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BUFFALO SOLDIERS COMMEMORATION ACT OF 2005

MARCH 9, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 205]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 205) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 205 is to authorize the American Battle Monuments Commission to establish a memorial in New Orleans, Louisiana, to honor the Buffalo Soldiers and to solicit and collect contributions for the construction and maintenance of the memorial.

BACKGROUND AND NEED

Following the Civil War, Congress authorized the formation of two cavalry regiments and four infantry regiments (which were soon reduced to two) composed of African-American soldiers. These regiments, the 9th and 10th Cavalry and the 24th and 25th Infantry, were stationed throughout the West, where they saw action in countless battles and skirmishes during the Indian Wars. The American Indians nicknamed the members of these regiments "Buffalo Soldiers."

The Buffalo Soldiers performed outstanding service to the United States not only during the Indian Wars, but the Spanish-American War, the Philippine Insurrection, and the raids against Pancho Villa. In addition, Buffalo Soldiers built forts, escorted wagon trains, mail stages, and railroad crews, drew maps, located sources

of water, and were largely responsible for opening millions of square miles of western land to settlement. Twenty Congressional Medals of Honor were awarded to Buffalo Soldiers.

Legislation is needed to authorize a fitting memorial in New Orleans, where two of the regiments were recruited, to recognize the meritorious service and notable accomplishments of the Buffalo Soldiers.

LEGISLATIVE HISTORY

S. 205 was introduced by Senator Landrieu on January 31, 2005. During the 108th Congress, the Committee considered identical legislation, S. 499, sponsored by Senators Landrieu and Breaux. The Subcommittee on National Parks held a hearing on S. 499 on June 10, 2003. At the business meeting on June 25, 2003, the Committee on Energy and Natural Resources ordered S. 499, as amended, favorably reported (S. Rept. 108–92). S. 499 passed the Senate by unanimous consent on July 17, 2004. The House of Representatives did not consider the bill prior to the *sine die* adjournment of the 108th Congress.

During the 107th Congress, Senator Landrieu introduced S. 1988, a similar bill, which was reported favorably by the Committee with an amendment in the nature of a substitute on October 3, 2002.

At its business meeting on February 9, 2005, the Committee on Energy and Natural Resources ordered S. 205 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on February 9, 2005, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 205.

SECTION-BY-SECTION ANALYSIS

Section 1 titles the bill as the "Buffalo Soldiers Commemoration Act of 2005."

Section 2 authorizes the American Battle Monuments Commission to establish a memorial in or around the city of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager; to solicit and accept contributions for the construction and maintenance of the memorial; to enter into a cooperative agreement for fundraising; and to enter into an agreement with an appropriate entity to provide for the permanent maintenance of the memorial.

Section 3(a) directs the Commission to maintain and deposit contributions into an escrow account for expenses in constructing the memorial, authorizes the Commission to invest a certain portion of the fund into an interest bearing obligation of the United States, and authorizes the use of the account for the purposes of establishing and maintaining the memorial.

Section 4 authorizes the appropriations necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

FEBRUARY 14, 2005.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 205, the Buffalo Soldier Commemoration Act of 2005.

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.

S. 205—Buffalo Soldier Commemoration Act of 2005

S. 205 would authorize the American Battle Monuments Commission to establish a memorial to honor Buffalo Soldiers near New Orleans, Louisiana. (Buffalo Soldiers are African-Americans who served in the United States Army during certain armed conflicts.) The bill would direct the commission to solicit contributions for the construction and maintenance of the memorial to be located on federal land. Contributions would be deposited into a newly created account held by the commission, and those funds (including any interest earnings) would be available for construction costs. Before construction of the memorial could begin, the commission would have to execute an agreement with an appropriate local entity to provide for maintenance of the structure. (Any amounts remaining in the commission's new account after construction would be transferred to that entity for maintenance.) Finally, the bill would authorize the appropriation of whatever sums are necessary to carry out the legislation.

Based on the cost of other monuments and assuming appropriation of the necessary amounts, CBO estimates that the commission would spend less than $5 million to build the Buffalo Soldier memorial over the next several years. The bill could increase revenues and direct spending if the commission raised private contributions to offset the cost of the memorial. CBO has no basis for predicting the amount that might be collected from private contributions, but any net budgetary impact of those transactions would likely be minor.

