

FLIGHT 93 NATIONAL MEMORIAL ACT

JULY 22, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3917]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3917) to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes, 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 "Flight 93 National Memorial Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Passengers and crewmembers of United Airlines Flight 93 of September 11, 2001, courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital.

(2) In the months since the historic events of September 11, thousands of people have visited the Flight 93 site, drawn by the heroic action and sacrifice of the passengers and crew aboard Flight 93.

(3) Many are profoundly concerned about the future disposition of the crash site, including grieving families of the passengers and crew, the people of the region who are the current stewards of the site, and a broad spectrum of citizens across the United States. Many of these people are forming the Flight 93 Task Force as a broad, inclusive organization to provide a voice for all interested and concerned parties.

(4) The crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes. The determination of appropriate recognition at the crash site of Flight 93 will be a slowly unfold-

ing process in order to address the interests and concerns of all interested parties. Appropriate national assistance and recognition must give ample opportunity for those involved to voice these broad concerns.

(5) It is appropriate that the crash site of Flight 93 be designated a unit of the National Park System.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To establish a national memorial to honor the passengers and crew of United Airlines Flight 93 of September 11, 2001.

(2) To establish the Flight 93 Advisory Commission to assist with consideration and formulation of plans for a permanent memorial to the passengers and crew of Flight 93, including its nature, design, and construction.

(3) To authorize the Secretary of the Interior (hereinafter referred to as the “Secretary”) to coordinate and facilitate the activities of the Flight 93 Advisory Commission, provide technical and financial assistance to the Flight 93 Task Force, and to administer a Flight 93 memorial.

SEC. 3. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.

There is established a memorial at the September 11, 2001, crash site of United Airlines Flight 93 in the Stonycreek Township, Somerset County, Pennsylvania, to honor the passengers and crew of Flight 93.

SEC. 4. FLIGHT 93 ADVISORY COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “Flight 93 Advisory Commission” (hereafter in this Act referred to as the “Commission”).

(b) **MEMBERSHIP.**—The Commission shall consist of 15 members, including the Director of the National Park Service, or the Director’s designee, and 14 members appointed by the Secretary from recommendations of the Flight 93 Task Force.

(c) **TERM.**—The term of the members of the Commission shall be for the life of the Commission.

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

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

(f) **MEETINGS.**—The Commission shall meet at the call of the Chairperson or a majority of the members, but not less often than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers in the vicinity of Somerset County and in the Federal Register. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(g) **QUORUM.**—A majority of the members serving on the Commission shall constitute a quorum for the transaction of any business.

(h) **NO COMPENSATION.**—Members of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(i) **DUTIES.**—The duties of the Commission shall be as follow:

(1) Not later than 3 years after the date of the enactment of this Act, the Commission shall submit to the Secretary and Congress a report containing recommendations for the planning, design, construction, and long-term management of a permanent memorial at the crash site.

(2) The Commission shall advise the Secretary on the boundaries of the memorial site.

(3) The Commission shall advise the Secretary in the development of a management plan for the memorial site.

(4) The Commission shall consult and coordinate closely with the Flight 93 Task Force, the Commonwealth of Pennsylvania, and other interested parties, as appropriate, to support and not supplant the efforts of the Flight 93 Task Force on and before the date of the enactment of this Act to commemorate Flight 93.

(5) The Commission shall provide significant opportunities for public participation in the planning and design of the memorial.

(j) **POWERS.**—The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this Act as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) subject to approval by the Secretary, solicit and accept donations of funds and gifts, personal property, supplies, or services from individuals, foundations, corporations, and other private or public entities to be used in connection with the construction or other expenses of the memorial;

- (3) hold hearings, enter into contracts for personal services and otherwise;
 - (4) do such other things as are necessary to carry out this Act; and
 - (5) by a vote of the majority of the Commission, delegate such of its duties as it determines appropriate to employees of the National Park Service.
- (k) **TERMINATION.**—The Commission shall terminate upon dedication of the completed memorial.

SEC. 5. DUTIES OF THE SECRETARY.

