

Calendar No. 444

107TH CONGRESS
2D SESSION

S. 281

[Report No. 107-177]

To authorize the design and construction of a temporary education center
at the Vietnam Veterans Memorial.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2001

Mr. HAGEL (for himself, Mr. MCCAIN, Mr. CLELAND, Mr. KERRY, Mr. WARNER, Ms. SNOWE, Mr. DEWINE, Mr. HUTCHINSON, Mr. MILLER, Mr. LEVIN, Mr. BROWNBACK, Mr. CONRAD, Mr. DASCHLE, Mr. LOTT, Mr. FEINGOLD, Mr. STEVENS, Mr. VOINOVICH, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Mr. FITZGERALD, Mr. DURBIN, Mr. INOUE, Mrs. HUTCHISON, Mr. KENNEDY, Mr. SARBANES, Ms. STABENOW, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. EDWARDS, Mr. LIEBERMAN, Mr. BOND, Mr. MCCONNELL, Ms. LANDRIEU, Mr. TORRICELLI, Mr. BURNS, Mr. MURKOWSKI, Mr. ALLEN, Mr. AKAKA, Mr. ENSIGN, Mr. CRAIG, Mr. THOMAS, Mr. CORZINE, Mr. BIDEN, Mrs. BOXER, Mr. SESSIONS, Mr. CHAFEE, Mr. BAYH, Mr. CARPER, Mrs. CLINTON, Mr. NELSON of Florida, Mr. DAYTON, Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, Mr. LUGAR, Mr. BUNNING, Mr. SPECTER, Mr. CRAPO, Mrs. CARNAHAN, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 25, 2002

Reported by Mr. BINGAMAN, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vietnam Veterans Me-
5 morial Education Act”.

6 **SEC. 2. TEMPORARY EDUCATION CENTER.**

7 Public Law 96–297 (16 U.S.C. 431 note; 94 Stat.
8 827) is amended by adding at the end the following:

9 **“SEC. 6. TEMPORARY EDUCATION CENTER.**

10 **“(a) IN GENERAL.—**The Vietnam Veterans Memorial
11 Fund, Inc., may, in accordance with this section, construct
12 a temporary education center (referred to in this section
13 as the ‘Center’) for the purpose of educating people about
14 the memorial authorized by this Act.

15 **“(b) ELEMENTS.—**The Center shall—

16 **“(1)** be placed on the memorial described in
17 section 5(f);

18 **“(2)** replace the National Park Service visitor
19 center located on the site as of the date of enact-
20 ment of this section; and

1 ~~“(3) have an area of not to exceed 1,200 square~~
 2 ~~feet.~~

3 ~~“(e) DURATION.—~~

4 ~~“(1) IN GENERAL.—The Center shall be a tem-~~
 5 ~~porary structure to be erected for a period of 10~~
 6 ~~years beginning on the date of completion of con-~~
 7 ~~struction of the Center, subject to paragraph (2).~~

8 ~~“(2) REEVALUATION.—On expiration of the pe-~~
 9 ~~riod referred to in paragraph (1), Congress may re-~~
 10 ~~evaluate the continuing need for the Center.~~

11 ~~“(d) FUNDING.—All funds required for the design~~
 12 ~~and construction of the Center shall be provided by the~~
 13 ~~Vietnam Veterans Memorial Fund, Inc.~~

14 ~~“(e) RELATION TO COMMEMORATIVE WORKS ACT.—~~
 15 ~~The Commemorative Works Act (40 U.S.C. 1001 et seq.)~~
 16 ~~shall apply to the design and placement of the Center.~~

17 ~~“(f) LIMITED AVAILABILITY OF EXCESS COIN~~
 18 ~~FUNDS.—~~

19 ~~“(1) IN GENERAL.—Except as provided in para-~~
 20 ~~graph (2), none of the funds made available under~~
 21 ~~section 208(b) of the United States Veterans Com-~~
 22 ~~memorative Coin Act of 1993 (31 U.S.C. 5112 note;~~
 23 ~~107 Stat. 2249) may be used to carry out this sec-~~
 24 ~~tion.~~

1 “(2) ~~USE OF EXCESS COIN FUNDS.—~~Funds de-
 2 scribed in paragraph (1) may be used to carry out
 3 this section only if—

4 “~~(A)~~ excess funds are available after the
 5 purposes of section 208(b) of the United States
 6 Veterans Commemorative Coin Act of 1993 (31
 7 U.S.C. 5112 note; 107 Stat. 2249) have been
 8 met; and

