

KOREAN WAR VETERANS MEMORIAL WALL OF
REMEMBRANCE ACT OF 2016

FEBRUARY 24, 2016.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 1475]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1475) to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance, 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 “Korean War Veterans Memorial Wall of Remembrance Act of 2016”.

SEC. 2. WALL OF REMEMBRANCE.

Section 1 of the Act titled “An Act to authorize the erection of a memorial on Federal Land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War”, approved October 25, 1986 (Public Law 99-572), is amended by adding at the end the following: “Such memorial shall include a Wall of Remembrance, which shall be constructed without the use of Federal funds. The American Battle Monuments Commission shall request and consider design recommendations from the Korean War Veterans Memorial Foundation, Inc. for the establishment of the Wall of Remembrance. The Wall of Remembrance shall include—

“(1) a list by name of members of the Armed Forces of the United States who died in theatre in the Korean War;

- “(2) the number of members of the Armed Forces of the United States who, in regards to the Korean War—
- “(A) were wounded in action;
 - “(B) are listed as missing in action; or
 - “(C) were prisoners of war; and
- “(3) the number of members of the Korean Augmentation to the United States Army, the Republic of Korea Armed Forces, and the other nations of the United Nations Command who, in regards to the Korean War—
- “(A) were killed in action;
 - “(B) were wounded in action;
 - “(C) are listed as missing in action; or
 - “(D) were prisoners of war.”.

PURPOSE OF THE BILL

The purpose of H.R. 1475 is to authorize a wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

BACKGROUND AND NEED FOR LEGISLATION

The Korean War Veterans Memorial is located near the Lincoln Memorial on the National Mall in Washington, DC. The Memorial falls within an area known as the Reserve. Congress created the Reserve in November 2003 (by Public Law 108–126) to prohibit the addition of future memorials within the area.

The Korean War Veterans Memorial commemorates the sacrifices of 5.8 million Americans world-wide who served in the U.S. armed services during the three-year period of the Korean War. The Memorial also recognizes the participation of the 22 nations who served as United Nations contributors. During the Korean War’s duration (June 25, 1950–July 27, 1953) 54,246 Americans died world-wide. Of these, 8,200 are listed as missing in action, lost or buried at sea. An additional 103,284 were wounded during the conflict.

As ordered reported, H.R. 1475 authorizes the Korean War Veterans Memorial Foundation to add a Wall of Remembrance with the names of those that died in theatre, are listed as missing, or prisoners of war. It would also list the number of Korean Augmentation to the U.S. Army, the Republic of Korea Armed Forces and other United Nations Command who were killed, wounded, missing, or prisoners. The Wall of Remembrance authorized by H.R. 1475 would be an unbroken semi-circle of glass panels seven feet high, allowing full visibility to the rest of the Mall. The Wall of Remembrance will be financed solely through non-governmental funds.

H.R. 1475, at the time of markup, had 264 bipartisan cosponsors. Congressman Sam Johnson (R–TX), the bill’s sponsor, is one of three Korean War Veterans remaining in the House. Congressmen Charles Rangel and John Conyers, Jr., the other two Korean War Veterans serving in the House, are both original cosponsors of H.R. 1475.

COMMITTEE ACTION

H.R. 1475 was introduced on March 19, 2015, by Congressman Sam Johnson (R–TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 2, 2016, the Natural Resources

Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock (R-CA) offered an amendment designated #1. The amendment was adopted by voice vote. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote on February 3, 2016.

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. 1475—Korean War Veterans Memorial Wall of Remembrance Act of 2016

H.R. 1475 would authorize the expansion of the Korean War Veterans Memorial in Washington, D.C. Under the bill, the memorial would be expanded to include a “Wall of Remembrance” that would commemorate U.S. and United Nations forces who were killed, wounded, found to be missing in action, or were taken as prisoners of war during the Korean War.

Under the bill, construction of the project would be funded with private donations. However, the National Park Service (NPS) would be responsible for maintaining the addition once it is completed. Based on information from the NPS, CBO expects that the project will not be completed for a few years because funds are not currently sufficient to begin construction.

CBO estimates that implementing the legislation would have an insignificant cost to the federal government over the 2017–2021 period, mostly because maintenance costs would not be incurred until the memorial has been completed. Because enacting H.R. 1475 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1475 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 1475 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 Theresa Gullo, 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 has concluded that enactment of the bill would have “an insignificant cost to the federal government over the 2017–2021 period”.

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 authorize a wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 99-572

AUTHORIZATION OF MEMORIAL

SEC. 1. The American Battle Monuments Commission is authorized to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war. Such memorial shall be established in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.). *Such memorial shall include a Wall of Remembrance, which shall be constructed without the use of Federal funds. The American Battle Monuments Commission shall request and consider design recommendations from the Korean War Veterans Memorial Foundation, Inc. for the establishment of the Wall of Remembrance. The Wall of Remembrance shall include—*

(1) a list by name of members of the Armed Forces of the United States who died in theatre in the Korean War;

(2) the number of members of the Armed Forces of the United States who, in regards to the Korean War—

(A) were wounded in action;

(B) are listed as missing in action; or

(C) were prisoners of war; and

(3) the number of members of the Korean Augmentation to the United States Army, the Republic of Korea Armed Forces, and the other nations of the United Nations Command who, in regards to the Korean War—

(A) were killed in action;

(B) were wounded in action;

(C) are listed as missing in action; or

(D) were prisoners of war.

ADDITIONAL VIEWS

H.R. 1475 aims to authorize the construction of a “Wall of Remembrance” at the Korean War Veterans Memorial.

While this bill has not had a hearing in the 114th Congress, similar legislation was reviewed by the House Committee on Natural Resources in the 112th and 113th Congresses. Both times it was reviewed, the National Park Service testified in opposition, outlining their concerns with legislatively mandating the construction of a new feature at the Korean War Veterans Memorial.

Congress authorized the existing Korean War Veterans Memorial in 1986 and it was dedicated in 1995. The current memorial honors the service and sacrifice of all Americans who fought in the war and represents the 22 nations that participated as United Nations contributors. Adjacent to the Lincoln Memorial and across from the Vietnam Veterans Memorial, it is a solemn and powerful reminder of the sacrifice our soldiers made defending our ideals and security.

When the memorial was designed and constructed by the American Battle Monuments Commissions and the Korean Veterans Memorial Advisory Board, the congressionally designated sponsors, building a wall of remembrance was carefully considered. There was a long, public design phase for the memorial. Replicating a wall similar to the Vietnam War Memorial was ultimately rejected and the current design was approved. During the construction of the Vietnam War Memorial, determining the list of names to include on the memorial caused a tremendous amount of heartache and grief. Because of this experience, a wall of remembrance was purposefully left out of the final design of the Korean War Veterans Memorial.

Additionally, the memorial is located in an area of the National Mall known as the “Reserve”, where Congress has prohibited the construction of any new memorial in order to preserve both open space and the original vision of the L’Enfant/McMillan plan. There is a real concern that opening the door to new construction in the Reserve will set a bad precedent for future proposals.

Some view the construction of a “Wall of Remembrance” as a new memorial that will compete with and possibly detract from the current memorial. This is not a decision Congress should take lightly. The current memorial is featured amongst our most prominent memorials and is a beautiful, complete work of civic art. We should be wary of doing anything that could compromise its integrity.

Sincerely,

RAÚL M. GRIJALVA,
Ranking Member, Committee on Natural Resources.

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