

108TH CONGRESS
1ST SESSION

S. 1076

AN ACT

To authorize construction of an education center at or near
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,*

1 **TITLE I—VIETNAM VETERANS**
2 **MEMORIAL EDUCATION CENTER**

3 **SEC. 101. EDUCATION CENTER.**

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

7 “SEC. 6. EDUCATION CENTER.

8 “(a) AUTHORIZATION.—

9 “(1) The Vietnam Veterans Memorial Fund,
10 Inc., is authorized to construct an education center
11 at or near the Vietnam Veterans Memorial site, sub-
12 ject to the provisions of this section, in order to bet-
13 ter inform and educate the public about the Vietnam
14 Veterans Memorial.

15 “(2) The education center may be located above
16 ground or underground, as determined through the
17 approval process set forth under the Commemorative
18 Works Act and this Act.

19 “(3) As used in this section, the term ‘edu-
20 cation center’ or ‘center’ means a building or other
21 structure approved in accordance with chapter 89 of
22 title 40, United States Code (commonly referred to
23 as the ‘Commemorative Works Act’) and this sec-
24 tion.

1 “(b) APPLICATION OF COMMEMORATIVE WORKS
2 ACT.—

3 “(1) The Commemorative Works Act (chapter
4 89 of title 40, United States Code) shall apply to the
5 education center, and the center shall be considered
6 a commemorative work for the purposes of that Act,
7 except that—

8 “(A) final approval of the education center
9 shall not be withheld; and

10 “(B) the provisions of section 8908(b) of
11 title 40, United States Code, requiring approval
12 by law for the location of a commemorative
13 work within Area I, shall not apply.

14 “(2) Notwithstanding section 8908(c) of title
15 40, United States Code (as added by the Commemo-
16 rative Works Clarification and Revision Act of
17 2003), the designation of the Reserve shall not pre-
18 clude the approval of a site for the education center
19 within such area.

20 “(3) Section 8905(b)(5) of title 40, United
21 States Code (as added by the Commemorative
22 Works Clarification and Revision Act of 2003), pro-
23 hibiting the authorization of a commemorative work
24 primarily designed as a museum on lands under the
25 jurisdiction of the Secretary of the Interior within

1 Area I or East Potomac Park, shall not be con-
 2 strued to deny approval of the education center.

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

5 “(A) to provide for appropriate educational
 6 and interpretive functions; and

7 “(B) to prevent interference or encroach-
 8 ment on the Vietnam Veterans Memorial and to
 9 protect open space and visual sightlines on the
 10 Mall.

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

15 “(c) OPERATION AND MAINTENANCE.—

16 “(1) The education center shall be operated and
 17 maintained by the Secretary of the Interior.

18 “(2) This subsection does not waive section
 19 8906(b) of title 40, United States Code (as amended
 20 by the Commemorative Works Clarification and Re-
 21 vision Act of 2003), requiring the donation of funds
 22 to offset the costs of perpetual maintenance and
 23 preservation of the commemorative work.

24 “(d) FUNDING.—All funds required for the planning,
 25 design and construction of the education center shall be

1 provided by the Vietnam Veterans Memorial Fund, Inc.
 2 No Federal funds shall be used for the planning, design,
 3 or construction of the center.”.

4 **TITLE II—COMMEMORATIVE** 5 **WORKS ACT AMENDMENTS**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Commemorative
 8 Works Clarification and Revision Act of 2003”.

9 **SEC. 202. ESTABLISHMENT OF RESERVE.**

10 Section 8908 of title 40, United States Code, is
 11 amended by adding at the end the following:

12 “(c) RESERVE.—After the date of enactment of the
 13 Commemorative Works Clarification and Revision Act of
 14 2003, no commemorative work shall be located within the
 15 Reserve.”.

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

17 (a) PURPOSES.—Section 8901(2) of title 40, United
 18 States Code, is amended by striking “Columbia;” and in-
 19 serting “Columbia and its environs, and to encourage the
 20 location of commemorative works within the urban fabric
 21 of the District of Columbia;”.