9 “~~(B)~~ the Vietnam Veterans Memorial
 10 Fund, Inc.—

11 “~~(i)~~ prepares a detailed written expla-
 12 nation of its compliance with section
 13 208(b) of the United States Veterans Com-
 14 memorative Coin Act of 1993 (31 U.S.C.
 15 5112 note; 107 Stat. 2249) (including an
 16 accounting of any excess funds);

17 “~~(ii)~~ prepares a detailed written expla-
 18 nation of the actual purposes for which the
 19 excess funds, or any portion of the funds,
 20 would be used (including documentation, in
 21 sufficient detail, of the actual uses of those
 22 funds);

23 “~~(iii)~~ has the explanations and docu-
 24 mentation under clauses (i) and (ii) cer-

tified by each member of its board of directors and by its chief executive officer;

“(iv) provides for an appropriate contingency reserve; and

“(v) makes available, on request by any Member of Congress or authorized representative of a Federal department or agency, any explanation or certified document (including supporting documents) described in any of clauses (i) through (iii).”.

TITLE I—VIETNAM VETERANS MEMORIAL EDUCATION CENTER

SEC. 101. EDUCATION CENTER.

Public Law 96–297, as amended (16 U.S.C. 431 note), is further amended by adding at the end thereof the following:

“SEC. 6. EDUCATION CENTER.

“(a) AUTHORIZATION.—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

“(2) The education center may be located above ground or underground, as determined through the approval proc-

1 *ess set forth under the Commemorative Works Act and this*
 2 *Act.*

3 “(3) *As used in this section, the term “education cen-*
 4 *ter” or “center” means a building or other structure ap-*
 5 *proved in accordance with the Commemorative Works Act*
 6 *(40 U.S.C. 1001 et seq.) and this section.*

7 “(b) *COMMEMORATIVE WORKS ACT APPLIES.—(1) The*
 8 *Commemorative Works Act (40 U.S.C. 1001 et seq.) shall*
 9 *apply to the education center, and the center shall be con-*
 10 *sidered a commemorative work for the purposes of that Act,*
 11 *except that—*

12 “(A) *final approval of the education center shall*
 13 *not be withheld; and*

14 “(B) *the provisions of section 6(a) of that Act*
 15 *(40 U.S.C. 1006(a)) requiring approval by law for*
 16 *the location of a commemorative work within Area I,*
 17 *shall not apply.*

18 “(2) *Notwithstanding section 6(c) of the Commemora-*
 19 *tive Works Act (as added by the Commemorative Works*
 20 *Clarification and Revision Act of 2002), the designation of*
 21 *the Reserve shall not preclude the approval of a site for the*
 22 *education center within such area.*

23 “(3) *Section 7(b)(4) of the Commemorative Works Act*
 24 *(as added by the Commemorative Works Clarification and*
 25 *Revision Act of 2002), prohibiting the authorization of a*

1 *commemorative work primarily designed as a museum on*
 2 *lands under the jurisdiction of the Secretary of the Interior*
 3 *within Area I or East Potomac Park, shall not be construed*
 4 *to deny approval of the education center.*

5 “(4) *The size of the education center shall be limited*
 6 *to the minimum necessary—*

7 (A) *to provide for appropriate educational and*
 8 *interpretive functions; and*

9 (B) *to prevent interference or encroachment on*
 10 *the Vietnam Veterans Memorial and to protect open*
 11 *space and visual sightlines on the Mall.*

12 “(5) *The education center shall be constructed and*
 13 *landscaped in a manner harmonious with the site of the*
 14 *Vietnam Veterans Memorial, consistent with the special na-*
 15 *ture and sanctity of the Mall.*

16 “(c) *OPERATION AND MAINTENANCE.—(1) The edu-*
 17 *cation center shall be operated and maintained by the Sec-*
 18 *retary of the Interior.*

19 “(2) *This subsection does not waive section 8(b) of the*
 20 *Commemorative Works Act (as amended by the Commemo-*
 21 *rative Works Clarification and Revision Act of 2002) (40*
 22 *U.S.C. 1008(b)) (requiring the donation of funds to offset*
 23 *the costs of perpetual maintenance and preservation of the*
 24 *commemorative work).*

1 “(d) *FUNDING.*—All funds required for the planning,
 2 design and construction of the education center shall be pro-
 3 vided by the Vietnam Veterans Memorial Fund, Inc. No
 4 Federal funds shall be used for the planning, design, or con-
 5 struction of the center.

