

December 2, 2019

TO: Republican Members, Committee on Natural Resources
FROM: Republican Committee Staff – Terry Camp (x67736)

The Subcommittee on National Parks, Forests and Public Lands will hold a hearing on seven bills on Tuesday, December 4, at 10am in 1324 Longworth HOB.

I. WITNESSES

Panel I:

- **Rep. John R. Curtis** (*H.R. 722*) Utah, 3rd District
- **Rep. Darren Soto** (*H.R. 3094*) Florida, 9th District
- **Rep. Lloyd Doggett** (*H.R. 3349*) Texas, 35th District

Panel II:

- **Mr. R. David Vela** (*H.R. 722, H.R. 1702, H.R. 2317, H.R. 3094, H.R. 3349, H.R. 5068*) Deputy Director, National Park Service, U.S. Department of the Interior

Panel III:

- **The Honorable Ty Ellis** (*H.R. 722*) Mayor, Elk Ridge, Utah
- **Mr. Robert Fisher-Hughes** (*H.R. 2317*) President, Pennsauken Historical Society
- **Ms. Barbara Cochran** (*H.R. 3465*) President, Fallen Journalists Memorial Foundation
- **Ms. Raya Kenney** (*H.R. 5068*) Founder, National Memorial to the Women Who Worked on the Home Front Foundation

II. BACKGROUND

[H.R. 722](#) ([Curtis R-UT](#)), [Miracle Mountain Designation Act](#). This bill would designate a mountain near Elk Ridge City, Utah, as “Miracle Mountain.” In early September 2018, the Pole Creek and Bald Mountain Fires combined to burn almost 20,000 acres of mostly public land located in Utah County, Utah. Nearby residents and businesses located in the Elk Ridge City and Woodland Hills municipalities were directly threatened by the path of this massive fire. On September 13, the fire’s progression suddenly stopped and, instead, stayed behind the referenced mountain sparing potentially hundreds of lives. The presently unnamed peak has been referred to

as “Miracle Mountain” by many local residents ever since, and this legislation would make the name reference official.¹ Staff contact: Terry Camp (x67736).

H.R. 1702 (Steube R-FL), **Free Veterans from Fees Act**. In recognition of the significant sacrifices veterans have made for our country, H.R. 1702 would waive the application fee associated with special use permits for any veteran demonstration or special event at war memorials located on federal land. Special use permits are required by the National Park Service (NPS) for activities that provide a benefit to an individual, group, or organization, and for activities that require the use of a designated park location for a specific purpose and length of time.² According to the NPS, special use permits can be used for reoccurring events like sports activities, picnics, weddings and family celebrations.³ Other types of special use permits are used for special events including entertainment, charity events, races, tournaments, educational activities and demonstrations.⁴ The final type of special use permits are for construction, research and utilities that benefit the surrounding communities and often involve access, infrastructure or research.⁵ Special use permits are only issued by NPS for activities which are appropriate for the purpose for which the park was established and activities that can be sustained without causing unacceptable impacts to the valuable resources of the park.⁶ All applications for special use permits must be accompanied by a payment for initial processing, unless determined to be a First Amendment activity. Application fees vary. Currently, the NPS charges \$120 for public gatherings and special events applications, and \$90 for special use applications on the National Mall in Washington, D.C.⁷ These application fees do not preclude the recovery of other costs associated with issuance of the permit; however these costs may be applied toward that cost recovery. According to the NPS, the agency already waives permit application fees for most veterans' events that would be covered under the bill.⁸ An identical bill, H.R. 3997, introduced in the 115th Congress, passed the House by voice vote. Staff contact: Terry Camp (x67736).

H.R. 2317 (Norcross D-NJ), **Peter J. McGuire Labor Day Landmark Act**. This bill would designate the Peter J. McGuire Memorial and Peter J. McGuire Gravesite in Pennsauken, New Jersey, as the “Peter J. McGuire Memorial National Historic Landmark.” Additionally, the bill would authorize the Secretary of the Interior to enter into cooperative agreements to provide the public with educational and interpretive facilities and programs concerning the landmark. Peter J. McGuire (1852-1906) was a figure of major importance in U.S. labor movement who successfully advocated for an eight-hour work day and has been credited as the father of the

¹ Ty Ellis & Wendy Pray, Guest editorial: Miracle Mountain: We witnessed a miracle when our towns were spared from the devastating Pole Creek Fire Herald Extra (2019), https://www.heraldextra.com/news/opinion/local-guest-opinions/guest-editorial-miracle-mountain-we-witnessed-a-miracle-when-our/article_3811517e-1df2-5c39-a68d-7c5ba9d806a2.html (last visited Nov 21, 2019).

² Special Use Permits - National Capital Parks-East (U.S. National Park Service), NPS.gov (2015), <https://www.nps.gov/nace/planyourvisit/special-use-permits.htm> (last visited Nov 21, 2019).

