

Committee on Natural Resources

Rob Bishop Chairman
Markup Memo

July 6, 2015

To: Natural Resources Committee Members

From: Terry Camp, Subcommittee on Federal Lands (x6-7736)

Hearing: Full Committee Markup on H.R. 1949, “National Liberty Memorial Clarification Act of 2015”

H.R. 1949, “National Liberty Memorial Clarification Act of 2015”

Summary of the Bill

H.R. 1949, introduced by Congressman G.K. Butterfield (D-NC), amends the Military Construction Authorization Act for Fiscal Year 2013 with respect to submission of site and design proposals by the National Mall Liberty Fund D.C. (sponsor) for the National Liberty Memorial to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

The site and design approval process is revised to make the Secretary of Agriculture, rather than the Secretary of the Interior or the Administrator of General Services, responsible for consideration of these site and design proposals and their submission, on behalf of the sponsor, to the Commission of Fine Arts and National Capital Planning Commission.

Cosponsors

Representative Tom McClintock (R-CA)

Background

Public Law 112-239, the National Defense Authorization Act for Fiscal Year 2013 authorized The National Mall Liberty Fund to establish a memorial on eligible federal land to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

Under the Commemorative Works Act (CWA), which details a process for placement of memorials and monuments in Washington, D.C., memorials must be recommended by the Government Services Administration (GSA) or the Department of the Interior for placement within what is known as Area I, as defined by the CWA. Area I is generally the locations around the National Mall, but not on the Mall itself. A recommendation is made if the Administrator finds that the proposed memorial is of “of preeminence and lasting significance.”

On June 3, 2014 the GSA Administrator notified the Natural Resources Committee that he had found the proposed National Liberty Memorial to be “of preeminence and lasting significance.” Under the requirements of the CWA, upon this notification, Congress had 150 days to concur with the finding with a joint resolution clearing the memorial to be placed within Area I. On September 26, 2014, President Obama signed Public Law 113-176 approving the recommendation made by the GSA Administrator to locate the memorial authorized by Public Law 112-239 in Area I. The approved site is located on the northeast corner of 14th Street and Independence Avenue, in what is currently a surface parking lot adjacent to the Department of Agriculture.

As the approved site is located next to the Department of Agriculture, H.R. 1949 would transfer responsibility over site and design proposals and the submission of such proposals to the Commission of Fine Arts and National Capital Planning Commission from the Secretary of the Interior or Administrator of General Services to the Secretary of Agriculture.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill

Administration Position

Unknown

Effect on Current Law

(Added text in bolded green):

SEC. 2860. <<NOTE: 40 USC 8903 note.>> ESTABLISHMENT OF
COMMEMORATIVE WORK TO SLAVES AND FREE
BLACK PERSONS WHO SERVED IN AMERICAN
REVOLUTION.

(a) Eligible Federal Land.--In this section, the term “eligible Federal land” means Federal land depicted as “Area I” or “Area II” on the map numbered 869/86501 B and dated June 24, 2003.

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The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) Commemorative Work Authorized.--The National Mall Liberty Fund D.C. may establish a memorial on eligible Federal land to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(c) Compliance With Standards for Commemorative Works.--Chapter 89 of <<NOTE: Applicability.>> title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section, **except that, under subsections (a)(2) and (b) of section 8905, the Secretary of Agriculture, rather than the Secretary of the Interior or the Administrator of General Services, shall be responsible for the consideration of site and design proposals and the submission of such proposals on behalf of the sponsor to the Commission of Fine Arts and National Capital Planning Commission.**

(d) Prohibition on Use of Federal Funds.--The National Mall Liberty Fund D.C. may not use Federal funds to establish the commemorative work authorized by this section.

(e) Deposit of Excess Funds.--

(1) Upon establishment of commemorative work.--If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts 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 National Mall Liberty Fund D.C. shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) Upon expiration of authority to establish commemorative work.--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 National Mall Liberty Fund D.C. 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 of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

(f) Repeal of Joint Resolutions.--Public Law 99-558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public Law 100-265 (102 Stat. 39; 40 U.S.C. 8903 note) are repealed.