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Part 1

FRANK BUCKLES WORLD WAR I MEMORIAL ACT

DECEMBER 12, 2012.—Ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 6364]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to designate memorials to the service of members of the United States Armed Forces in World War I, including a National World War I Memorial on the National Mall in the District of Columbia, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Frank Buckles World War I Memorial Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Establishment of World War I Centennial Commission.
Sec. 5. Duties of Centennial Commission.
Sec. 6. Powers of Centennial Commission.
Sec. 7. Centennial Commission personnel matters.
Sec. 8. Termination of Centennial Commission.
Sec. 9. Designation of National World War I Museum and Memorial in Kansas City, Missouri.
Sec. 10. Establishment of National World War I Memorial in the District of Columbia.
Sec. 11. Prohibition on obligation of Federal funds.

29–006

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) From 2014 through 2018, the United States and nations around the world will mark the centennial of World War I, including the entry of the United States into the war in April 1917.

(2) America's support of Great Britain, France, Belgium, and its other allies in World War I marked the first time in United States history that American soldiers went abroad in defense of liberty against foreign aggression, and it marked the true beginning of the "American century".

(3) Although World War I was at the time called "the war to end all wars", in fact the United States would commit its troops to the defense of foreign lands 3 more times in the 20th century.

(4) More than 4,000,000 men and women from the United States served in uniform during World War I, among them 2 future presidents, Harry S. Truman and Dwight D. Eisenhower. Two million individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas. The United States suffered 375,000 casualties during World War I, including 116,516 deaths.

(5) The events of 1914 through 1918 shaped the world, the United States, and the lives of millions of people.

(6) The centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of their predecessors.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the history of World War I, the United States involvement in that war, and the war's effects on the remainder of the 20th century, and to commemorate and honor the participation of the United States and its citizens in the war effort.

(8) While the other great conflicts of the 20th century, World War II, the Korean War, and the Vietnam War, have national memorials on the Mall in Washington, DC, there currently exists no national memorial honoring the service of the United States and its citizens in World War I.

(9) In 1921, the people of Kansas City, Missouri, dedicated a site in that city for a memorial to the service of Americans in World War I, a ceremony attended by General John J. Pershing and military leaders of Great Britain, France, Belgium, and Italy. In 1924, the cornerstone of the 217–foot Liberty Memorial Tower was laid. On Armistice Day 1926, President Calvin Coolidge delivered the key note address at the Memorial's dedication ceremony. The Memorial and surrounding grounds were completed in 1938, with an inscription that reads "In Honor of Those Who Served in the World War in Defense of Liberty and Our Country.".

(10) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(11) The 108th Congress designated the museum at the base of the Liberty Memorial as "America's National World War I Museum". The museum preserves the story of World War I, and educates and enlightens people about this significant event.

SEC. 3. DEFINITIONS.

In this Act—

(1) AMERICA'S NATIONAL WORLD WAR I MUSEUM.—The term "America's National World War I Museum" means the Liberty Memorial Museum in Kansas City, Missouri, as recognized by Congress in section 1031(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2045).

(2) CENTENNIAL COMMISSION.—The term "Centennial Commission" means the World War I Centennial Commission established by section 4(a).

(3) MEMORIAL FOUNDATION.—The term "Memorial Foundation" means the World War I Memorial Foundation authorized to establish the National World War I Memorial in the District of Columbia under section 10.

(4) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "World War I Centennial Commission".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) TIME FOR APPOINTMENT.—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Centennial Commission.

(4) VACANCIES.—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—

(A) IN GENERAL.—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) LOCATION.—The location for the meeting held under subparagraph (A) shall be the America's National World War I Museum.

(2) SUBSEQUENT MEETINGS.—

(A) IN GENERAL.—The Centennial Commission shall meet at the call of the Chair.

(B) FREQUENCY.—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) LOCATION.—Not less frequently than once each year, the Centennial Commission shall meet at the America's National World War I Museum.

(3) QUORUM.—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) CHAIR AND VICE CHAIR.—The Centennial Commission shall select a Chair and Vice Chair from among its members.

SEC. 5. DUTIES OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The duties of the Centennial Commission are as follows:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I.

(5) To develop recommendations for Congress and the President for commemorating the centennial of World War I.

