

108TH CONGRESS  
2D SESSION

# H. R. 4040

To authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2004

Mr. FOSSELLA introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “September 11th He-  
5       roes Memorial Park Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds the following:

8               (1) On September 11, 2001, terrorists hijacked  
9       4 civilian aircraft, crashing 2 of them into the tow-

1       ers of the World Trade Center in New York City,  
2       causing the destruction of the towers.

3           (2) These were by far the deadliest terrorist at-  
4       tacks ever launched against the United States,  
5       claiming the lives of more than 3,000 innocent peo-  
6       ple, 2,797 of whom died in New York City.

7           (3) The debris from the destruction of the  
8       World Trade Center towers was taken to a landfill  
9       on Staten Island, New York, for cleanup and inves-  
10      tigation and to continue the recovery of victim re-  
11      mains and effects that could not be performed at the  
12      site of the towers' collapse in Manhattan.

13          (4) Over the 10-month period following Sep-  
14      tember 11, 2001, more than 1,000 people worked at  
15      the landfill around the clock every day, tirelessly and  
16      carefully sifting through all 1,620,000 tons of debris  
17      from the World Trade Center site searching for re-  
18      mains, personal effects, and evidence from what is  
19      now considered to be history's largest crime scene.

20          (5) Approximately 20 percent of all the victim  
21      remains recovered following the towers' collapse, as  
22      well as more than 54,000 personal items, from wed-  
23      ding rings and photographs to driver licenses and  
24      keys were retrieved at the Staten Island site.

1           (6) The remains of 306 of the 1,423 World  
2           Trade Center victims whose remains have been iden-  
3           tified and returned to their families were recovered  
4           at the Staten Island site.

5           (7) Victims' families were brought some sort of  
6           peace by being given back something personal of lost  
7           loved ones, whether through a positive identification  
8           of a victim's remains or the return of something so  
9           simple and yet so meaningful as a wedding ring, a  
10          watch, or a wallet.

11          (8) On July 15, 2002, after 10 months, the  
12          cleanup and recovery operations at the landfill on  
13          Staten Island, New York, came to a somber conclu-  
14          sion.

15          (9) The site commemorates those lost. The de-  
16          termination of appropriate recognition there will be  
17          a slowly unfolding process in order to address the in-  
18          terests and concerns of all interested parties. Appro-  
19          priate national assistance and recognition must give  
20          ample opportunity for those involved to voice these  
21          broad concerns.

22          (10) It is appropriate that the site be des-  
23          ignated a unit of the National Park System.

24          (b) PURPOSES.—The purposes of this Act are as fol-  
25          lows:

1           (1) To establish a national memorial to honor  
2           the final resting place of some of those lost at the  
3           World Trade Center on September 11, 2001.

4           (2) To establish the memorial advisory commis-  
5           sion to assist with consideration and formulation of  
6           plans for a permanent memorial to those lost at the  
7           World Trade Center, including its nature, design,  
8           and construction.

9           (3) To authorize the Secretary of the Interior  
10          to coordinate and facilitate the activities of the Me-  
11          morial Advisory Commission and administer a vic-  
12          tim’s memorial at the site of the Fresh Kills Landfill  
13          operation on Staten Island, New York.

14 **SEC. 3. MEMORIAL TO HONOR THE FINAL RESTING PLACE**  
15 **OF THOSE LOST AT THE WORLD TRADE CEN-**  
16 **TER ON SEPTEMBER 11, 2001.**

17          There is established a memorial at the Staten Island  
18          recovery site to honor the final resting place of those lost  
19          at the World Trade Center on September 11, 2001.

20 **SEC. 4. ADVISORY COMMISSION.**

21          (a) ESTABLISHMENT.—There is established a com-  
22          mission to be known as the “September 11th Heroes Me-  
23          morial Park Advisory Commission” (hereafter in this Act  
24          referred to as the “Commission”).

1 (b) MEMBERSHIP.—The Commission shall consist of  
2 15 members as follows:

3 (1) The Director of the National Park Service,  
4 or the Director's designee.

5 (2) 7 members appointed by the Secretary of  
6 the Interior.

7 (3) 5 members appointed by the Member of  
8 Congress representing the 13th Congressional Dis-  
9 trict of the State of New York.

