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WORLD WAR II MEMORIAL PRAYER ACT

MARCH 31, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1044]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1044) to direct the secretary of the Interior to install the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1044 is to direct the Secretary of the Interior to install a suitable plaque or inscription in the area of the World War II Memorial in Washington D.C., with the words that President Franklin D. Roosevelt said in a prayer with the United States on June 6, 1944, the morning of D-Day.

BACKGROUND AND NEED

Public Law 103-32 authorized the World War II Memorial on May 23, 1993, and Public Law 103-422 approved the Memorial's placement in Washington, D.C. on October 24, 1994. The World War II Memorial is located at the Rainbow Pool site on the National Mall. World War II is recognized as the single most defining event of the 20th Century for both Americans and the world. This Memorial honors the members of the Armed Forces who served in World War II and it commemorates the participation of the United States during the conflict.

On the morning of the D-Day landings, June 6, 1944, President Franklin D. Roosevelt addressed all Americans with a prayer for

the success of the Armed Forces of the United States and its World War II allies. President Roosevelt prayed for all the brave men fighting overseas that they would prevail over the enemy, protect America, and return safely to their families. The prayer asked for the people of the nation to devote themselves in a continuance of a prayer for help with the war efforts both at home and overseas.

Under the Commemorative Works Act, memorials and designs are approved by the National Capital Memorial Advisory Commission, the Commission of Fine Arts, and the Secretary of the Interior. S. 1044 would require the addition of President Roosevelt's D-Day prayer to the completed World War II Memorial. These changes cannot be made without enactment of a new law authorizing the Secretary of the Interior to prepare and install a suitable plaque or inscription in an area near the World War II Memorial.

LEGISLATIVE HISTORY

S. 1044 was introduced by Senator Portman on May 23, 2013. The bill is cosponsored by Senator Landrieu. The Subcommittee on National Parks held a hearing on S. 1044 on July 31, 2013 (S. Hrg. 113–93). At its business meeting on November 21, 2013 the Committee ordered S. 1044 favorably reported.

In the 112th Congress, Senator Portman introduced similar legislation, S. 3078, on May 10, 2012. The House of Representatives passed a related measure, H.R. 2070, sponsored by Representative Johnson of Ohio by a roll call vote of 386–26 on January 24, 2012. The Senate Subcommittee on National Parks held a hearing on S. 3078 on June 27, 2012 (S. Hrg. 112–578).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 21, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 1044.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “World War II Memorial Prayer Act of 2013.”

Section 2 directs the Secretary of the Interior to design, procure, prepare and install a plaque or inscription with the words of the prayer that President Franklin D. Roosevelt spoke on the morning of June 6, 1944, D-Day, in the area of the World War II Memorial in the District of Columbia, and prohibits the use of Federal funds to prepare or install the plaque or inscription.

Section 3 requires that the design and placement of the plaque be done in accordance with the Commemorative Works Act (40 U.S.C. Chapter 89).

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1044—World War II Memorial Prayer Act of 2013

S. 1044 would direct the Secretary of the Interior to install within the World War II Memorial in Washington, D.C., an inscription of the words President Roosevelt prayed with the nation on June

6, 1944. The legislation would direct the Secretary to design, procure, and install the inscription; however, federal funds could not be used to prepare or install the inscription. The Secretary would be authorized to accept and spend private donations for the inscription. Under the bill, the proposed addition to the memorial would be subject to the requirements of the Commemorative Works Act.

CBO estimates that implementing the legislation would have no significant impact on the federal budget. Based on information from the National Park Service, CBO estimates that the cost to maintain the inscription would be insignificant. Enacting S. 1044 would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects of receiving and spending donated funds would be insignificant in each year. Enacting S. 1044 would not affect revenues.

S. 1044 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

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. 1044.

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. 1044, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1044, as 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 National Park Service at the July 31, 2013, Subcommittee on National Parks hearing on S. 1044 follows:

STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1044, a bill which directs the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President

Franklin Delano Roosevelt prayed with the United States on D-Day, June 6, 1944.

The Department appreciates the importance of faith in the lives of Americans across this country, the leadership of President Roosevelt, and the courage and sacrifices of Americans during World War II and today. The World War II Memorial recognizes a period of unprecedented national unity during the defining moment of the twentieth century, and is devoted to the service, commitment, and shared sacrifice of Americans.

The Department appreciates the efforts by the sponsor, Senator Rob Portman, to work with the National Park Service (NPS) on this legislation. S. 1044 proposes adding a commemorative work in the area of the existing World War II Memorial. We support the continued application of the Commemorative Works Act (CWA). Section 2 of this bill states that the Secretary of the Interior shall design, procure, prepare, and install the plaque or inscription, thus allowing the NPS to determine the placement and design of the plaque. However, section 3 of the bill requires a different method of designing and locating the plaque or inscription than is provided in the CWA. The CWA process incorporates important design reviews and public consultation. We support retaining the CWA as the vehicle for siting and designing this plaque or inscription.

The World War II Memorial was authorized on May 23, 1993, by Public Law 103-32. In 1994, Congress approved its placement in the area containing the National Mall in Public Law 103-422. Its location at the site of the Rainbow Pool was approved in 1995 by the NPS on behalf of the Secretary of the Interior, the Commission of Fine Arts (CFA), and the National Capital Planning Commission (NCPC). In July 1997, the CFA and the NCPC reaffirmed prior approvals of the Rainbow Pool site in recognition of the significance of World War II as the single-most defining event of the 20th Century for Americans and the world. Even so, there were challenges to the establishment of this memorial. The design we see today was painstakingly arrived upon after years of public deliberations and spirited public debate.

The National Capital Memorial Advisory Commission (NCMAC) reviewed a proposal similar to the one before the committee today at its meeting on September 14, 2011, and determined that no additional elements should be inserted into this carefully designed Memorial. The American Battle Monuments Commission (ABMC), charged by the Congress in Public Law 103-32 to design and build the World War II Memorial, is represented on the NCMAC, and thus concurred with that determination.

If directed by Congress pursuant to this legislation, the NPS will work to find an appropriate location for the plaque in accordance with the CWA process, as directed in section 3 of this legislation.

That concludes our prepared testimony on S. 1044, and we would be happy to answer any questions you 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 S. 1044, as ordered reported.