22 (b) DEFINITIONS.—Section 8902(a) of title 40,
 23 United States Code, is amended to read as follows:

24 “(a) DEFINITIONS.—In this chapter, the following
 25 definitions apply—

1 “(1) 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
6 individual, group, event or other significant element
7 of American history, except that the term does not
8 include any such item which is located within the in-
9 terior of a structure or a structure which is pri-
10 marily used for other purposes;

11 “(2) 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
16 Congress to establish a commemorative work in the
17 District of Columbia and its environs;

18 “(3) the term ‘Reserve’ means the great cross-
19 axis of the Mall, which generally extends from the
20 United States Capitol to the Lincoln Memorial, and
21 from the White House to the Jefferson Memorial, as
22 depicted on the map referenced in paragraph (4);
23 and

24 “(4) the term ‘the District of Columbia and its
25 environs’ means those lands and properties adminis-

1 tered by the National Park Service and the General
 2 Services Administration located in the Reserve, Area
 3 I, and Area II as depicted on the map entitled ‘Com-
 4 memorative Areas Washington, DC and Environs’,
 5 numbered 869/86501 B, and dated June 24, 2003.”.

6 (c) AUTHORIZATION.—Section 8903 of title 40,
 7 United States Code, is amended as follows:

8 (1) In subsection (b)—

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

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

14 (2) In subsection (d)—

15 (A) by striking “CONSULTATION WITH NA-
 16 TIONAL CAPITAL MEMORIAL COMMISSION.—”
 17 and inserting “CONSULTATION WITH NATIONAL
 18 CAPITAL MEMORIAL ADVISORY COMMIS-
 19 SION.—”;

20 (B) by striking “House Administration”
 21 and inserting “Resources”; and

22 (C) by inserting “Advisory” before “Com-
 23 mission”; and

24 (3) Subsection (e) is amended to read as fol-
 25 lows:

1 “(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—

2 Any legislative authority for a commemorative work shall
 3 expire at the end of the seven-year period beginning on
 4 the date of the enactment of such authority, or at the end
 5 of the seven-year period beginning on the date of the en-
 6 actment of legislative authority to locate the commemora-
 7 tive work within Area I, if such additional authority has
 8 been granted, unless—

9 “(1) the Secretary of the Interior or the Admin-
 10 istrator of General Services (as appropriate) has
 11 issued a construction permit for the commemorative
 12 work during that period; or

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

17 “(A) final design approvals have been ob-
 18 tained from the National Capital Planning
 19 Commission and the Commission of Fine Arts;
 20 and

21 “(B) 75 percent of the amount estimated
 22 to be required to complete the memorial has
 23 been raised.

24 If these two conditions have been met, the Secretary or
 25 the Administrator (as appropriate) may extend the seven-

1 year legislative authority for a period not to exceed three
 2 years from the date of expiration. Upon expiration of the
 3 legislative authority, any previous site and design approv-
 4 als shall also expire.”.

5 (d) NATIONAL CAPITAL MEMORIAL ADVISORY COM-
 6 MISSION.—Section 8904 of title 40, United States Code,
 7 is amended as follows:

8 (1) By striking “§ 8904. National Capital Me-
 9 morial Commission” and inserting “§ 8904. National
 10 Capital Memorial Advisory Commission”.

11 (2) In subsection (a) by striking “There is a
 12 National Capital Memorial Commission. The mem-
 13 bership of the Commission consists of—” and insert-
 14 ing “The National Capital Memorial Advisory Com-
 15 mission is hereby established and shall include the
 16 following members (or their designees):”.

17 (3) In subsection (c)—

18 (A) by inserting “Advisory” before “Com-
 19 mission”; and

20 (B) by striking “Services” and inserting
 21 “Services (as appropriate)”.

22 (4) In subsection (d) by inserting “Advisory”
 23 before “Commission”.

24 (e) SITE AND DESIGN APPROVAL.—Section 8905 of
 25 title 40, United States Code, is amended as follows:

1 (1) In subsection (a)—

2 (A) by striking “person” and inserting
3 “sponsor” each place it appears;

4 (B) by inserting “Advisory” before “Com-
5 mission” in paragraph (1); and

6 (C) by striking “designs” and inserting
7 “design concepts”.

8 (2) In subsection (b)—

9 (A) by striking “and Administrator” and
10 inserting “or Administrator (as appropriate)”;
11 and

12 (B) in paragraph (2)(B), by striking,
13 “open space and existing public use.” and in-
14 serting “open space, existing public use, and
15 cultural and natural resources.”.

16 (f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PER-
17 MIT.—Section 8906 of title 40, United States Code, is
18 amended as follows:

19 (1) In subsection (a)(3) and (a)(4) by striking
20 “person” and inserting “sponsor”.

