

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, REGARDING H.R. 1702, TO WAIVE THE APPLICATION FEE FOR ANY SPECIAL USE PERMIT FOR VETERANS DEMONSTRATIONS AND SPECIAL EVENTS AT WAR MEMORIALS ON FEDERAL LAND, AND FOR OTHER PURPOSES.

December 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1702, to waive the application fee for any special use permit for veterans demonstrations and special events at war memorials on Federal land.

The Department welcomes opportunities to commemorate and honor the brave men and women in uniform and their families who sacrifice so much in service to our country, and we are proud to host veterans, veterans groups, and their families for commemorations and events recognizing that service and sacrifice. As it appears that the purpose of H.R. 1702 is to codify the National Park Service's practice of not requiring application fees for special use permits for veterans demonstrations and special events at memorials, the Department supports the goal of the bill. In addition, we would like to work with the sponsor and the Committee to clarify the legislation.

Normally, applications for special park use permits must be accompanied by a payment of a fee to offset the initial costs of processing the application. However, the National Park Service does not charge application fees and associated costs for special use permits for demonstrations, including veterans demonstrations, which allow the free exercise of First Amendment activities. In addition, by longstanding practice, the National Park Service generally waives application fees for special use permits for special events commemorating veterans at war memorials. Park superintendents, who administer the permits, have the authority to waive a special use permit application fee if the proposed use will promote the mission of the National Park Service; promote public health, safety, or welfare; or if charging and collecting the fees is not cost effective. Once a permit is issued, the National Park Service may charge additional fees or recover costs associated with the permitted activity.

H.R. 1702, which addresses only application fees, would require a waiver of the application fee for any special use permit solely for a veterans demonstration or special event at war memorials on Federal land. The bill's definitions of "demonstration" and "special event" reference section 7.96 of title 36 of the Code of Federal Regulations. That section of the code applies only to national parks in the National Capital Region (now the National Capital Area of Interior Region 1) and therefore it appears that the bill is intended to cover only war memorials in the Nation's Capital. However, the term "Federal land" would include all war memorials administered by the National Park Service, as well as war memorials administered by the Department of Defense, the Department of Veterans Affairs, and every other Federal agency that administers a war-related

memorial anywhere. The bill also defines “war memorial” very broadly, taking in more types of memorials than just those that commemorate veterans.

If the bill is intended to apply to only the memorials in the Nation’s Capital that commemorate veterans, we would recommend that the bill be amended to clarify its scope. However, if the bill is intended to cover memorials administered by other Federal agencies in addition to the Department of the Interior, we would ask that the Committee seek comment from those agencies before taking any action on this legislation. We would be happy to work with the Committee and bill sponsor to develop the appropriate amendments.

Chair Haaland, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 2317, A BILL TO DESIGNATE THE PETER J. MCGUIRE MEMORIAL AND PETER J. MCGUIRE GRAVESITE LOCATED IN PENNSAUKEN, NEW JERSEY, AS A NATIONAL HISTORIC LANDMARK, AND FOR OTHER PURPOSES.

DECEMBER 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 2317, a bill to designate the Peter J. McGuire Memorial and Peter J. McGuire Gravesite located in Pennsauken, New Jersey, as a National Historic Landmark, and for other purposes.

The Department appreciates the desire of the bill's sponsor to bring greater recognition to the history of the labor movement and specifically to Peter J. McGuire's story; however, we do not support H.R. 2317 as we believe that it would be unwise to legislatively designate the combined sites as a National Historic Landmark, as the bill would do. We believe the most appropriate way to pursue National Historic Landmark status is through the well-established administrative process and would be happy to work with the sponsor of the bill on the steps in that process.

Peter J. McGuire was a national leader in the labor movement during the 19th century. He founded the United Brotherhood of Carpenters and Joiners of America and is widely acknowledged as the "father" of Labor Day. Upon his death in 1906, the United Brotherhood of Carpenters and Joiners commissioned the granite headstone at his gravesite in the Arlington Cemetery in Pennsauken, New Jersey. In 1952, the centennial of his birth, the organizations that he helped found sponsored the design, construction, and dedication of the Peter J. McGuire Memorial, also in Pennsauken.