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Permits & Reservations - National Mall and Memorial Parks (U.S. National Park Service), NPS.gov (2019), <https://www.nps.gov/nama/planyourvisit/permitsandreservations.htm> (last visited Nov 21, 2019).

⁸ H.R. 3997, Free Veterans from Fees Act | Congressional Budget Office, CBO.gov (2018), <https://www.cbo.gov/publication/53801> (last visited Nov 21, 2019).

Labor Day holiday.⁹ McGuire founded and led the United Brotherhood of Carpenters and Joiners of America and co-founded the American Federation of Labor. In his early life, McGuire joined the Cabinet Makers Union of New York in 1872. Believing there was a need for a unified international union of woodworkers, McGuire organized a convention in Chicago in 1881 that formed the Brotherhood of Carpenters and Joiners, which elected him its first general secretary where he served until 1901.¹⁰ McGuire also co-founded the Federation of Organized Trades and Labor Union (FOTLU) and later helped reorganize it into the American Federation of Labor (AFL) where he acted as secretary and vice president between 1886 and 1900. In 1882 he proposed that “one day in the year be designated as Labor Day” --- a lasting and historical memorial to all workers. States first adopted his proposal to create a Labor Day holiday.¹¹ In 1894, Congress passed an act adopting the first Monday in September as a national holiday.¹² National Historic Landmarks are the most renowned historic properties in our nation and possess the highest historical integrity of all properties on the National Register of Historic Places. They must meet specific criteria and the regular established nomination process relies on expertise of specialists in the field to verify the national significance of proposed sites.¹³ Nominations are evaluated by the National Park Service Landmarks Committee and the National Park System Advisory Board with recommendations made to the Secretary of the Interior for final determination. The nomination process includes public comment periods and informing local stakeholders about the effects of designation. Property owners have the option to agree or decline individual landmark designations.¹⁴ H.R. 2317 is notable in that it is rare for designations of new National Historic Landmarks to skip the normal internal Interior Department process and be designated by Congress. The most recent example came in 2004 through enactment of Public Law 108-209, which established Fort Bayard as a National Historic Landmark. More frequently, Congress typically directs the Secretary of the Interior to first study a site’s eligibility for designation as a National Historic Landmark. Staff contact: Terry Camp (x67736).

H.R. 3094 (Soto D-FL), To designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes. This bill would redesignate the Pulse Memorial in Orlando, Florida, as the “National Pulse Memorial.” The bill makes clear that this memorial will not be a unit of the National Park System and that designation as a national memorial does not require any federal funds to be expended for any purpose related to the national memorial. On June 12, 2016, a gunman killed 49 people and wounded 53 at a crowded gay nightclub in Orlando, Florida. At the time, it was the deadliest mass shooting in U.S. history.¹⁵ In the aftermath of the horrific tragedy at Pulse, the owner of the club established a

⁹ Peter J. McGuire Memorial and Gravesite (U.S. National Park Service), NPS.gov (2019), <https://www.nps.gov/places/peter-j-mcguire-memorial-and-gravesite.htm> (last visited Nov 21, 2019).

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ National Historic Landmarks Program (U.S. National Park Service), NPS.gov (2019), <https://www.nps.gov/nhl/> (last visited Nov 21, 2019).

¹⁴ “Designation of National Historic Landmarks” 36 CFR § 65.5

¹⁵ What Happened Inside the Orlando Nightclub

Footnote: Gregor Aisch et al., What Happened Inside the Orlando Nightclub Nytimes.com (2019), <https://www.nytimes.com/interactive/2016/06/12/us/what-happened-at-the-orlando-nightclub-shooting.html> (last visited Nov 21, 2019).

nonprofit called onePULSE Foundation to memorialize the people who died in the mass murder, known as “the 49.” The Foundation quickly established an interim memorial in Orlando, but earlier this year, it teamed up with the mayor of Orlando to launch a design competition for a permanent memorial and museum, slated to open in 2022. After receiving 68 entries from 19 countries, six shortlisted designs were announced in early October. The winning team, led by French architects Coldefy & Associés, will design the public tribute to the 49 Pulse victims.¹⁶ Staff contact: Terry Camp (x67736).

