

Calendar No. 104

113TH CONGRESS }
1st Session }

SENATE

{ REPORT
113-50

DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL

JUNE 27, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 59]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 59) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museums in Riverside, California, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 59 is to designate a memorial at the March Field Air Museum in Riverside, California as the Distinguished Flying Cross National Memorial.

BACKGROUND AND NEED

Created by Congress in 1926, the Distinguished Flying Cross is the oldest military award in the United States for achievements in aviation. Records indicate that 126,318 members of the Armed Forces received the medal during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam war. More than 200 Armed Forces members have received the medal since the end of the Vietnam war. Other recipients of the Distinguished Flying Cross may be undocumented, since the National Personnel Records Center in St. Louis, Missouri burned down in 1973.

The Department of Defense continues to locate and identify members of the Armed Forces whose award of the medal has not been documented.

Currently, there is no national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have dis-

tinguished themselves by heroic deeds performed in aerial flight. A memorial to current and former members of the Armed Forces has been constructed at March Field Air Museum in Riverside, California. The museum, originally operated by the Air Force, has been operated by a private nonprofit organization, the March Field Museum Foundation, since 1996.

In October 2010, the museum dedicated a memorial in the museum's courtyard to honor Distinguished Flying Cross medal recipients. S. 59 would designate the memorial as the Distinguished Flying Cross National Memorial to honor all those members of the Armed Forces who have distinguished themselves in aerial flight.

LEGISLATIVE HISTORY

S. 59 was introduced by Senators Boxer, Feinstein, and Nelson on January 22, 2013. The Subcommittee on National Parks held a hearing on S. 59 on April 23, 2013. At its business meeting on May 16, 2013, the Committee ordered S. 59 favorably reported.

In the 112th Congress an identical bill, S. 864, was introduced by Senators Boxer, Feinstein, and Nelson on May 2, 2011. The Subcommittee on National Parks held a hearing on S. 864 on July 28, 2011 (S. Hrg. 112–214).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 59.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Distinguished Flying Cross National Memorial Act.”

Section 2(a) outlines the findings regarding the history and significance of the Distinguished Flying Cross, which is awarded to members of the armed forces for achievements in aviation.

Subsection (b) designates the memorial at March Field Air Museum in Riverdale, California as the Distinguished Flying Cross National Memorial.

Subsection (c) clarifies that the Distinguished Flying Cross National Memorial is not a unit of the National Park System and that the designation as a national memorial does not require or permit Federal funds to be expended for any purpose related to the memorial.

COST AND BUDGETARY CONSIDERATIONS

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

S. 59—Distinguished Flying Cross National Memorial Act

S. 59 would designate a memorial to members of the Armed Forces who have distinguished themselves in flight. The memorial, which would be located at the March Field Air Museum in Riverside, California, would not be a unit of the National Park System.

Based on information provided by the National Park Service, CBO estimates that implementing S. 59 would have no effect on discretionary spending because the proposed memorial would not

be constructed or operated with federal funds. Enacting the legislation would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

S. 59 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.

On May 2, 2013, CBO transmitted a cost estimate for H.R. 330, the Distinguished Flying Cross National Memorial Act, as ordered to be reported by the House Committee on Natural Resources on April 24, 2013. The two bills are similar, and the CBO cost estimates are the same.

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. 59.

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. 59, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 59, 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 April 23, 2013, Subcommittee on National Parks hearing on S. 59 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, 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. 59, a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The Department would defer to the Department of Defense for a position on S. 59 since the purpose of the legislation is to honor military personnel who have been awarded the Distinguished Flying Cross at a site that is not under the jurisdiction of the Department.

The Distinguished Flying Cross is awarded to a member of the United States armed forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight." It is the oldest military award in the United States for achievements in aviation. We applaud the effort of the March Field Air Museum to create a suitable memorial to the honor, bravery, and sacrifice of members of our Armed Forces who have earned this medal.

This legislation explicitly states that this memorial is not a unit of the National Park System. As this language makes clear, the use of the title "national memorial" creates a reasonable expectation among the general public that it must have an affiliation with the National Park Service, which currently administers 29 national memorials across the country. This is not the first time this issue has arisen, nor is it likely to be the last, and the Department respectfully encourages only the most thoughtful and judicious designation of any future "national" memorials or other similar sites.

That concludes my testimony Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

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. 59, as ordered reported.