The designation of the Peter J. McGuire Memorial and his gravesite as a National Historic Landmark would circumvent a well-established administrative action. This existing process provides an opportunity for local input and scholarly review and ensures that all nominated properties meet the Secretary of the Interior's criteria for a National Historic Landmark. We are concerned that establishing a National Historic Landmark by legislation would encourage advocates for other properties to seek National Historic Landmark status by legislation in order to avoid the requirements of the administrative path. That could lead to National Historic Landmark designation for properties that do not meet the standards that all other properties have had to meet in order to merit that designation.

Finally, this bill would authorize the Secretary to enter into cooperative agreements with public and private entities, and to provide technical and financial assistance to these entities, for the purposes of protecting historic resources, and providing educational and interpretive facilities and programs for the public, at the site. The Department does not see a compelling reason to

authorize such assistance for this particular site, especially at a time when we need to reduce the \$11.9 billion backlog of deferred maintenance in national parks and address other critical park needs.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, REGARDING H.R. 3094, A BILL TO DESIGNATE THE NATIONAL PULSE MEMORIAL LOCATED AT 1912 SOUTH ORANGE AVENUE, ORLANDO, FLORIDA, 32806, AND FOR OTHER PURPOSES.

DECEMBER 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on H.R. 3094, a bill to designate the National Pulse Memorial Located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes.

The Department does not have a position on H.R. 3094, as the memorial would be located at a site that is not under the jurisdiction of the Department of the Interior, and this bill does not provide for any management or funding by the National Park Service. We would, however, ask the Subcommittee to note the consideration described below.

H.R. 3094 would designate the Pulse Memorial at the site of Pulse, a nightclub in Orlando, Florida, as the National Pulse Memorial. On June 12, 2016, 49 people were killed and more than 50 others were wounded in a mass shooting inside Pulse. The Pulse Memorial, currently in the planning and design phase, is described by the onePULSE Foundation, a non-profit organization established to support the creation of a memorial and museum dedicated to the tragedy, as "a sanctuary of quiet reflection and love dedicated to honoring the senseless loss of innocent life and remembering the horrible attack that occurred on June 12, 2016."

This legislation explicitly states that this Memorial is not a unit of the National Park System and that designation should not be construed to require Federal funds to be expended for it. However, the use of the title "National" creates a reasonable expectation among the general public that the memorial must have an affiliation with the Federal government. The Department respectfully encourages the Committee to be thoughtful and judicious about conferring the designation of "National" to any site that is not associated with a National or Federal entity.

Chairwoman Haaland, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS ON H.R. 3349, A BILL TO AUTHORIZE THE DAUGHTERS OF THE REPUBLIC OF TEXAS TO ESTABLISH THE REPUBLIC OF TEXAS LEGATION MEMORIAL AS A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

December 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3349, to authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes.

The Department recognizes the contribution to the shaping of our Nation's history that is represented by the subject of H.R. 3349, but we recommend that the Committee defer action on this legislation until the National Capital Memorial Advisory Commission (Commission) has an opportunity to review the proposal.

H.R. 3349 would authorize the organization named the Daughters of the Republic of Texas to establish a commemorative work in honor of the Texas Legation (Legation), a diplomatic mission that represented the independent Republic of Texas in Washington, D.C. from 1836 to 1845. The bill requires compliance with the Commemorative Works Act (40 U.S.C. Chapter 89) (CWA) and prohibits Federal funds from being used to establish the memorial.

The Legation's initial goal was to seek United States recognition of Texas as independent from Mexico, and it then became the pursuit of annexation of Texas to the United States. Texas President Sam Houston proposed annexation in 1836; however, Congress did not agree to annexation for another nine years, primarily because of controversy over the addition of a slave-holding state. During that time period, the Legation worked with the U.S. Government on foreign policy, Texas boundary refinement, immigration, and Native American issues. In February 1845, Congress finally passed a Joint Resolution to annex the Republic of Texas to the United States. In November 1845, Texas voters approved annexation by a landslide and the Legation mission in Washington, D.C., closed.

