

9/11 MEMORIAL ACT

FEBRUARY 9, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3036]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3036) to designate the National September 11 Memorial located at the World Trade Center site in New York City, New York, as a national memorial, 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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “9/11 Memorial Act”.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means a nonprofit organization as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) in existence on the date of enactment of this Act.

(2) **MAP.**—The term “map” means the map titled “National September 11 Memorial Proposed Boundary”, numbered 903/128928, and dated June 2015.

(3) **NATIONAL SEPTEMBER 11 MEMORIAL.**—The term “National September 11 Memorial” means the area approximately bounded by Fulton, Greenwich, Liberty and West Streets as generally depicted on the map.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. DESIGNATION OF MEMORIAL.

(a) **DESIGNATION.**—The National September 11 Memorial is hereby designated as a national memorial.

(b) **MAP.**—The map shall be available for public inspection and kept on file at the appropriate office of the Secretary.

(c) **EFFECT OF DESIGNATION.**—The national memorial designated under this section shall not be a unit of the National Park System and the designation of the national memorial shall not be construed to require or authorize Federal funds to be

expended for any purpose related to the national memorial except as provided under section 4.

SEC. 4. COMPETITIVE GRANTS FOR CERTAIN MEMORIALS.

(a) **COMPETITIVE GRANTS.**—Subject to the availability of appropriations, the Secretary may award a single grant per year through a competitive process to an eligible entity for the operation and maintenance of any memorial located within the United States established to commemorate the events of and honor—

(1) the victims of the terrorist attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93 on September 11, 2001; and

(2) the victims of the terrorist attack on the World Trade Center on February 26, 1993.

(b) **AVAILABILITY.**—Funds made available under this section shall remain available until expended.

(c) **CRITERIA.**—In awarding grants under this section, the Secretary shall give greatest weight in the selection of eligible entities using the following criteria:

(1) Experience in managing a public memorial that will benefit the largest number of visitors each calendar year.

(2) Experience in managing a memorial of significant size (4 acres or more).

(3) Successful coordination and cooperation with Federal, State, and local governments in operating and managing the memorial.

(4) Ability and commitment to use grant funds to enhance security at the memorial.

(5) Ability to use grant funds to increase the numbers of economically disadvantaged visitors to the memorial and surrounding areas.

(d) **SUMMARIES.**—Not later than 30 days after the end of each fiscal year in which an eligible entity obligates or expends any part of a grant under this section, the eligible entity shall prepare and submit to the Secretary and Congress a summary that—

(1) specifies the amount of grant funds obligated or expended in the preceding fiscal year;

(2) specifies the purpose for which the funds were obligated or expended; and

(3) includes any other information the Secretary may require to more effectively administer the grant program.

(e) **SUNSET.**—The authority to award grants under this section shall expire on the date that is 7 years after the date of the enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3036 is to designate the National September 11 Memorial located at the World Trade Center site in New York City, New York, as a national memorial.

BACKGROUND AND NEED FOR LEGISLATION

The National 9/11 Memorial commemorates the attacks of September 11, 2001. The Memorial is the principal tribute of remembrance and honor to the nearly 3,000 people killed in the terror attacks at the World Trade Center site, near Shanksville, Pennsylvania, at the Pentagon, as well as the six people killed in the World Trade Center bombing in February 1993.¹

The 9/11 Memorial plaza opened on September 11, 2011, the 10th anniversary of the attacks. Since 2011, more than 21 million people have visited the plaza.² The Memorial plaza is located on the western side of the former World Trade Center complex. The Memorial's twin reflecting pools, each nearly an acre in size, sit within the footprints where the Twin Towers once stood. The names of every person who died in the 2001 and 1993 attacks are inscribed into bronze panels edging the Memorial pools. Entrance to the Memorial plaza is free and open to the public year-round.

¹“About the Memorial.” 9/11 Memorial. National September 11 Memorial & Museum. Web. 7 Sept. 2015. <<http://www.911memorial.org/about-memorial>>.

²“Facts and Figures.” 9/11 Memorial. National September 11 Memorial & Museum. Web. 7 Sept. 2015.

COMMITTEE ACTION

H.R. 3036 was introduced on July 13, 2015, by Congressman Thomas MacArthur (R–NJ). The bill was referred to the Committee on Natural Resources. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman MacArthur offered an amendment in the nature of a substitute to create a competitive grant program that covers any memorial established to honor the victims from the September, 11, 2001, terrorist attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93, as well as the victims of the terrorist attack on the World Trade Center on February 26, 1993; it was adopted by unanimous consent. The bill, as amended, was ordered favorably reported on February 3, 2016, 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

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

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H.R. 3036 would designate the National September 11 Memorial located at the World Trade Center in New York City, New York, as a national memorial. However, under the bill the memorial would not be a unit of the National Park Service. Instead, the bill would authorize the Secretary of the Interior to award a competitive grant to a private entity to operate and maintain a memorial established to commemorate the terrorist attacks of 1993 and 2001. The authority to provide grants would expire seven years after the bill's enactment.

Based on the operating budget of the September 11 Memorial, CBO estimates that annual grant funding under the bill would total about \$25 million per year. Assuming that the bill is enacted near the end of fiscal year 2016 and that appropriations of the necessary amounts are provided, CBO estimates that implementing H.R. 3036 would cost \$80 million over the 2017–2021 period and \$95 million after 2021. Enacting H.R. 3036 would not affect direct

spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 3036 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2027.

H.R. 3036 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 Mann Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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 spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the bill would cost \$80 million over the 2017–2021 period and \$95 million after 2021, subject to appropriation.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate the National September 11 Memorial located at the World Trade Center site in New York City, New York, as a national memorial.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman believes that this bill does not direct an executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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.