6 “(e) *LIMITED AVAILABILITY OF EXCESS COIN*
 7 *FUNDS.*—(1) Except as provided in paragraph (2), none
 8 of the funds made available under section 208(b) of the
 9 United States Veterans Commemorative Coin Act of 1993
 10 (31 U.S.C. 5112 note) shall be used to carry out this section.

11 “(2) Funds described in paragraph (1) may be used
 12 to carry out this section only if—

13 “(A) excess funds are available after the purposes
 14 of section 208(b) of the United States Veterans Com-
 15 memorative Coin Act of 1993 (31 U.S.C. 5112 note)
 16 have been met; and

17 “(B) the Vietnam Veterans Memorial Fund,
 18 Inc.—

19 “(i) prepares a detailed written explanation
 20 of its compliance with the requirements of sec-
 21 tion 208(b) of that Act, including an accounting
 22 of any excess funds;

23 “(ii) prepares a detailed written expla-
 24 nation of the purposes for which the excess funds
 25 (or any portion thereof) would be used;

“(iii) prepares a detailed documentation of the actual uses for which the excess funds (or any portion thereof) was spent;

“(iv) has the explanations and documentation under clauses (I) through (iii) certified by each member of its Board of Directors and by its Chief Executive Officer; and

“(v) makes available, upon request of the Secretary of the Interior, the Comptroller General of the United States, or any other authorized representative of a Federal department or agency, any explanation or certified document (including supporting documents) described in this subparagraph.”.

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Commemorative Works Clarification and Revision Act of 2002”.

SEC. 202. ESTABLISHMENT OF RESERVE.

(a) *FINDINGS.*—Congress finds that—

(1) *the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and*

1 *from the White House to the Jefferson Memorial, is a*
 2 *substantially completed work of civic art;*

3 *(2) to preserve the integrity of the Mall, a reserve*
 4 *area should be designated within the core of the great*
 5 *cross-axis of the Mall where the siting of new com-*
 6 *memorative works is prohibited.*

7 *(b) RESERVE.—Section 6 of the Commemorative*
 8 *Works Act (40 U.S.C. 1006) is amended by adding at the*
 9 *end the following:*

10 *“(c) After the date of enactment of the Commemorative*
 11 *Works Clarification and Revision Act of 2002, no com-*
 12 *memorative work shall be located within the Reserve.”.*

13 **SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.**

14 *(a) Section 1(b) of the Commemorative Works Act (40*
 15 *U.S.C. 1001(b)) is amended by striking “Columbia;” and*
 16 *inserting “Columbia and its environs, and to encourage the*
 17 *location of commemorative works within the urban fabric*
 18 *of the District of Columbia;”.*

19 *(b) Section 2 of the Commemorative Works Act (40*
 20 *U.S.C. 1002) is amended to read as follows;*

21 *“As used in this Act—*

22 *“(1) the term ‘Secretary’ means the Secretary of*
 23 *the Interior;*

24 *“(2) the term ‘Administrator’ means the Admin-*
 25 *istrator of the General Services Administration;*

1 “(3) the term ‘commemorative work’ means any
2 statue, monument, sculpture, memorial, plaque, in-
3 scription, or other structure or landscape feature, in-
4 cluding a garden or memorial grove, designed to per-
5 petuate in a permanent manner the memory of an in-
6 dividual, group, event or other significant element of
7 American history, except that the term does not in-
8 clude any such item which is located within the inte-
9 rior of a structure or a structure which is primarily
10 used for other purposes;

11 “(4) the term ‘sponsor’ means a public agency,
12 and an individual, group or organization that is de-
13 scribed in section 501(c)(3) of the Internal Revenue
14 Code of 1986 and exempt from tax under section
15 501(a) of such Code, and which is authorized by Con-
16 gress to establish a commemorative work in the Dis-
17 trict of Columbia and its environs;

18 “(5) the term ‘Reserve’ means the great cross-axis
19 of the Mall, which generally extends from the United
20 States Capitol to the Lincoln Memorial, and from the
21 White House to the Jefferson Memorial, as depicted
22 on the map referenced in paragraph (6);

23 “(6) the term ‘the District of Columbia and its
24 environs’ means those lands and properties adminis-
25 tered by the National Park Service and the General