(b) REPORTS.—

(1) PERIODIC REPORT.—Not later than the last day of the 6–month period beginning on the date of the enactment of this Act, and not later than the last day of each 3–month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

SEC. 6. POWERS OF CENTENNIAL COMMISSION.

(a) HEARINGS.—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) POWERS OF MEMBER AND AGENTS.—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) LIMITATION.—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 8(a).

(f) POSTAL SERVICES.—The Centennial Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) GIFTS, BEQUESTS, AND DEVISES.—The Centennial Commission shall accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Centennial Commission shall serve without compensation for such service.

(b) TRAVEL EXPENSES.—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) LIMITATION.—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) WORK LOCATION.—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America's National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) SOURCE OF FUNDS.—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.

SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) EXCEPTION.—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

SEC. 9. DESIGNATION OF NATIONAL WORLD WAR I MUSEUM AND MEMORIAL IN KANSAS CITY, MISSOURI.

(a) IN GENERAL.—The Liberty Memorial of Kansas City at America's National World War I Museum in Kansas City, Missouri, is hereby designated as the "National World War I Museum and Memorial".

(b) CEREMONIES.—The Centennial Commission may plan, develop, and execute ceremonies to recognize the designation of the Liberty Memorial of Kansas City as the National World War I Museum and Memorial.

SEC. 10. ESTABLISHMENT OF NATIONAL WORLD WAR I MEMORIAL IN THE DISTRICT OF COLUMBIA.

(a) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The World War I Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to consist of an appropriate sculptural or other commemorative elements to serve as the National World War I Memorial.

(b) LIMITATION ON SIZE OF MEMORIAL.—The National World War I Memorial may not exceed 0.5 acres in size.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(1) IN GENERAL.—Chapter 89 of title 40, United States Code, shall apply to the establishment of the National World War I Memorial in the District of Columbia and its environs.

(2) EXCEPTION FROM PROHIBITION ON ADDITIONAL COMMEMORATIVE WORKS IN RESERVE.—Section 8908(c) of title 40, United States Code, does not apply with respect to the selection of the site for the National World War I Memorial.

(3) NO INFRINGEMENT UPON EXISTING MEMORIAL.—The site selected for the National World War I Memorial may not infringe upon or adversely impact the District of Columbia War Memorial.

(d) LIMITATION ON TOTAL COST.—The total cost to design and construct the National World War I Memorial may not exceed $10,000,000.

(e) DEPOSIT OF EXCESS FUNDS.—The Memorial Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code—

(1) any funds that remain after payment of all expenses incurred in the establishment of the National World War I Memorial (including payment of the amount for maintenance and preservation required under section 8906(b) of that title); or

(2) any funds that remain for the establishment of the commemorative work on expiration of the authority for the commemorative work under section 8903(e) of that title.

(f) CEREMONIES.—The Centennial Commission may plan, develop, and execute ceremonies to recognize the establishment of the National World War I Memorial.

(g) MEMORIAL AREA DEFINED.—In this section, the term "District of Columbia and its environs" has the meaning given that term in section 8902(a)(2) of title 40, United States Code.

SEC. 11. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.

No Federal funds may be obligated to carry out this Act.

Amend the title so as to read:

A bill to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 6364, as ordered reported, is to establish a commission to ensure a suitable observance of the centennial of

World War I, and to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I.

BACKGROUND AND NEED FOR LEGISLATION

From 1914 to 1918, World War I (WWI) took 116,516 American lives. To commemorate those lives, the people of Kansas City, Missouri, created a memorial with a 217 foot tower in 1938. The 106th Congress recognized the memorial as a national symbol of WWI.

The District of Columbia War Memorial was dedicated in 1931 in memory of the 499 D.C. residents who died in WWI. Although situated among the World War II Memorial, Korean War, and Vietnam Memorials, the D.C. War Memorial is not a national memorial.

The legislation designates the Kansas City work as the "National World War I Museum and Memorial" in an effort to raise its visibility as the centennial approaches.

Rather than redesignating the D.C. WWI Memorial as a national memorial, H.R. 6364 authorizes the World War I Memorial Foundation to create a commemorative work, such as a sculpture, to be placed on federal lands in the District of Columbia. The legislation further authorizes that the new memorial may be placed on the "reserve" of the National Mall, an area that was placed off-limits to new construction by the 108th Congress. However, the inclusion of the WWI work will complete the memorials to those who served in the great wars of the 20th century and will set a high standard beyond what the Committee foresees as attainable for other additions to the reserve. This narrow exemption does not reflect the Committee's intent to authorize commemorative works on the National Mall in the future.