The Secretary is authorized to—

- (1) provide assistance to the Commission, including advice on collections, storage, and archives;
- (2) consult and assist the Commission in providing information, interpretation, and the conduct of oral history interviews;
- (3) provide assistance in conducting public meetings and forums held by the Commission;
- (4) provide project management assistance to the Commission for planning, design, and construction activities;
- (5) provide programming and design assistance to the Commission for possible memorial exhibits, collections, or activities;
- (6) provide staff assistance and support to the Commission and the Flight 93 Task Force;
- (7) participate in the formulation of plans for the design of the memorial, to accept funds raised by the Commission for construction of the memorial, and to construct the memorial;
- (8) acquire from willing sellers the land or interests in land for the memorial site by donation, purchase with donated or appropriated funds, or exchange; and
- (9) to administer the Flight 93 memorial as a unit of the National Park System in accordance with this Act and with the laws generally applicable to units of the National Park System such as the Act of August 25, 1916 (39 Stat. 585).

SEC. 6. CLARIFICATION OF PASSENGERS AND CREW.

For the purposes of this Act, the terrorists on United Airlines Flight 93 on September 11, 2001, shall not be considered passengers or crew of that flight.

PURPOSE OF THE BILL

The purpose of H.R. 3917 is to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On September 11, 2001, United Airlines Flight 93 was hijacked by terrorists, but was heroically diverted from its intended path toward the Nation's Capital by the passengers and crew and ultimately crashed in Shanksville, Pennsylvania killing all aboard, but certainly saving the lives of many others. Since that time, the hallowed ground of the crash site has been visited by thousands from across the country in an effort to pay tribute to the heroic victims of terrorism.

Today, only two memorials exist commemorating those killed from attacks on America: (1) Oklahoma City National Memorial, which memorializes the 168 people killed in the bombing of the Alfred P. Murrah Federal Building, and (2) the USS Arizona Memorial in Hawaii memorializing those killed in the attack on Pearl Harbor. H.R. 3917 would establish a national memorial at the Flight 93 crash site in the Stoneycreek Township, Sommerset County, Pennsylvania as a unit of the National Park System.

H.R. 3917 would also establish a Flight 93 Advisory Commission to assist the Secretary of the Interior in the formulation of plans for the design, construction, and management of the memorial. The Commission would consist of 15 members, including the Director of

the National Park Service and 14 members chosen by the Secretary of the Interior from the Flight 93 Task Force, consisting of family members of the victims, local residents, landowners, emergency responders, local officials, historians and educators. The Commission will submit within 3 years a report to the Secretary and Congress containing their recommendations regarding the planning, design, construction, and long term management of the memorial. The Commission will then terminate upon dedication of the memorial. H.R. 3917 also authorizes the Secretary of the Interior to provide assistance to the Commission and Task Force in carrying out their duties and to manage the memorial as a unit of the National Park System.

COMMITTEE ACTION

H.R. 3917 was introduced on March 7, 2002 by Congressman John Murtha (D-PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On July 9, 2002, the Subcommittee held a hearing on the bill. On July 10, 2002, the Full Resources Committee met to mark up the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of H.R. 3917 by unanimous consent. Mr. Radanovich offered an amendment in the nature of a substitute to make technical changes and to clarify the authority by which the Advisory Commission may solicit or accept gifts or contributions for the benefit of the national memorial. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, the cost of establishing the memorial could be offset by donations from private sources, and such donations might be substantial, but there is no basis for estimating such future revenues and direct spending.

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, July 18, 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. 3917, the Flight 93 National Memorial Act.

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

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3917—Flight 93 National Memorial Act

H.R. 3917 would establish a memorial at the crash site of United Airlines Flight 93 in Somerset County, Pennsylvania. The bill also would establish a 15-member commission to advise the National Park Service (NPS) and the Congress on the planning, design, and management of the memorial, which would be administered as a unit of the National Park System. The NPS and the commission would be authorized to accept and spend donations for the acquisition and development of the memorial site.

Based on information provided by the NPS and on the costs of establishing other national and private memorials, CBO estimates that acquiring property and developing the Flight 93 memorial would cost around \$10 million, assuming appropriation of the necessary amounts over the next five or six years. This estimate includes land acquisition and site construction as well as annual commission operations and federal technical assistance over the next six years. We estimate that costs to operate the memorial after construction would be about \$500,000 annually, also assuming appropriation of the necessary amounts.

Both development and operating costs could vary significantly, however, depending on the design chosen and the level of public

participation in this project. Costs could be lower, for example, if a substantial portion of the land necessary for the memorial is donated. Conversely, costs could be higher if the chosen design for the memorial includes a major building such as a museum. Finally, the cost of establishing the memorial could be offset by donations from private sources, and such donations might be substantial, but there is no basis for estimating such future revenues and direct spending. Because the bill could affect revenues and direct spending, 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 have no significant impact on the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This 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.

