

United States Senate

Senator Tom Coburn, MD

February 16, 2012

The Honorable Kirsten Gillibrand
United States Senator
478 Russell Senate Office Building
Washington, DC 20510


Dear Senator Gillibrand,

Thank you for your letter discussing my concerns regarding S.1537, which would authorize \$200 million for the National September 11th Memorial and Museum. As you know, I support this project, which I believe will serve as a place of national remembrance for our great loss, a tribute to overcoming adversity, and a source of healing for all who visit.

I appreciate your willingness to work with me to find a way to pay for this legislation. Our national debt now exceeds \$15.3 trillion, and is a daunting reminder that even our best intentions can no longer come at the expense of future generations.

While I am certainly open to discussing revenues to pay for the project, your proposal to impose a tariff on imported American flags, unfortunately, poses a constitutional quandary. As Article I, Section 7, states "all Bills for raising Revenue shall originate in the House of Representatives." Therefore your proposal, unless approved by the House first, would be unconstitutional and not viable. Additionally, according to the Census Bureau, in 2010, the dollar value of U.S. imports of American Flags was \$3.2 million. In order to achieve the needed \$20 million annually provided in S. 1537, a tariff of 625% would need to be imposed.

Even if revenues cannot be considered to pay for the bill in a constitutionally acceptable manner, plenty of other potential offsets remain available. In fact, a multitude of existing federal programs could provide assistance to the National September 11th Memorial and Museum without the need for legislation. And as you know, the Memorial is *already* in receipt of extensive federal funding.

In a cursory overview, the non-partisan Congressional Research Service provided my office with a listing of existing grants and funding opportunities currently available to the September 11th Memorial and Museum, including from at least five different federal departments and several other federal agencies and offices.¹

When the federal government is wasting billions of dollars a year on wasteful or lower priority projects with little or no national significance, there is no reason why the September 11th Memorial and Museum would be denied support from these existing federal programs.

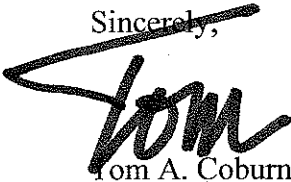
Consider, the federal government has awarded millions of dollars of grants to museums of far less national significance across the country, from Michigan's Museum of Magic to Las Vegas' Mob Museum to the Grateful Dead Museum in California. In New York, the federal government has funded a Harness Racing Museum and Hall of Fame, a video game museum, and is even paying to develop a marketing plan to increase sales and brand awareness of New York potato chips! Even in my own state, federal grants have been spent on projects such as interpreting the history of Route 66. Does anyone think any of these are more deserving of federal assistance than the September 11th Memorial and Museum?

The Foundation is already receiving support from federal sources for use at the memorial and museum. From 2006 through 2013, the Foundation will have received an average of \$38 million each year, more than three times its average annual budget, and nearly double the \$20 million authorization provided in S. 1537. These amounts demonstrate the national significance of this project and the continued commitment that will be provided by the federal government.

Again, I believe the September 11th Memorial and Museum should be held in the highest esteem, above politics and above the DC tradition of lobbying and earmarking of which taxpayers have had enough. Let's work together to demonstrate projects of such great merit, of which I can think of few greater than this memorial, do not have to take this path to receive recognition and federal assistance.

If you can secure passage of your bill containing the 666% tariff on imported flags that fully pays for the cost, I will not object to its passage by unanimous consent in the Senate. My office remains available to work with you to identify offsets to pay for the bill by reducing spending on other programs or to identify existing programs for which the September 11th Memorial and Museum is eligible to receive assistance from without the necessity of enacting legislation.

Sincerely,



Tom A. Coburn, M.D.
United States Senator

¹ According to the Congressional Research Service, "Depending upon specific projects, the non-profit organization National September 11 Memorial and Museum, the Lower Manhattan Development Corporation, the Empire State Development Corporation, the Port Authority, and the City of New York may be eligible to compete and receive future funding under various federal grants. As we discussed, additional construction funds may be sought under HUD CDBG programs administered by New York State; site and visitor security funding may be sought under Departments of Justice and Homeland Security programs; New York City tourism projects may be eligible for grants under Department of Commerce programs; and museum educational and other programs may seek grants under Department of Education grants, as well as under National Endowments for the Arts or Humanities programs."