The legislation also creates a 12 member commission that would be charged with organizing activities to commemorate the 100th anniversary of the war. The commissioners would serve without pay and federal funds are prohibited for any project authorized by the legislation.

During Full Committee markup, an amendment offered by Congressman Rob Bishop (R–UT) was adopted to reduce the authorized footprint of the WWI Memorial from 1.5 acres to .5. While H.R. 6364 directed that the WWI Memorial be placed in the vicinity of Constitution Gardens on the National Mall, the amendment authorizes the Foundation to consider additional federal lands in the District of Columbia, and on the National Mall, including the reserve.

COMMITTEE ACTION

H.R. 6364 was introduced on September 10, 2012, by Congressman Ted Poe (R–TX). The bill was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources. Within the Resources Committee, the bill was referred to the Subcommittee on National Parks, Forests and Public Lands. On September 11, 2012, the Subcommittee held a hearing on the bill. On December 5, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered amend-

ment designated .084 to the bill; the amendment was approved by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 6364 would establish a commission to plan, develop, and execute programs, projects, and activities to commemorate the 100th anniversary of the First World War. The 12-member commission would be required to submit various reports to the Congress on its activities and recommendations for commemorating the event. The commission would terminate July 28, 2019. All commission members would serve without pay but would be reimbursed for travel expenses. In addition, the commission could hire staff and use personnel detailed from other federal agencies to complete its work.

In addition, the legislation would authorize the World War I Memorial Foundation to establish a National World War I Memorial in Washington, D.C., without federal funds, and it would designate the Liberty Memorial in Kansas City, Kansas, as the "National World War I Museum and Memorial."

Based on the costs of similar commissions and commemorative projects, CBO estimates that H.R. 6364 would cost about $4 million over the 2013–2017 period, subject to appropriation of the necessary amounts. Those funds would be used to plan, develop, and carry out activities and to prepare reports. Enacting H.R. 6364 would affect direct spending because it would authorize the commission to accept and spend monetary gifts, and the World War I Foundation would be required to provide funds to maintain the memorial authorized for Washington, D.C. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant. Enacting H.R. 6364 would not affect revenues.

H.R. 6364 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 contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on the costs of similar commissions and commemorative projects, CBO estimates that H.R. 6364 would cost about $4 million over the 2013–2017 period, subject to appropriation of the necessary amounts. Those funds would be used to plan, develop, and carry out activities and to prepare reports. Enacting H.R. 6364 would affect direct spending because it would authorize the commission to accept and spend monetary gifts, and the World War I Foundation would be required to provide funds to maintain the memorial authorized for Washington, D.C. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to establish a commission to ensure a suitable observance of the centennial of World War I, and to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

The Majority has taken an honorable idea, commemorating those who fought in America's First Great War, and needlessly complicated the memorialization process by overriding important protections for the National Mall embodied in the Commemorative Works Act.

Section 8908 of the Commemorative Works Act prohibits development of new memorials within a reserved area generally represented by the cross-axis extending from the U.S. Capitol to the Lincoln Memorial and the White House to the Jefferson Memorial. Since 2003, it has been the view of both Republican and Democratic Congresses that the Reserve is a completed work of civic art within which no more development is to take place, including new memorials.

H.R. 6364, as amended, requires the World War I Memorial Foundation to work with the National Park Service, Fine Arts Commission, and the National Capitol Planning Commission to find an acceptable site and design for a memorial honoring World War I veterans. However, H.R. 6364 allows, for the first time in a decade, the potential for the development of a new memorial within the Reserve. While we are confident that the artistic and architectural experts involved in the process will find a suitable location elsewhere, this is a troubling precedent that we oppose.

We are not alone in our objections. The National Park Service expressed "serious concerns about the placement of any new commemorative work in the Reserve." They further noted that an existing national memorial to World War I veterans already exists in Washington, D.C. in Pershing Park. This location, on Pennsylvania Avenue between 14th and 15th Streets, could be enhanced to recognize an important era in American history.

Those who served and lost their lives in World War I should be honored. However, even the contemplation of additional development within the Reserve sends the wrong signals to proponents of this and other future memorials.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.

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