H.R. 3349 (Doggett D-TX), **Republic of Texas Legation Memorial Act**. This bill would authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial on federal land in the District of Columbia. The Memorial would commemorate those individuals who, as representatives of the Republic of Texas, served in Washington D.C. as diplomats to the United States and helped to make possible the annexation of Texas as the 28th state of the United States. When Texas was a republic between 1836 and 1845, diplomatic ministers were dispatched to Washington D.C, London, Paris, Brussels, and Amsterdam to represent the interests of the Texas Republic. The Republic of Texas, through its legation, sought financial assistance, protection from Mexican threats, and advocated to be annexed by the United States. Annexation was achieved on February 18, 1846, when Texas formally entered the Union. The Annexation of Texas by the United States is significant not only to Texans but is of major significance to the formation of the United States. The annexation of Texas was the major cause of the U.S-Mexican War in 1846. The war ended in 1848 with the signing of the Treaty of Guadalupe Hidalgo. Texas Legation sites in Paris and London have been recognized with historical markers for many years, but never in Washington, D.C.¹⁷ ¹⁸ The diplomatic ministers that came to Washington, D.C. worked out of the boarding houses in which they lived, eight of which have been identified with vary degrees of supporting evidence. The Daughters of the Republic of Texas are seeking to place a memorial plaque to honor the Republic of Texas Legation on federal land in Washington, D.C. Staff contact: Terry Camp (x67736).

H.R. 3465 (Napolitano D-CA), **Fallen Journalists Memorial Act of 2019**. This bill would authorize the Fallen Journalists Memorial Foundation to establish a commemorative work on federal land in commemoration of the sacrifices made by journalists for a free and independent press. The bill requires the Fallen Journalists Memorial Foundation to follow the standard legal framework established by Commemorative Works Act (CWA) for the placement of commemorative works on federal land in the District of Columbia, prohibits the use of federal funds for the commemorative work, and requires the Foundation to follow a process to ensure that the Memorial is appropriately designed, constructed and located, and that sufficient funds are provided to the National Park Service for maintenance. Under the CWA, all authorized commemorative works are provided a seven-year period to complete the work unless the group

¹⁶ Evan Brown, First look: A towering memorial to the 49 victims of the Pulse nightclub shooting Fast Company (2019), <https://www.fastcompany.com/90425063/first-look-a-towering-memorial-to-the-49-victims-of-the-pulse-nightclub-shooting> (last visited Nov 21, 2019). li

¹⁷ Luke J. Spencer, The Embassy of the Republic of Texas Atlas Obscura (2019), <https://www.atlasobscura.com/places/the-embassy-of-the-republic-of-texas-london-england> (last visited Nov 21, 2019).

¹⁸ Where to find the Texas Embassy in Paris? - French Moments, French Moments (2019), <https://frenchmoments.eu/texas-embassy-in-paris/> (last visited Nov 21, 2019).

has a construction permit or an extension is granted by Congress or by the Secretary of the Interior. According to the Committee to Protect Journalists, 1359 journalists have been killed by combat or crossfire since 1992 as a result of their work while carrying out a dangerous assignment. Hundreds more each year are injured, assaulted, imprisoned, or tortured.¹⁹ H.R. 3465 was introduced one year after the deadliest attack on journalism in modern United States history on June 28, 2018, when five Capital Gazette employees were shot and killed in their Annapolis, Maryland newsroom. Staff contact: Terry Camp (x67736).

H.R. 5068 (Norton D-DC), To authorize the Women Who Worked on the Home Front Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes. This bill would authorize the Women Who Worked on the Home Front Foundation to establish a commemorative work on federal land to commemorate the commitment and service performed by women who worked on the home front during World War II. The bill requires the Women Who Worked on the Home Front Foundation to follow the standard legal framework established by Commemorative Works Act (CWA) for the placement of commemorative works on federal land in the District of Columbia, prohibits the use of federal funds to establish the commemorative work, and requires the Foundation to follow a process to ensure that the memorial is appropriately designed, sited, constructed and that sufficient funds are provided to the National Park Service to maintain the memorial. Under the CWA, all authorized commemorative works are provided a seven-year period to complete the work unless the group has a construction permit or an extension is granted by Congress or by the Secretary of the Interior. Over 18 million American women kept the home front running in support of the World War II effort (codebreakers, pilots, machinists, butchers, engineers, lumberjacks, farmers, etc.). Between 1940 and 1945, the percentage of women in the workforce increased from 27 percent to nearly 37 percent, and by 1945 one in four married women worked outside of the home.²⁰ The work done by women on the home front opened doors for women in the workplace generally and had a profound effect on the job market going forward. As a result of their efforts, women on the home front redefined many occupations that were previously considered “men’s work.”²¹ Staff contact: Terry Camp (x67736).

III. COST

The Congressional Budget Office (CBO) has not scored any of these bills this Congress. The predecessor bill to H.R. 1702 was scored in the 115th Congress as increasing net discretionary spending by an insignificant amount.

IV. ADMINISTRATION POSITIONS

Unknown.

¹⁹ Explore CPJ's database of attacks on the press, CPJ.org (2019), https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&start_year=1992&end_year=2019&group_by=year (last visited Nov 21, 2019).

²⁰ Eleanor Holmes Norton, Norton Introduces Bill to Memorialize Women During World War II Congresswoman Eleanor Holmes Norton (2019), <https://norton.house.gov/media-center/press-releases/norton-introduces-bill-to-memorialize-women-during-world-war-ii> (last visited Nov 21, 2019).

²¹ Ibid.