

NATIVE AMERICAN VETERANS' MEMORIAL AMENDMENTS  
ACT OF 2013

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DECEMBER 11, 2013.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2319]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2319) to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Native American Veterans' Memorial Amendments Act of 2013".

**SEC. 2. NATIVE AMERICAN VETERANS' MEMORIAL.**

(a) **AUTHORITY TO ESTABLISH MEMORIAL.**—Section 3 of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in subsection (b), by striking "within the interior structure of the facility provided for by" and inserting "on property under the jurisdiction of the Museum on the site described in"; and

(2) in subsection (c)(1), by striking ", in consultation with the Museum, is" and inserting "and the National Museum of the American Indian are".

(b) **PAYMENT OF EXPENSES.**—Section 4(a) of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in the heading, by inserting "AND NATIONAL MUSEUM OF THE AMERICAN INDIAN" after "AMERICAN INDIANS"; and

(2) in the first sentence, by striking "shall be solely" and inserting "and the National Museum of the American Indian shall be".

#### PURPOSE OF THE BILL

The purpose of H.R. 2319 is to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

#### BACKGROUND AND NEED FOR LEGISLATION

In 1994, Congress passed the Native American Veterans' Memorial Establishment Act of 1994 (Public Law 103-384). This Act authorized the Smithsonian Institution's National Museum of the American Indian to build a Native American veterans memorial inside the museum. However, due to the limited space within the museum and the difficulty in collecting funds to build a memorial, an amendment to the law is necessary. The bill will allow the museum to place a memorial "on the property" of the National Museum of the American Indian, allow the museum to hold a competition to select a design, and accept responsibility for the expenses of the establishment of the memorial.

#### COMMITTEE ACTION

H.R. 2319 was introduced on June 11, 2013, by Congressman Markwayne Mullin (R-OK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Public Lands and Environmental Regulation and Indian and Alaska Native Affairs. On July 23, 2013, the Subcommittee on Indian and Alaska Native Affairs held a hearing on the bill. On December 4, 2013, the Natural Resources Committee met to consider the bill. The Subcommittees on Public Lands and Environmental Regulation and Indian and Alaska Native Affairs were discharged by unanimous consent. Congressman Mullin offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and 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:

*H.R. 2319—Native American Veterans’ Memorial Amendments Act of 2013*

H.R. 2319 would amend the Native American Veterans’ Memorial Establishment Act of 1994. The bill would authorize the memorial to be built on the property of the National Museum of the American Indian (part of the Smithsonian Institution) in lieu of the current requirement that the memorial be placed inside of that museum. Additionally, the legislation would make the museum, along with the National Congress of American Indians (NCAI), responsible for accepting contributions for and paying the expenses of the memorial. Under current law, the NCAI is solely responsible for those activities.

Based on information provided by the National Park Service and the Smithsonian Institution, CBO estimates that implementing H.R. 2319 would have no significant impact on the federal budget. Enacting H.R. 2319 would not affect direct spending or revenues because the receipt and expenditure of gifts to the Smithsonian are not recorded in the federal budget; therefore, pay-as-you-go procedures do not apply.

H.R. 2319 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of the 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service and the Smithsonian Institution, CBO estimates that implementing H.R. 2319 would have no significant impact on the federal budget.

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 is to clarify certain provisions of the Native American Veterans’ Memorial Establishment Act of 1994.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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):

**NATIVE AMERICAN VETERANS' MEMORIAL  
ESTABLISHMENT ACT OF 1994**

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**SEC. 3. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) **IN GENERAL.**—The National Museum of the American Indian (established by the National Museum of the American Indian Act (20 U.S.C. 80q et seq.)), in close consultation with the National Congress of American Indians and other Native American groups, is authorized to construct and maintain a National Native American Veterans' Memorial (hereafter in this Act referred to as the “memorial”).

(b) **LOCATION.**—The memorial shall be located at a site determined to be suitable by the Museum [within the interior structure of the facility provided for by] *on property under the jurisdiction of the Museum on the site described in section 7(a) of such Act (20 U.S.C. 80q–5(a))* (relating to housing the portion of the Museum to be located in the District of Columbia).

(c) **DESIGN AND PLANS.**—(1) The National Congress of American Indians [ , in consultation with the Museum, is ] *and the National Museum of the American Indian are* authorized to hold a competition to select the design of the Memorial. Any design so selected shall be compatible with both the purpose of the Museum, as set forth in section 3(b) of the National Museum of the American Indian Act (20 U.S.C. 80q–1), and with any existing design plans for the Museum's structure and its surroundings.

(2) Any design so selected shall be subject to the approval of the Board of Regents of the Smithsonian Institution.

**SEC. 4. PAYMENT OF EXPENSES AND USE OF NAME.**

(a) **RESPONSIBILITY OF NATIONAL CONGRESS OF AMERICAN INDIANS and National Museum of the American Indian.**—The National Congress of American Indians [shall be solely] *and the National Museum of the American Indian shall be* responsible for acceptance of contributions for, and payment of the expenses of, the establish-

ment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(b) USE OF NAME.—Use of the name of the Smithsonian Institution or the National Museum of the American Indian in any material regarding the memorial produced by the National Congress of American Indians, other than in a manner simply describing the location of the memorial, shall be subject to consultation with, and the approval of, the Board of Regents of the Smithsonian Institution.