Ideas for new memorials benefit greatly from the review they receive through the Commission. We note that the proposed commemorative work has not been reviewed by the Commission. Established by the CWA, the Commission is staffed and chaired by the National Park Service and is composed of key government agency representatives who have a critical role or expertise in the location and design of monuments and memorials on Federal lands in DC. A key role of the Commission is to provide advice to the Senate and House Committees with jurisdiction over the National Park System on pending legislation that would authorize new commemorative

works. The Commission plans to make recommendations to Congress on H.R. 3349 immediately following its next meeting, which is expected to be scheduled for February 2020.

While we believe it is premature for Congress to authorize this memorial, we support that H.R. 3349 requires the proposed memorial to be established in accordance with the CWA. This provision ensures that the memorial, if authorized, will be subject to the framework for planning and review that Congress established for all proposed commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs. This planning and review ensures there will be a thoughtful and deliberative process that will yield the most appropriate results.

In addition to subjecting the proposed memorial to the processes of the CWA, we note that the proposed memorial is also consistent with the act's subject matter requirements; specifically with Section 8903(c), which states that "a commemorative work commemorating an event, individual, or group of individuals... may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the Group." The time period of the Legation's service, 1836 to 1845, assures that we are well past the 25th anniversary of the death of any of the individuals who were part of the Legation.

We strongly support the bill's prohibition on Federal funds being used to establish the memorial, which assures that the cost of establishing this memorial will not be borne by the National Park Service. However, the Committee should be aware that once constructed, the National Park Service would need to use funding for the maintenance of the memorial that could otherwise be used to help reduce the \$11.9 billion backlog of deferred maintenance in national parks and address other critical park needs.

Finally, the bill contains a provision we strongly support including in all legislation authorizing memorials under the CWA--the requirement that unspent funds for the construction of the memorial be provided to the National Park Foundation for deposit in an interest-bearing account, as stated in 40 U.S.C. Section 8906(b)(3).

Chairwoman Haaland, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS ON H.R. 3465, A BILL TO AUTHORIZE THE FALLEN JOURNALISTS MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES.

December 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3465, to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

The Department would support H.R. 3465 if amended to clarify the purpose and focus of the commemorative work.

H.R. 3465 would authorize the Fallen Journalists Memorial Foundation to establish a commemorative work on Federal land in Washington, D.C. designated as “Area I” or “Area II” in the Commemorative Works Act (40 U.S.C. 89) (CWA) to commemorate the sacrifices made by journalists working as guardians of democracy and for a free and independent press. The work would not be permitted to be located in the area designated by Congress as the “Reserve”, which consists of the National Mall and areas to the north and south of the White House. The bill requires compliance with the CWA and prohibits Federal funds from being used to establish the memorial.

The National Capital Memorial Advisory Commission (Commission) held a meeting on September 24, 2019, and received testimony and letters of support for H.R. 3465 and its companion bill, S. 1969. In its letter to Congress following the meeting, the Commission noted that while the title of Section 2 suggests that the memorial would “commemorate America’s commitment to a free press by honoring journalists who have sacrificed their lives in service to that cause”, the bill authorizes the commemorative work to commemorate, more generally, “the sacrifices made by journalists....” The Department agrees with the Commission that the bill should be clear that the purpose of the commemorative is to honor journalists who have made the ultimate sacrifice of life in service to the cause of a free press.

The Department also agrees with the Commission that the focus of the commemorative work should be on America’s commitment to a free press, rather than on individual fallen journalists. A memorial solely to the lives lost or to specific individuals would be contrary to Section 8903(c) of the CWA, which holds that a work commemorating a group of individuals may not be authorized until after the 25th anniversary of the death of the last surviving member of the group. The loss of the lives of journalists who put themselves in harm’s way to inform the public has occurred throughout history and continues to the present day. In this regard, the Fallen

Journalists Memorial Foundation testified to the Commission that it does not intend to commemorate specific individuals or to list names on the memorial.

We note that it is unclear whether the commemoration is intended to honor only American journalists who sacrificed their lives upholding our Nation's commitment to a free press, or all journalists around the world who have perished in service. Testimony provided to the Commission emphasized the global nature of the commemoration, yet the Department notes that the bill text references "America's commitment to a free press." We urge the Committee to seek clarification on this matter from the Fallen Journalists Memorial Foundation on this question.

