

TO AUTHORIZE THE DESIGN AND CONSTRUCTION OF A
VISITOR CENTER FOR THE VIETNAM VETERANS MEMO-
RIAL

OCTOBER 2, 2003.—Committed to the Committee of the Whole House on the State
of the Union and order to be printed

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

R E P O R T

[To accompany H.R. 1442]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1442) to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial, 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. VISITOR CENTER.

Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

“SEC. 6. VISITOR CENTER

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.

“(2) LOCATION.—The visitor center shall be located underground.

“(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly referred to as the Commemorative Works Act) shall apply to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that—

“(1) final approval of the visitor center shall not be withheld; and

“(2) the provisions of section 8908(b) of title 40, United States Code requiring further approval by law for the location of a commemorative work within Area I shall not apply.

“(c) OPERATION AND MAINTENANCE.—The Secretary of the Interior shall—

“(1) operate the visitor center;

“(2) enter into a cooperative agreement with the Vietnam Veterans Memorial Fund, Inc. for the routine maintenance of the visitor center;

“(3) not later than 120 days after the date of the enactment of this section, in consultation with educators and veterans groups, provide to the Vietnam Veterans Memorial Fund, Inc. a preliminary plan to guide the design phase of the visitor center exhibits; and

“(4) as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.

“(d) FUNDING.—The Vietnam Veterans Memorial Fund, Inc. shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay any expense of the establishment of the visitor center or its maintenance.”.

PURPOSE OF THE BILL

The purpose of H.R. 1442 is to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

BACKGROUND AND NEED FOR LEGISLATION

Since its dedication in 1982, the Vietnam Veterans Memorial, known to many as simply “The Wall,” has done much to heal the nation’s wounds after the bitterly divisive experience of the Vietnam War. For those who served, that year marked a sea change in the country’s view of the Vietnam veteran. Americans began to understand and respect the Vietnam veterans’ service and sacrifice. Today, over 4.4 million people visit The Wall every year—making it the most visited Memorial in the Nation’s Capital. Today, most visitors to The Wall were not alive during the “Vietnam Era.” Many veterans’ organizations and many others believe today’s visitor is shortchanged in his/her experience. Many leave The Wall not fully understanding its message. To that end, a visitor center would provide an educational experience for visitors by facilitating self-guided tours, collecting and displaying remembrances of those whose names are inscribed on the Memorial, and displaying exhibits discussing the history of the Memorial and the Vietnam War. The visitor’s center would eventually replace a 168-foot National Park Service kiosk currently at the site.

H.R. 1442 would authorize the Vietnam Veterans Memorial Fund, Inc. (VVMF) to design and construct a visitor center for the Vietnam Veterans Memorial to provide information to the public on the Memorial and the Vietnam War. VVMF is a 501 (c)(3) nonprofit organization authorized by Congress in 1979 to fund and build the Vietnam Veterans Memorial in Washington, D.C. The Committee expects the visitor center, which shall be located underground, to be the minimum size necessary to carry out educational and interpretive activities while protecting open space and visual sightlines on the National Mall and the core monument area. Finally, no federal funds would be used for the planning, design, construction, or maintenance of the Center.

COMMITTEE ACTION

H.R. 1442 was introduced on March 26, 2003, by Congressman Richard Pombo (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On May 21, 2003, the Subcommittee held a hearing on the bill. On September 24, 2003,

the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman Richard Pombo offered an amendment in the nature of a substitute that would make the following changes to the bill: (1) Require that the visitor center be located underground; (2) clarify the application of the Commemorative Works Act; (3) direct the Secretary to enter into a cooperative agreement with the Vietnam Veterans Memorial Fund for maintaining the visitor center; and (4) direct the Secretary of the Interior to consult with educators and veteran organizations to develop a preliminary plan to guide the design phase of visitor center exhibits as well as an interpretive plan for the visitors center. The amendment was adopted by unanimous consent. 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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 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, enactment of this bill will result in revenues to the federal government of between \$500,000 and \$1 million associated with a deposit for catastrophic maintenance; these funds would then be largely offset by new direct spending over many years.

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, September 26, 2003.

Hon. RICHARD W. POMBO,
 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. 1442, a bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
 Director.

Enclosure.

H.R. 1442—A bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial

H.R. 1442 would authorize the Vietnam Veterans Memorial Fund, Inc. (VVMF) to construct a visitor center near the Vietnam Veterans Memorial in the District of Columbia. The center would be established on federal land in accordance with the Commemorative Works Act (CWA). While no federal funds would be used to build the new facility, the National Park Service (NPS) would operate it at federal expense.

Based on the costs of managing similar interpretive facilities in the National Park System (and assuming appropriation of the necessary amounts), CBO estimates that the NPS would spend about \$1 million annually to operate the new visitor center once it has been constructed. This amount excludes routine maintenance, which would be carried out by the VVMF.

Section 8 of the CWA would require the VVMF to also deposit an amount equal to 10 percent of the center's construction cost into the U.S. Treasury. The NPS could use the deposited funds without further appropriation for catastrophic maintenance. Thus, CBO estimates that enacting H.R. 1442 would increase federal revenues by between \$0.5 million and \$1 million once the center has been completed—probably several years after the legislation's enactment. Revenues would be largely offset (over many years) by new direct spending.

H.R. 1442 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On June 30, 2003, CBO transmitted a cost estimate for S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial, as ordered reported by the Senate Committee on Energy and Natural Resources on June 25, 2003. H.R. 1442 is similar to title I of S. 1076, and the CBO cost estimate of the two versions of the proposal would have the same discretionary costs. However, we estimated that S. 1076 would not have any effect on federal revenues or direct spending because that version of the legislation would require that the 10 percent mainte-

nance deposit be made to (and spent by) the National Park Foundation (a nonfederal entity).

The CBO staff contact for this estimate is Deborah Reis. The estimate was reviewed 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman);

ACT OF JULY 1, 1980

(Public Law 96-297)

Joint Resolution To Authorize the Vietnam Memorial Fund, Inc., to Establish a Memorial.

* * * * *

SEC. 6. VISITOR CENTER.

(a) *AUTHORIZATION.*—

(1) *IN GENERAL.*—*The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.*

(2) *LOCATION.*—*The visitor center shall be located underground.*

(b) *APPLICATION OF COMMEMORATIVE WORKS ACT.*—*Chapter 89 of title, 40 United States Code (commonly referred to as the Commemorative Works Act) shall apply to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that—*

(1) *final approval of the visitor center shall not be withheld; and*

(2) *the provisions of section 8908(b) of title 40, United States Code requiring further approval by law for the location of a commemorative work within Area I shall not apply.*

(c) *OPERATION AND MAINTENANCE.*—*The Secretary of the Interior shall—*

(1) *operate the visitor center;*

(2) *enter into a cooperative agreement with the Vietnam Veterans Memorial Fund, Inc. for the routine maintenance of the visitor center;*

(3) *not later than 120 days after the date of the enactment of this section, in consultation with educators and veterans groups, provide to the Vietnam Veterans Memorial Fund, Inc. a preliminary plan to guide the design phase of the visitor center exhibits; and*

(4) *as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.*

(d) *FUNDING.—The Vietnam Veterans Memorial Fund, Inc. shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay an expense of the establishment of the visitor center or its maintenance.*