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SENATE

{ REPORT
{ 109-247

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND ACT OF 2005

APRIL 20, 2006.—Ordered to be printed

Filed under authority of the order of the Senate of April 7, 2006

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

R E P O R T

[To accompany H.R. 2107]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2107) to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes, 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. 2107 is to amend the Commemorative Coin Act of 1996 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

BACKGROUND AND NEED

In 1984, Congress authorized the National Law Enforcement Officers Memorial Fund, Inc., a non-profit corporation (Corporation), to establish the National Law Enforcement Officers Memorial to honor law enforcement officers who have died in the line of duty. In 1996, Congress created a maintenance fund for the memorial through the Commemorative Coin Act. The maintenance fund is to be used to maintain the Memorial, fund the addition of new names to the Memorial, and provide security for the memorial site. The

Fund is managed by the Secretary of the Interior through the National Park Service.

H.R. 2107 streamlines the maintenance operation of the memorial by directing the Secretary of the Interior, through the National Park Service to enter into a cooperative agreement with the Corporation to maintain the memorial. H.R. 2107 would also transfer all funds within the Maintenance Fund to the Corporation.

LEGISLATIVE HISTORY

H.R. 2107 was introduced by Representative Saxton on May 4, 2005. H.R. 2107 passed the House of Representatives by a vote of 392–0 on May 16, 2005. The Subcommittee on National Parks of the Committee on Energy and Natural Resources held a hearing on H.R. 2107 on November 15, 2005. At the business meeting on March 8, 2006, the Committee on Energy and Natural Resources ordered H.R. 2107 favorably reported, without amendment, by a unanimous voice vote.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 8, 2006, by unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 2107.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 2107. 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. 2107, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on H.R. 2107 were included in testimony received by the Committee at a hearing on the bill on November 15, 2005. This testimony follows:

STATEMENT OF DON MURPHY, DEPUTY DIRECTOR, 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. 2107, a bill to amend Public Law 104–329 to modify au-

thorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund. The Department supports enactment of this legislation.

H.R. 2107 would amend Section 201 of Public Law 104-329, dated October 20, 1996. It would authorize the Secretary of the Interior to enter into a cooperative agreement with the Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation, to maintain and repair the National Law Enforcement Officers Memorial in Washington, D.C., to periodically add names of officers who have died in the line of duty to the memorial, to provide security for the memorial site, and to disseminate information regarding the memorial to the general public. It also would transfer all amounts in the National Law Enforcement Officers Memorial Maintenance Fund (Maintenance Fund) to the corporation.

Public Law 98-534 authorized the National Law Enforcement Officers Memorial Fund, Inc. to establish the National Law Enforcement Officers Memorial. The memorial recognizes the sacrifice of law enforcement officers and their families in preserving public safety and was dedicated on October 15, 2001. Section 201 of the Commemorative Coin Act of 1996 (Act) established the Maintenance Fund, a revolving fund to be administered by the Secretary of the Interior, to deposit the surcharges from the sale of 500,000 commemorative silver dollars. Approximately \$1.428 million was raised from the sale of these coins. These funds were to be used for adding names to the memorial wall, educating the public via the dissemination of information about the memorial and law enforcement, maintaining and repairing the memorial, and other memorial programs developed by the National Law Enforcement Officers Memorial Fund, Inc.

The administration of the Maintenance Fund and other provisions of the Act were appropriate for the management of the memorial at the time the Maintenance Fund was established. However, with the completion of the memorial and the delineation of responsibilities for memorial programs that have occurred between the National Law Enforcement Officers Memorial Fund, Inc. and the National Park Service over the years, it is appropriate to transfer the authority from the Secretary of the Interior to the National Law Enforcement Officers Memorial Fund, Inc. to manage the Maintenance Fund. This organization is one of the most valued partners the National Park Service works with today.

Mr. Chairman, that concludes my remarks. I would be pleased to answer any questions you or other members of the Subcommittee may 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. 2107, 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 104-329

104TH CONGRESS

AN ACT To establish United States commemorative coin programs, and for other purposes

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

* * * * *

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

* * * * *

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate; and

[(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;]

[(5)] (4) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public[;].

[(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) \$200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.]

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

(d) *COOPERATIVE AGREEMENT.—*

(1) *IN GENERAL.—Effective on and after the date of the enactment of the National Law Enforcement Memorial Maintenance Fund Act of 2005, the following applies, notwithstanding other provisions of this Act:*

(A) *The Secretary of the Interior, acting through the National Park Service, shall enter into a cooperative agreement with the National Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation incorporated under the laws of the District of Columbia, to carry out the purposes of the Fund as described in subsection (b).*

(B) *In accordance with the terms of such agreement, the Secretary shall transfer all amounts in the Fund to the Corporation.*

(2) *DEFINITIONS.—For purposes of this subsection—*

(A) *the term “Corporation” means the National Law Enforcement Officers Memorial Fund, Inc; and*

(B) *the term “Secretary” means the Secretary of the Interior.*