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NATIONAL MEDAL OF HONOR COMMEMORATIVE WORK

DECEMBER 16, 2021.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 172]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 172) to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 172 is to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia.

BACKGROUND AND NEED

The Medal of Honor is the highest military decoration awarded by the United States. By law, it is awarded by the President, in the name of Congress, to members of the United States Armed Forces who distinguish themselves “conspicuously by gallantry and intrepidity at the risk of [their] life above and beyond the call of duty” in combat. 10 U.S.C. §§ 7271, 8291, 9271. President Lincoln signed the first law creating the Medal of Honor in 1861, and the first Medal of Honor was awarded in 1863. Since that time just over 3,500 individuals have been awarded this honor.

The National Medal of Honor Museum Foundation, a 501(c)(3) educational organization, is proposing to construct a memorial to honor Medal of Honor recipients. The memorial would be built in Washington, D.C., in accordance with chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act).

The Commemorative Works Act sets the guidelines for creating commemorative works, including the initiation of a memorial, authorizing legislation, site selection and approval, fundraising, design approval, construction, and memorial dedication.

LEGISLATIVE HISTORY

S. 172 was introduced by Senators Cornyn and Kaine on February 2, 2021. The bill has 28 additional cosponsors. The Subcommittee on National Parks held a hearing on the bill on June 23, 2021.

Senators Cornyn and Kaine (with additional cosponsors) introduced similar legislation in the 116th Congress, S. 4433, but no action was taken on that bill.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass S. 172.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorization to establish commemorative work

Section 1(a) authorizes the National Medal of Honor Museum Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Medal of Honor recipients.

Subsection (b) requires the commemorative work to be in accordance with the Commemorative Works Act (40 U.S.C. chapter 89).

Subsection (c) prohibits the use of Federal funds to pay for the work and makes the National Medal of Honor Museum Foundation solely responsible for contributions and expenses for the establishment of the commemorative work.

Subsection (d) requires excess funds to be transmitted to the Secretary of the Interior to be deposited in a special account. If a balance remains after the authorization expires, this section requires remaining funds to be deposited into a separate account with the National Park Foundation established for memorial maintenance under 40 U.S.C. 8906(b)(3).

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 172 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office's estimate of the cost of S. 172 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 172. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program.

Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 172, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 172, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the June 23, 2021, hearing on S. 172 follows:

Statement of Michael A. Caldwell, Acting Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 172, a bill to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia or its environs, and for other purposes.

The Department supports S. 172. The commemorative work would be an appropriate way to honor the valor and values displayed by Medal of Honor recipients, many of whom died in the line of duty.

S. 172 authorizes the National Medal of Honor Museum Foundation to establish a commemorative work in the nation's capital to honor the extraordinary acts of valor, selfless service, and sacrifice displayed by Medal of Honor recipients. The work would be permitted in Area I or Area II under the Commemorative Works Act (40 U.S.C. 89) (Act) but not in the area designated 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 Act and prohibits Federal funds from being used to establish the work.

The Medal of Honor is the United States' highest military decoration. It is awarded to U.S. service members who distinguished themselves with extraordinary acts of heroism, and whose service and sacrifice far exceeded the call of duty.

During the 116th Congress, a similar bill, H.R. 5173, was introduced by Representative Marc Veasey. The National Capital Memorial Advisory Commission (Commission) reviewed that legislation and made recommendations to Congress on the bill language that would bring the bill in alignment with the requirements of the Act. The recommendations were made in accordance with the Act, which states that Congress shall solicit the views of the Commission in considering legislation authorizing commemorative works within the District of Columbia and its environs. S. 172 as introduced reflects the Commission's recommendations. The Department concurs with the Commission's views and supports the legislation as introduced.

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

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