1 *Services Administration located in the Reserve, Area*
 2 *I, and Area II as depicted on the map entitled ‘Com-*
 3 *memorative Areas Washington, DC and Environs’,*
 4 *numbered 869/86501A, and dated May 1, 2002.’.*

5 *(c) Section 3 of the Commemorative Works Act (40*
 6 *U.S.C. 1003) is amended as follows:*

7 *(1) In subsection (b)—*

8 *(A) by striking “work commemorating a*
 9 *lesser conflict” and inserting “work solely com-*
 10 *memorating a limited military engagement”;*

11 *(B) by striking “the event.” and inserting*
 12 *“such war or conflict”.*

13 *(2) In subsection (d)—*

14 *(A) by striking “House Administration”*
 15 *and inserting “Resources”; and*

16 *(B) by inserting “Advisory” before “Com-*
 17 *mission”.*

18 *(d) Section 4 of the Commemorative Works Act (40*
 19 *U.S.C. 1004) is amended as follows:*

20 *(1) In subsection (a) by striking “The National*
 21 *Capital Memorial Advisory Committee as established*
 22 *by the Secretary is redesignated as the National Cap-*
 23 *ital Memorial Commission. The membership of the*
 24 *Commission shall be expanded to include:” and in-*
 25 *serting “The National Capital Memorial Advisory*

1 *Commission is hereby established and shall include*
 2 *the following members (or their designees):”.*

3 *(2) In subsection (b)—*

4 *(A) in the first sentence, by inserting “Ad-*
 5 *visory” before “Commission”; and*

6 *(B) by striking “Administrator” and insert-*
 7 *ing “Administrator (as appropriate)”.*

8 *(e) Section 5 of the Commemorative Works Act (40*
 9 *U.S.C. 1005) is amended—*

10 *(1) by striking “Secretary and the Adminis-*
 11 *trator” and inserting “Secretary or the Administrator*
 12 *(as appropriate)”;* and

13 *(2) by striking “numbered 869/8501, and dated*
 14 *May 1, 1986.” and inserting “entitled ‘Commemora-*
 15 *tive Areas Washington, DC and Environs’, numbered*
 16 *869/8501A, and dated May 1, 2002.”.*

17 *(f) Section 7 of the Commemorative Works Act (40*
 18 *U.S.C. 1007) is amended as follows:*

19 *(1) In subsection (a)—*

20 *(A) by striking “person” and inserting*
 21 *“sponsor” each place it appears; and*

22 *(B) by striking “designs” and inserting*
 23 *“design concepts”;*

24 *(2) In subsection (b)—*

1 (A) by striking “and Administrator” and
2 inserting “or Administrator (as appropriate)”;
3 and

4 (B) in paragraph (2), by striking “open
5 space and existing public use; and” and insert-
6 ing “open space, existing public use, and cul-
7 tural and natural resources;”.

8 (g) Section 8 of the Commemorative Works Act (40
9 U.S.C. 1008) is amended as follows;

10 (1) In subsection (a)(3) and (a)(4) by striking
11 “person” and inserting “sponsor”;

12 (2) By amending subsection (b) to read as fol-
13 lows:

14 “(b)(1) In addition to the foregoing criteria, no con-
15 struction permit shall be issued unless the sponsor author-
16 ized to construct the commemorative work has donated an
17 amount equal to 10 percent of the total estimated cost of
18 construction to offset the costs of perpetual maintenance
19 and preservation of the commemorative work. All such
20 amounts shall be available for those purposes pursuant to
21 the provisions of this subsection. The provisions of this sub-
22 section shall not apply in instances when the commemora-
23 tive work is constructed by a Department or agency of the
24 Federal Government and less than 50 percent of the funding
25 for such work is provided by private sources.

1 “(2) Notwithstanding any other provision of law,
2 money on deposit in the Treasury on the date of enactment
3 of this subsection provided by a sponsor for maintenance
4 pursuant to this subsection shall be credited to a separate
5 account in the Treasury.

6 “(3) Money provided by a sponsor pursuant to the pro-
7 visions of this subsection after the date of enactment of the
8 Commemorative Works Clarification and Revision Act of
9 2002 shall be credited to a separate account with the Na-
10 tional Park Foundation.

