

## FALLEN JOURNALISTS MEMORIAL ACT

AUGUST 4, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 3465]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3465) to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “Fallen Journalists Memorial Act”.

#### SEC. 2. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) **IN GENERAL.**—The Fallen Journalists Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate America’s commitment to a free press as represented by journalists who sacrificed their lives in their line of work.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

#### (c) **PROHIBITION ON USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) **RESPONSIBILITY OF THE FALLEN JOURNALISTS MEMORIAL FOUNDATION.**—The Fallen Journalists Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

#### (d) **DEPOSIT OF EXCESS FUNDS.**—

(1) **IN GENERAL.**—If upon payment of all expenses for the establishment of the commemorative work (including the maintenance and preservation amount 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 Fallen Journalists Memorial Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—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 Fallen Journalists Memorial Foundation 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 (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

#### PURPOSE OF THE BILL

The purpose of H.R. 3465 is to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

According to the Newseum, at least 2,355 reporters, photographers, and broadcasters have died while covering events around the world, including 159 from the United States.<sup>1</sup> On June 28, 2018, the U.S. saw the deadliest attack on journalists in our country’s modern history when five Capital Gazette employees were killed in their Annapolis, Maryland newsroom.

To commemorate America’s commitment to a free press as represented by journalists who sacrificed their lives in their line of work, H.R. 3465 would authorize the Fallen Journalists Memorial Foundation to establish a commemorative work on federal land in the District of Columbia and its environs. The memorial would “pay tribute to the reporters, photojournalists, producers, editors and others who have died while performing their jobs as journalists.”<sup>2</sup> The legislation stipulates that the monument would be established in accordance with the Commemorative Works Act and without the use of federal funds.

#### COMMITTEE ACTION

H.R. 3465 was introduced on June 25, 2019, by Representative Grace Napolitano (D–CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On December 4, 2019, the Subcommittee held a hearing on the bill. On January 15, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Chair Grijalva offered an amendment designated Grijalva #1 to the amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. The amendment in the nature of a substitute offered by Chair Grijalva, as amended, was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

<sup>1</sup>*Journalists Memorial*, NEWSEUM, <https://www.newseum.org/exhibits/online/journalists-memorial/> (last visited July 31, 2020).

<sup>2</sup>*About, FALLEN JOURNALISTS MEMORIAL FOUNDATION*, <https://www.fallenjournalists.org/about/> (last visited July 31, 2020).

## HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 3465: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on December 4, 2019.

## 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 AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 12, 2020.*

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3465, the Fallen Journalists Memorial Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Hughes.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<b>H.R. 3465, Fallen Journalists Memorial Act</b>			
As ordered reported by the House Committee on Natural Resources on January 15, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 3465 would authorize the nonprofit Fallen Journalists Memorial Foundation to establish a commemorative work in or near Washington, D.C. The bill would prohibit the use of federal funds to establish the memorial.

The project would be subject to the provisions of the Commemorative Works Act. Under that act, any entity that receives a construction permit for a commemorative work must also donate an amount equal to 10 percent of the memorial's estimated cost of construction to the National Park Foundation, a nonprofit organization whose subsequent donations to the National Park Service are recorded on the budget. That donation and any project funds remaining after construction would be available for maintenance of the memorial without further appropriation.

Based on the experiences of similar projects, CBO expects that any amounts collected by the federal government for maintenance of the monument would not be received for several years and would be offset by expenditure soon thereafter. Thus, CBO estimates that the legislation's net effect on direct spending would be negligible.

The CBO staff contact for this estimate is David Hughes. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

#### 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.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.