

NATIONAL LIBERTY MEMORIAL CLARIFICATION ACT OF 2015

SEPTEMBER 8, 2015.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1949]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1949) to provide for the consideration and submission of site and design proposals for the National Liberty Memorial approved for establishment in the District of Columbia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1949 is to provide for the consideration and submission of site and design proposals for the National Liberty Memorial approved for establishment in the District of Columbia.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1949 amends the Military Construction Authorization Act for Fiscal Year 2013 with respect to the submission of site and design proposals by the National Mall Liberty Fund D.C. for the National Liberty Memorial to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution. The site and design approval process is revised to make the Secretary of Agriculture, rather than the Secretary of the Interior or the Administrator of General Services, responsible for consideration of these site and design proposals and their submission, on behalf of the sponsor, to the Commission of Fine Arts and National Capital Planning Commission.

Public Law 112–239, the National Defense Authorization Act for Fiscal Year 2013, authorized The National Mall Liberty Fund to establish a memorial on eligible federal land to honor the more than 5,000 courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

Under the Commemorative Works Act (CWA), which details a process for placement of memorials and monuments in Washington, D.C., memorials must be recommended by the Government Services Administration (GSA) or the Department of the Interior for placement within what is known as Area I, as defined by the CWA. Area I is generally the locations around the National Mall but not on the Mall itself. A recommendation is made if GSA finds that the proposed memorial is “of preeminence and lasting significance.”

On June 3, 2014, GSA notified the Natural Resources Committee that it found the proposed National Liberty Memorial to be “of preeminence and lasting significance.” Under the requirements of the CWA, upon this notification, Congress had 150 days to concur with the finding with a joint resolution clearing the memorial to be placed within Area I. On September 26, 2014, President Obama signed Public Law 113–176 approving the recommendation made by GSA to locate the memorial authorized by Public Law 112–239 in Area I. The approved site is located on the northeast corner of 14th Street and Independence Avenue in what is currently a surface parking lot adjacent to the Department of Agriculture.

Because the approved site is located next to the Department of Agriculture, H.R. 1949 would transfer responsibility over site and design proposals and the submission of such proposals from the Secretary of the Interior or Administrator of General Services to the Secretary of Agriculture.

COMMITTEE ACTION

H.R. 1949 was introduced on April 22, 2015, by Congressman G.K. Butterfield (D–NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 8, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on July 9, 2015.

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 pre-

pared 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. 1949—National Liberty Memorial Clarification Act of 2015

H.R. 1949 would amend the Military Construction Authorization Act for Fiscal Year 2013 to make the Secretary of Agriculture responsible for reviewing and approving site and design proposals for the National Liberty Memorial in Washington, D.C. Under current law, either the Secretary of the Interior or the Administrator of General Services Administration will oversee the site and design approval process for that memorial, pursuant to the Commemorative Works Act.

CBO estimates that implementing H.R. 1949 would have no significant impact on the federal budget because it would just shift certain responsibilities from one agency of the government to another. Enacting H.R. 1949 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1949 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 Marin Burnett. The estimate was approved by H. Samuel Papenfuss, 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office estimates that implementation of this bill would “have no significant impact on the federal budget because it would just shift certain responsibilities from one agency of the government to another.”

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 provide for the consideration and submission of site and design proposals for the National Liberty Memorial approved for establishment in the District of Columbia.

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*, and existing law in which no change is proposed is shown in roman):

**MILITARY CONSTRUCTION AUTHORIZATION ACT FOR
FISCAL YEAR 2013**

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**DIVISION B—MILITARY CONSTRUCTION
AUTHORIZATIONS**

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TITLE XXVIII

MILITARY CONSTRUCTION GENERAL PROVISIONS

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SUBTITLE F—OTHER MATTERS

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SEC. 2860. ESTABLISHMENT OF COMMEMORATIVE WORK TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN AMERICAN REVOLUTION.

(a) **ELIGIBLE FEDERAL LAND.**—In this section, the term “eligible Federal land” means Federal land depicted as “Area I” or “Area II” on the map numbered 869/86501 B and dated June 24, 2003. The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) **COMMEMORATIVE WORK AUTHORIZED.**—The National Mall Liberty Fund D.C. may establish a memorial on eligible Federal land to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section[.], *except that, under subsections (a)(2) and (b) of section 8905, the Secretary of Agriculture, rather than the Secretary of the Interior or the Administrator of General Services, shall be responsible for the consideration of site and design proposals and the submission of such proposals on behalf of the sponsor to the Commission of Fine Arts and National Capital Planning Commission*

(d) PROHIBITION ON USE OF FEDERAL FUNDS.—The National Mall Liberty Fund D.C. may not use Federal funds to establish the commemorative work authorized by this section.

(e) DEPOSIT OF EXCESS FUNDS.—

(1) UPON ESTABLISHMENT OF COMMEMORATIVE WORK.—If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) UPON EXPIRATION OF AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—If, upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

(f) REPEAL OF JOINT RESOLUTIONS.—Public Law 99-558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public Law 100-265 (102 Stat. 39; 40 U.S.C. 8903 note) are repealed.

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