

AUTHORIZING THE ESTABLISHMENT OF A MEMORIAL WITHIN THE AREA IN THE DISTRICT OF COLUMBIA REFERRED TO IN THE COMMEMORATIVE WORKS ACT AS “AREA I” OR “AREA II” TO THE VICTIMS OF TERRORIST ATTACKS ON THE UNITED STATES, TO PROVIDE FOR THE DESIGN AND CONSTRUCTION OF SUCH A MEMORIAL, AND FOR OTHER PURPOSES

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JUNE 24, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

## R E P O R T

[To accompany H.R. 2982]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2982) to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as “Area I” or “Area II” to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the “Memorial”) in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 2(e) of the Commemorative Works Act (40 U.S.C. 1002(e)) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) DETAIL OF EMPLOYEES.—The Secretary of the Interior (referred to hereafter in this Act as the “Secretary”) shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) RELATIONSHIP TO THE COMMEMORATIVE WORKS ACT.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the Memorial, with the exception of section 3(c) of that Act which shall not apply to the Memorial.

**SEC. 2. ADVISORY BOARD.**

(a) **ESTABLISHMENT.**—There is established an advisory board to be known as the “Victims of Terrorism Memorial Advisory Board” (referred to hereafter in this Act as the “Advisory Board”).

(b) **MEMBERS.**—The Advisory Board shall consist of 13 members who shall be appointed, not later than 3 months after the date of the enactment of this Act, by the President (in consultation with the Secretary of the Interior and the Secretary of Defense) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) **CHAIRPERSON.**—The Chairperson of the Advisory Board shall be one of its Members elected by a majority of the Members at the first meeting of the Advisory Board.

(d) **TERMS; VACANCIES.**—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) **DUTIES.**—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 7 of the Commemorative Works Act not later than 1 year after the date of the enactment of this Act.

(f) **DONATIONS.**—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) **TERMINATION.**—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

**SEC. 3. DEPOSIT OF EXCESS FUNDS.**

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act), or upon expiration of the authority for the Memorial under section 10(b) of that Act, there remains a balance in the funds received under section 3(f) for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

Amend the title so as to read:

A bill to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

**PURPOSE OF THE BILL**

The purpose of H.R. 2982, as ordered reported, is to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

**BACKGROUND AND NEED FOR LEGISLATION**

Since the murder of U.S. Ambassador to Sudan Cleo Noel in 1973 by members of the Black September organization, Americans—military and civilian, home and abroad—have become victims of organized terrorist attacks. Terrorist attacks against Americans include, among others, the 1975 bombing in New York City by Puerto Rican nationalists that killed four people; the 1983 bombing of the U.S. barracks in Beirut, Lebanon, that killed 242 Americans; the 1988 bombing of Pan American Flight 103 by Libyan terrorists over Lockerbie, Scotland, that killed over 200 Americans; the 1995 bombing of the Federal Building in Oklahoma City, Oklahoma, by right-wing extremists that killed 165 people; the 1998 bombing of the U.S. Embassies in Kenya and Tanzania that killed six Americans, and the September 11, 2001, horrific terrorist attack on the United States, which killed over 3,000 people in New York City, Washington, DC, and Somerset County, Pennsylvania.

Today, only two memorials exist to commemorate those killed from attacks on America: the U.S.S. *Arizona* Memorial in Hawaii and the Oklahoma City National Memorial, which commemorates the 168 people killed in the bombing of the Alfred P. Murrah Building. H.R. 2982, as amended, would fill a long overdue void by establishing a National Memorial in the Nation's Capital to recognize all victims who died as a result of terrorist acts against the United States or its people, except those individuals identified by the U.S. Attorney General as participating or conspiring in terrorist-related activities. The Committee believes a National Memorial is appropriate so that all victims killed domestically and overseas could be commemorated at a single national memorial.

The sponsor of the legislation and several Members of the Committee foresee a "living memorial" that will commemorate victims from past and future terrorist acts by listing the date and location where it occurred and, at a minimum, the number of people who perished in the attack.

#### COMMITTEE ACTION

H.R. 2982 was introduced on October 2, 2001, by Congressman Jim Turner (D-TX). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On March 19, 2002, the Subcommittee held a hearing on the bill. On May 22, 2002, the full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute that made the following changes to the original text: (1) clarified that the Advisory Board, not the Secretary of the Interior, will be responsible for establishing the memorial and raising all the necessary funds for the design, construction, and maintenance of the memorial; (2) removed all unreasonable time lines associated with the development of the memorial and clarified the responsibilities for the Planning Commission; (3) changed the size and the appointment process for the development of the Advisory Board; and (4) removed unnecessary provisions associated with the establishment of the memorial. The amendment was agreed to by unanimous consent. No further amendments were offered and the bill as amended was then ordered favorably reported by unanimous consent to the House of Representatives.

#### 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 Resources' oversight findings and recommendations are reflected in the body of this report.

#### FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 21, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2982, a bill to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 2982—A bill to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad*

H.R. 2982 would create a 13-member Victims of Terrorism Memorial Advisory Board. The bill would authorize the advisory board to establish a memorial to victims of terrorism on federal property in the District of Columbia. For this purpose, the board would be authorized to accept donations on behalf of the United States.

The costs of implementing H.R. 2982 would depend greatly on the design of the memorial, which has not yet been determined. The costs of establishing other memorial projects in the District have varied significantly. For example, the National Law Enforcement Officers Memorial (built in 1989) cost around \$4 million, while the costs of the Vietnam Veterans Memorial (built in 1984) and the Korean War Veterans Memorial (built in 1995) were around \$7.5 million and \$12 million, respectively. Depending on the scale of the proposed project, CBO estimates design and construction costs would probably be between \$5 million and \$15 million over several years, assuming appropriation of the necessary amounts. This estimate is based on information provided by the National Park Service, private foundations, and the costs of other memorials on federal grounds.

The cost of establishing the memorial could be offset by donations from private sources, but there is no basis for estimating such future revenues. Because the bill could affect federal revenues, pay-as-you-go procedures would apply.

The bill 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 Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

#### CHANGES IN EXISTING LAW

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