11 “(4) Upon request, the Secretary of the Treasury or
12 the National Park Foundation shall make all or a portion
13 of such moneys available to the Secretary or the Adminis-
14 trator (as appropriate) for the maintenance of a commemo-
15 rative work. Under no circumstances may the Secretary or
16 Administrator request funds from a separate account ex-
17 ceeding the total money in the account established under
18 paragraph (2) or (3). The Secretary and the Administrator
19 shall maintain an inventory of funds available for such
20 purposes. Funds provided under this paragraph shall be
21 available without further appropriation and shall remain
22 available until expended.”.

23 (h) Section 10(b) of the Commemorative Works Act (40
24 U.S.C. 1010) is amended to read as follows:

1 “(b) *Any legislative authority for a commemorative*
 2 *work shall expire at the end of the seven-year period begin-*
 3 *ning on the date of the enactment of such authority, or at*
 4 *the end of the seven-year period beginning on the date of*
 5 *the enactment of legislative authority to locate the com-*
 6 *memorative work within Area I, if such additional author-*
 7 *ity has been granted, unless:*

8 “(1) *the Secretary or the Administrator (as ap-*
 9 *propriate) has issued a construction permit for the*
 10 *commemorative work during that period; or*

11 “(2) *the Secretary or the Administrator (as ap-*
 12 *propriate), in consultation with the National Capital*
 13 *Memorial Advisory Commission, has made a deter-*
 14 *mination that—*

15 “(A) *final design approvals have been ob-*
 16 *tained from the National Capital Planning Com-*
 17 *mission and the Commission of Fine Arts; and*

18 “(B) *75 percent of the amount estimated to*
 19 *be required to complete the memorial has been*
 20 *raised.*

21 *“If these two conditions have been met, the Secretary*
 22 *or the Administrator (as appropriate) may extend the*
 23 *seven-year legislative authority for a period not to exceed*
 24 *three years from the date of expiration. Upon expiration*

1 *of the legislative authority, any previous site and design*
 2 *approvals shall also expire.”.*

3 **SEC. 204. SITE AND DESIGN CRITERIA.**

4 *Section 7 of the Commemorative Works Act (40 U.S.C.*
 5 *1007) is further amended as follows:*

6 *(1) in subsection (b)(3), by striking the period at*
 7 *the end and inserting a semicolon; and*

8 *(2) by adding the following new paragraphs:*

9 *“(4) No commemorative work primarily designed*
 10 *as a museum may be located on lands under the ju-*
 11 *risdiction of the Secretary in Area I or in East Poto-*
 12 *mac Park as depicted on the map reference in section*
 13 *2(5);*

14 *“(5) The National Capital Planning Commission*
 15 *and the Commission of Fine Arts may develop such*
 16 *criteria or guidelines specific to each site that are*
 17 *mutually agreed upon to ensure that the design of the*
 18 *commemorative work carries out the purposes of this*
 19 *Act; and*

20 *“(6) Donor contributions to commemorative*
 21 *works shall not be acknowledged in any manner as*
 22 *part of the commemorative work or its site.”.*

23 **SEC. 205. NO EFFECT OR PREVIOUSLY APPROVED SITES.**

24 *Nothing in this title shall apply to a commemorative*
 25 *work for which a site was approved in accordance with the*

1 *Commemorative Works Act prior to the date of enactment*
2 *of this title.*

3 **SEC. 206. NATIONAL PARK SERVICE REPORTS.**

4 *Within six months after the date of enactment of this*
5 *title, the Secretary of the Interior, in consultation with the*
6 *National Capital Planning Commission and the Commis-*
7 *sion of Fine Arts, shall submit to the committee on Energy*
8 *and Natural Resources of the United States Senate, and*
9 *to the Committee on Resources of the United States House*
10 *of Representatives reports setting forth plans for the fol-*
11 *lowing:*

12 *(1) To relocate the National Park Service's stable*
13 *and maintenance facilities that are within the Re-*
14 *serve as expeditiously as possible;*

15 *(2) To relocate, redesign or otherwise alter the*
16 *concession facilities that are within the Reserve to the*
17 *extent necessary to make them compatible with the*
18 *Reserve's character;*

19 *(3) To limit the sale or distribution of permitted*
20 *merchandise to those areas where such activities are*
21 *less intrusive upon the Reserve, and to relocate any*
22 *existing sale or distribution structures that would oth-*
23 *erwise be inconsistent with the plan; and*

24 *(4) To make other appropriate changes, if any,*
25 *to protect the character of the Reserve.*

Amend the title so as to read: “A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial, and for other purposes.”.



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