10 (4) 1 member appointed by the mayor of the  
11 City of New York, New York.

12 (5) 1 member appointed by the governor of the  
13 State of New York.

14 (c) TERM.—The term of the members of the Commis-  
15 sion shall be for the life of the Commission.

16 (d) CHAIR.—The members of the Commission shall  
17 select the Chair of the Commission.

18 (e) VACANCIES.—Any vacancy in the Commission  
19 shall not affect its powers if a quorum is present, but shall  
20 be filled in the same manner as the original appointment.

21 (f) MEETINGS.—The Commission shall meet at the  
22 call of the Chairperson or a majority of the members, but  
23 not less often than quarterly. Notice of the Commission  
24 meetings and agendas for the meetings shall be published  
25 in local newspapers and in the Federal Register. Meetings

1 of the Commission shall be subject to section 552b of title  
2 5, United States Code (relating to open meetings).

3 (g) QUORUM.—A majority of the members serving on  
4 the Commission shall constitute a quorum for the trans-  
5 action of any business.

6 (h) NO COMPENSATION.—Members of the Commis-  
7 sion shall serve without compensation, but may be reim-  
8 bursed for expenses incurred in carrying out the duties  
9 of the Commission.

10 (i) DUTIES.—The Commission shall—

11 (1) not later than 3 years after the date of the  
12 enactment of this Act, submit to the Secretary of  
13 the Interior and Congress a report containing rec-  
14 ommendations for the planning, design, construc-  
15 tion, and long-term management of a permanent me-  
16 morial at the memorial site;

17 (2) advise the Secretary of the Interior on the  
18 boundaries of the memorial site;

19 (3) advise the Secretary of the Interior in the  
20 development of a management plan for the memo-  
21 rial;

22 (4) consult and coordinate closely with the city  
23 of New York, the State of New York, and other in-  
24 terested parties, including coordination with the City

1 of New York's Master Planning for the Fresh Kills  
2 Landfill site;

3 (5) ensure a plan for adequate Federal funding  
4 of long-term operation and maintenance of the me-  
5 morial;

6 (6) provide significant opportunities for public  
7 participation in the planning and design of the me-  
8 morial; and

9 (7) officially name the memorial.

10 (j) POWERS.—The Commission may—

11 (1) make such expenditures for services and  
12 materials for the purpose of carrying out this Act as  
13 the Commission considers advisable from funds ap-  
14 propriated or received as gifts for that purpose;

15 (2) accept gifts to be used in carrying out this  
16 section or to be used in connection with the con-  
17 struction or other expenses of the memorial;

18 (3) hold hearings, enter into contracts for per-  
19 sonal services and otherwise;

20 (4) do such other things as are necessary to  
21 carry out this Act; and

22 (5) by a vote of the majority of the Commis-  
23 sion, delegate such of its duties as it determines ap-  
24 propriate to employees of the National Park Service  
25 staff.

1       (k) TERMINATION.—The Commission shall terminate  
2 upon dedication of the completed memorial.

3 **SEC. 5. DUTIES OF THE SECRETARY.**

4       The Secretary of the Interior is authorized to—

5           (1) provide assistance to the Commission, in-  
6 cluding advice on collections, storage, and archives;

7           (2) consult and assist the Commission in pro-  
8 viding information, interpretation, and the conduct  
9 of oral history interviews;

10          (3) provide assistance in conducting public  
11 meetings and forums held by the Commission;

12          (4) participate in or support the planning ef-  
13 forts for the memorial;

14          (5) provide programming and design assistance  
15 to the Commission for possible memorial exhibits,  
16 collections, or activities;

17          (6) provide project management assistance to  
18 the Commission for design and construction activi-  
19 ties;

20          (7) provide staff assistance and support to the  
21 Commission;

22          (8) participate in the formulation of plans for  
23 the design of the memorial and to construct the me-  
24 morial;



1           (9) acquire from willing sellers the land or in-  
2           terests in land for the memorial site by donation,  
3           purchase with donated or appropriated funds, or ex-  
4           change; and

5           (10) administer the “September 11th Heroes”  
6           memorial as a unit of the National Park Service in  
7           accordance with this Act and with the laws generally  
8           applicable to units of the National Park System such  
9           as the Act of August 25, 1916 (39 Stat. 585).

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