21 (2) By amending subsection (b) to read as fol-
22 lows:

23 “(b) DONATION FOR PERPETUAL MAINTENANCE
24 AND PRESERVATION.—

1 “(1) In addition to the criteria described above
2 in subsection (a), no construction permit shall be
3 issued unless the sponsor authorized to construct the
4 commemorative work has donated an amount equal
5 to 10 percent of the total estimated cost of construc-
6 tion to offset the costs of perpetual maintenance and
7 preservation of the commemorative work. All such
8 amounts shall be available for those purposes pursu-
9 ant to the provisions of this subsection. The provi-
10 sions of this subsection shall not apply in instances
11 when the commemorative work is constructed by a
12 Department or agency of the Federal Government
13 and less than 50 percent of the funding for such
14 work is provided by private sources.

15 “(2) Notwithstanding any other provision of
16 law, money on deposit in the Treasury on the date
17 of enactment of this subsection provided by a spon-
18 sor for maintenance pursuant to this subsection
19 shall be credited to a separate account in the Treas-
20 ury.

21 “(3) Money provided by a sponsor pursuant to
22 the provisions of this subsection after the date of en-
23 actment of the Commemorative Works Clarification
24 and Revision Act of 2003 shall be credited to a sepa-
25 rate account with the National Park Foundation.

1 “(4) Upon request, the Secretary of the Treas-
2 ury or the National Park Foundation shall make all
3 or a portion of such moneys available to the Sec-
4 retary or the Administrator (as appropriate) for the
5 maintenance of a commemorative work. Under no
6 circumstances may the Secretary or Administrator
7 request funds from a separate account exceeding the
8 total money in the account established under para-
9 graph (2) or (3). The Secretary and the Adminis-
10 trator shall maintain an inventory of funds available
11 for such purposes. Funds provided under this para-
12 graph shall be available without further appropria-
13 tion and shall remain available until expended.”.

14 (g) AREAS I AND II.—Section 8908(a) of title 40,
15 United States Code, is amended—

16 (1) by striking “Secretary of the Interior and
17 Administrator of General Services” and inserting
18 “Secretary of the Interior or the Administrator of
19 General Services (as appropriate)”; and

20 (2) by striking “numbered 869/86581, and
21 dated May 1, 1986.” and inserting “entitled ‘Com-
22 memorative Areas Washington, DC and Environs’,
23 numbered 869/86501 B, and dated June 24, 2003.”.

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

2 Section 8905 of title 40, United States Code, is fur-
 3 ther amended by adding the following new paragraphs to
 4 subsection (b):

5 “(5) MUSEUMS.—No commemorative work pri-
 6 marily designed as a museum may be located on
 7 lands under the jurisdiction of the Secretary in Area
 8 I or in East Potomac Park as depicted on the map
 9 referenced in section 8902(4).

10 “(6) SITE-SPECIFIC GUIDELINES.—The Na-
 11 tional Capital Planning Commission and the Com-
 12 mission of Fine Arts may develop such criteria or
 13 guidelines specific to each site that are mutually
 14 agreed upon to ensure that the design of the com-
 15 memorative work carries out the purposes of this
 16 Act.

17 “(7) DONOR CONTRIBUTIONS.—Donor contribu-
 18 tions to commemorative works shall not be acknowl-
 19 edged in any manner as part of the commemorative
 20 work or its site.”.

21 **SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.**

22 Nothing in this title shall apply to a commemorative
 23 work for which a site was approved in accordance with
 24 the Commemorative Works Act prior to the date of enact-
 25 ment of this title.

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

2 Within six months after the date of enactment of this
3 title, the Secretary of the Interior, in consultation with
4 the National Capital Planning Commission and the Com-
5 mission of Fine Arts, shall submit to the Committee on
6 Energy and Natural Resources of the United States Sen-
7 ate, and to the Committee on Resources of the United
8 States House of Representatives reports setting forth
9 plans for the following:

10 (1) To relocate the National Park Service's sta-
11 ble and maintenance facilities that are within the
12 Reserve as expeditiously as possible.

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

17 (3) To limit the sale or distribution of per-
18 mitted merchandise to those areas where such activi-
19 ties are less intrusive upon the Reserve, and to relo-
20 cate any existing sale or distribution structures that
21 would otherwise be inconsistent with the plan.

- 1 (4) To make other appropriate changes, if any,
- 2 to protect the character of the Reserve.

Passed the Senate July 17, 2003.

Attest:

Secretary.

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