We strongly support the bill's prohibition on Federal funds being used to establish the memorial, which assures that the cost of establishing this memorial will not be borne by the National Park Service. However, the Committee should be aware that once constructed, the National Park Service would need to use funding for the maintenance of the memorial that could otherwise be used to help reduce the \$11.9 billion backlog of deferred maintenance in national parks and address other critical park needs.

Finally, the bill contains a provision we strongly support including in all legislation authorizing memorials under the CWA--the requirement that unspent funds for the construction of the memorial be provided to the National Park Foundation for deposit in an interest-bearing account, as stated in 40 U.S.C. Section 8906(b)(3).

We would be happy to work with the Committee on amendments that address the matters identified in this statement.

Chairwoman Haaland, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DAVID VELA, DEPUTY DIRECTOR, OPERATIONS, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS ON H.R. 5068, A BILL 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

December 4, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 5068, a bill to authorize the Women Who Worked on the Home Front Foundation to establish a commemorative work in the District of Columbia and its environs.

The Department recognizes the contribution to the shaping of our Nation's history that is represented by the subject of H.R. 5068, but we recommend that the Committee defer action on this legislation until the National Capital Memorial Advisory Commission (Commission) has an opportunity to review the proposal.

H.R. 5608 would authorize the organization named the Women Who Worked on the Home Front Foundation to establish a commemorative work on Federal land in Washington, D.C. and its environs to commemorate the "commitment and service represented by women who worked on the home front during World War II." The bill requires compliance with the Commemorative Works Act (40 U.S.C. Chapter 89) (CWA) and prohibits Federal funds from being used to establish the memorial.

"Women Who Worked on the Home Front" refers to the countless American women who stepped up to support their nation during America's involvement in World War II. Between 1941 and 1945, the female portion of the U.S. workforce increased from 27 percent to nearly 37 percent. More than 10,000 women worked as code breakers during WWII and over 1,100 female volunteers flew nearly every type of military aircraft as part of the Women Airforce Service Pilots program. Women were trained to fly military aircraft so male pilots could leave for combat duty overseas. Other jobs women filled, often for the first time, included keel welder, telegraph operator, steam hammer operator, radio engineer, electrical engineer, crane operator, flash welder, ship fitter, tinsmith, pipe fitter, surveyor, draftsman, and so much more. Of course, the now iconic image of Rosie the Riveter brings to mind the multitudes of women who worked in factories and shipyards during World War II, many of whom produced munitions and war supplies. The National Park Service is proud to have under its stewardship a park unit dedicated to this story, the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California.

Ideas for new memorials benefit greatly from the review they receive through the Commission. We note that the proposed commemorative work has not yet been reviewed by the Commission. Established by the CWA, the Commission is staffed and chaired by the National Park Service

and is composed of key government agency representatives who have a critical role or expertise in the location and design of monuments and memorials on Federal lands in DC. A key role of the Commission is to provide advice to the Senate and House Committees with jurisdiction over the National Park System on pending legislation that would authorize new commemorative works. The Commission plans to make recommendations to Congress on H.R. 5068 immediately following its next meeting, which is expected to be scheduled for February 2020.

While we believe it is premature for Congress to authorize this memorial, we support that H.R. 5068 requires the proposed memorial to be established in accordance with the CWA. This provision ensures that the memorial, if authorized, will be subject to the framework for planning and review that Congress established for all proposed commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs. This planning and review ensures there will be a thoughtful and deliberative process that will yield the most appropriate results.

We strongly support the bill's prohibition on Federal funds being used to establish the memorial, which assures that the cost of establishing this memorial will not be borne by the National Park Service. However, the Committee should be aware that once constructed, the National Park Service would need to use funding for the maintenance of the memorial that could otherwise be used to help reduce the \$11.9 billion backlog of deferred maintenance in national parks and address other critical park needs.

Finally, the bill contains a provision we strongly support including in all legislation authorizing memorials under the CWA--the requirement that unspent funds for the construction of the memorial be provided to the National Park Foundation for deposit in an interest-bearing account, as stated in 40 U.S.C. Section 8906(b)(3).

Chairwoman Haaland, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.