukraine Famine as well as that of 120 different nationalities, ethnic groups, and countries that were also victims of communism, it would not endorse legislation proposed to provide a separate, specific recognition of this or other national or ethnic groups that already would be recognized in the Victims of Communism Memorial.

We agree with the approach of commemorating the millions of victims of communism worldwide, including those who suffered immeasurably during the horrific Ukraine Famine, through the Victims of Communism Memorial. While the victims of the Ukraine Famine obviously deserve recognition, we believe that creating separate memorials for individual groups would detract from the overall message of the Victims of Communism Memorial and could, potentially, create an unfortunate competition amongst various groups for limited memorial sites in our Nation's Capital. The Foundation envisions the Victims of Communism Memorial as a visible symbol for all those who

have suffered atrocities to human rights and perished. The Foundation secured site approvals for placement of the Victims of Communism Memorial within sight of the United States Capitol and design approvals in 2005. The Foundation plans to begin construction on the memorial this spring.

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, the Committee notes that no changes in existing law are made by H.R. 562, as ordered reported.

