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SENATE

{ REPORT  
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### NATIONAL DESERT STORM AND DESERT SHIELD WAR MEMORIAL ACT

MAY 22, 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. 995]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 995) to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, 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. 995 is to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial in the District of Columbia.

#### BACKGROUND AND NEED

On the morning of August 2, 1990, the Iraqi Republican Guard invaded and occupied the neighboring country of Kuwait. In response to the Iraqi invasion forces, the United States launched Operation Desert Shield on August 7, 1990, in order to protect Saudi Arabia from invasion. The United States deployed two aircraft carriers, USS *Dwight D. Eisenhower* and USS *Independence*, two battleships, USS *Missouri* and USS *Wisconsin*, and hundreds of land-based aircraft to Saudi Arabia to commence continuous air patrols protecting the Saudi border.

On November 29, 1990, the U.N. Security Council passed Resolution 678, which ordered Iraq to withdraw all troops from Kuwait by January 15, 1991. In defiance of the U.N. Resolution, Iraqi

forces remained in Kuwait and on January 17, 1991, U.S.-led coalition forces began Operation Desert Storm, an aerial bombardment consisting of over 100,000 sorties dropping over 88,000 tons of bombs. Operation Desert Storm eliminated the Iraqi occupying forces in Kuwait and much of the critical military and civilian infrastructure in Iraq. Coalition ground forces were deployed on February 24, 1991, led by the 1st and 2nd Marine Divisions and the 1st Light Armored Infantry Battalion. Facing 150,000 ground troops and 1,500 tanks, Saddam Hussein ordered a full retreat of Kuwait. Military hostilities between Coalition and Iraqi forces concluded on February 28, 1991.

During Operation Desert Storm and Operation Desert Shield, 383 American soldiers lost their lives including 148 from battle-related action. There is currently no national memorial commemorating either operation.

#### LEGISLATIVE HISTORY

Senators Boozman and Donnelly introduced S. 995 on May 21, 2013. The Subcommittee on National Parks held a hearing on S. 995 on July 31, 2013 (S. Hrg. 113–93). At its business meeting on November 21, 2013, the Committee ordered S. 995 favorably reported.

#### 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. 995.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the “National Desert Storm and Desert Shield Memorial Act.”

*Section 2* defines key terms used in the bill.

*Section 3(a)* authorizes the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial on Federal land in the District of Columbia to commemorate and honor members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

Subsection (b) requires that the memorial be established in accordance with the Commemorative Works Act (40 U.S.C. Chapter 89).

Subsection (c) prohibits the use of Federal funds to establish the memorial and directs the National Desert Storm Memorial Association to be solely responsible for accepting contributions for, and paying the expense of, the establishment of the memorial.

Subsection (d) requires that the Association, upon the payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code) or upon the expiration of the authority for the memorial under section 8903(c), transfer the remaining balance of funds received for the establishment of the memorial to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3).

## COST AND BUDGETARY CONSIDERATIONS

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

*S. 995—National Desert Storm and Desert Shield War Memorial Act*

S. 995 would authorize a non-profit organization to establish a commemorative work on federal lands in the District of Columbia. Enacting the legislation would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on the budget would not be significant in any year. Enacting H.R. 995 would not affect revenues.

The legislation would authorize the National Desert Storm Memorial Association to establish a memorial to honor members of the armed forces who participated in Operation Desert Storm or Operation Desert Shield. The memorial project, which would be completed without the use of federal funds, would be subject to the requirements of the Commemorative Works Act. Under that act, any entity that receives a permit to construct a memorial in the District of Columbia or its environs must donate to the National Park Foundation (a nonprofit organization) an amount equal to 10 percent of the memorial's estimated construction cost. That amount, as well as any project funds remaining after construction of the memorial, would be available in future years for maintenance of the memorial.

Based on the experience of similar commemorative projects, CBO expects that any amounts collected by the federal government would not be received for several years and would be offset by a transfer to the National Park Foundation (a nonfederal entity) soon thereafter.

S. 995 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. 995.

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. 995, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 995, 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. 995 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 present the Department of the Interior's testimony regarding S. 995, a bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes.

The Department supports S. 995 with an amendment.

S. 995 would authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work, on Federal land in the District of Columbia. This memorial would commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield. This bill also prohibits the use of federal funds to establish this memorial, and directs the Association to be solely responsible for accepting contributions for, and paying the expenses of, the establishment of the memorial.

On August 2, 1990, Iraqi forces invaded and occupied Kuwait. Fearing an Iraqi invasion of Saudi Arabia and a loss of control of Saudi oil fields, the United States launched Operation Desert Shield on August 7, 1990. This defensive buildup was intended to deter further Iraqi aggression and to persuade Iraqi forces to leave Kuwait. After diplomatic efforts failed, U.S. and other coalition forces began military actions against Iraq on January 17, 1991, in what is known as Operation Desert Storm. The aerial bombardment and the ensuing ground invasion of Iraq resulted in the destruction of Iraqi forces and their retreat from Kuwait, and hostilities concluded on February 28, 1991. A total of 294 Americans lost their lives over the course of the conflict, including 114 from enemy action. There is currently no national memorial to Operations Desert Shield or Desert Storm.

The National Desert Storm Memorial Association is a 501(c)(3) corporation organized under the laws of the State of Arkansas whose mission is to establish a national memorial to these conflicts.

The Department notes that Section 3(b) of this bill requires the establishment of the memorial to comply with Chapter 89 of Title 40, United States Code, commonly known as the "Commemorative Works Act". The Commemorative Works Act establishes a process for the establishment of new memorials on certain Federal lands within the District of Columbia.

On November 7, 2012, the National Capital Memorial Advisory Commission (NCMAC) reviewed the previous version of this bill, H.R. 5914, which was introduced in the 112th Congress. On December 20, 2012, after confirming with the Department of Defense that Operations Desert Shield and Desert Storm were major military operations, the Commission informed the House Natural Resources Committee of its unanimous support for the proposal.

Although S. 995 provides for the deposit of excess funds, the Department recommends that Section 3(d) of the bill be amended to clarify the disposition of excess funds should the authority to establish the memorial lapse. We would be glad to work with the Subcommittee to amend the existing language.

Mr. Chairman, this concludes my statement. I would be pleased to answer questions that you or other members of the committee might 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. 995, as ordered reported.