S. 205 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. Participation in this project by the state of Louisiana would be voluntary.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 205. The bill is not a regulatory measure in the sense of impos-

ing 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. 205, as ordered.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the Subcommittee hearing on S. 499 in the 108th Congress follows:

STATEMENT OF D. THOMAS ROSS, ASSISTANT DIRECTOR, RECREATION AND CONSERVATION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 499. This bill would authorize the American Battle Monuments Commission to establish a memorial in the State of Louisiana to honor the Buffalo Soldiers.

The Department supports efforts to honor the Buffalo Soldiers. However, in order to meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. As such, we cannot support the provision in S. 499 that could transfer the memorial to the National Park Service one year after establishment. The Department believes that it would be more appropriate for a memorial or monument commemorating the Buffalo Soldiers to be operated and maintained by the State of Louisiana, the City of New Orleans, or a suitable nonprofit corporation. Because of these concerns, and others raised by the American Battle Monuments Commission, the Administration recommends that S. 499 not be enacted.

S. 499 authorizes the American Battle Monuments Commission to establish a memorial to honor the Buffalo Soldiers on federal land in the city of New Orleans, Louisiana or its environs, or on land donated by the city or the State. The bill would require the Commission to solicit and accept contributions sufficient for the construction and maintenance of the memorial and would establish a fund in the U.S. Treasury for depositing and disbursing these contributions. One year after the establishing of the memorial, the Commission is authorized to transfer any remaining amounts in the fund and title to and responsibility for future operation and maintenance of the memorial to, at the option of the Commission, the National Park Service or another appropriate governmental agency or other entity.

Following the Civil War, Congress passed legislation to increase the size of the Regular Army. On July 28, 1866, Congress raised the number of cavalry regiments from six to ten and the number of infantry regiments from nineteen to forty-five. The legislation stipulated that two of the new

cavalry regiments and four of the new infantry regiments were to be composed of black men.

In compliance with the new law, the Ninth and Tenth Cavalry Regiments and the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first U.S. Infantry Regiments were organized. Three years later, when the army reduced the number of infantry regiments, these four new regiments were combined into the Twenty-fourth and Twenty-fifth U.S. Infantry.

These regiments were composed of white officers with black enlisted men and were reportedly nicknamed Buffalo Soldiers by the American Indians. Soldiers comprising the black regiments came from the former United States Colored that served in the Civil War, the New Orleans area, the fringes of the southern states, or large northern cities. They were former slaves as well as freedmen.

Almost immediately after their establishment, units from these regiments were stationed throughout the West. In the countless battles and skirmishes that marked the frontier Indian Wars, the Buffalo Soldiers played a significant role. Commanded by white officers, who at times resented their duty with the black regiments, the Buffalo Soldiers endured and overcame tremendous social and environmental obstacles. They faced discrimination and sometimes received inferior supplies and equipment.

The men in these regiments often found themselves in the forefront of action. For more than twenty-five years they not only engaged in battles with American Indians, but they built forts and escorted wagon trains, mail stages and railroad crews. Mapping and charting areas and locating sources of water, they were responsible for opening millions of square miles of western lands to peaceful settlement and development.

Until recent times, the Buffalo Soldiers received little recognition for their years of service on the frontier. The record of meritorious service and notable accomplishments amassed by the Buffalo Soldier regiments remain a symbol of hope and pride for all Americans. Their achievements serve as a reminder of the contributions they made to American life and culture and are the subject of a memorial at Fort Leavenworth. We supported the concept of honoring the excellent service to the nation of the Buffalo Soldiers through the existing Fort Leavenworth memorial and believe further effort to educate the public on their sacrifices is a worthy goal. We have no objection to the building of a memorial to the Buffalo Soldiers in New Orleans provided that an appropriate method of non-federal financing and constructing of such a memorial is identified and that it would be financed, operated, and maintained by the State of Louisiana, the City of New Orleans, or a suitable nonprofit corporation.

Mr. Chairman, that 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 S. 205, as ordered reported.

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