

109TH CONGRESS
1ST SESSION

S. 1686

To amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2005

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center.

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 “National Constitution
5 Center Operations Act”.

6 **SEC. 2. NAME CLARIFICATION.**

7 Section 3(a) of the Constitution Heritage Act of 1988
8 (16 U.S.C. 407bb(a)) is amended by striking “(hereafter
9 in this Act referred to as the ‘Center’)” and inserting
10 “(hereafter in this Act referred to as the ‘NCC’)”.

1 **SEC. 3. OPERATION OF THE NATIONAL CONSTITUTION CEN-**
2 **TER.**

3 Section 4 of the Constitution Heritage Act of 1988
4 (16 U.S.C. 407cc) is amended by adding at the end the
5 following:

6 “(c) OPERATION OF THE NCC.—

7 “(1) IN GENERAL.—A cooperative agreement
8 entered into under subsection (b) shall—

9 “(A) authorize the NCC to—

10 “(i) operate the NCC;

11 “(ii) provide to visitors to the NCC
12 any activities and services relating to and
13 consistent with any functions of the NCC
14 under section 3(b);

15 “(iii) carry out activities that are ap-
16 propriate for the operation of the NCC, in-
17 cluding charging fees, conducting events,
18 and selling and marketing merchandise,
19 tickets for activities of the NCC, and food
20 to visitors to the NCC; and

21 “(iv) negotiate and enter into any
22 agreements, leases, contracts, or other ar-
23 rangements with any person, firm, associa-
24 tion, organization, corporation, or govern-
25 mental entity (including the Federal Gov-
26 ernment and any State and local govern-

1 ments) that are appropriate for carrying
2 out activities at the NCC or that are nor-
3 mally associated with the operation of a fa-
4 cility like the NCC, including an agree-
5 ment, contract, or other arrangement for
6 janitorial service, building maintenance,
7 food service, information technology main-
8 tenance, or the operation of a museum
9 store;

10 “(B) provide that any revenues from facili-
11 ties and services of the NCC shall be made
12 available to the NCC, without further appro-
13 priation, to offset the expenses of operating the
14 NCC;

15 “(C) authorize the NCC to occupy the site
16 and any structures provided under subsection
17 (a)—

18 “(i) for a term specified in the cooper-
19 ative agreement not to exceed 30 years;
20 and

21 “(ii) in accordance with any terms
22 and conditions of the cooperative agree-
23 ment;

24 “(D)(i) provide that the NCC shall main-
25 tain, during the term of the cooperative agree-

1 ment and at the expense of the NCC, insurance
2 on the NCC covering such risks, in such
3 amounts, and including such terms and condi-
4 tions as the Secretary determines to be appro-
5 priate; and

6 “(ii) provide that any repairs or recon-
7 struction carried out using payments made to
8 the NCC under an insurance policy maintained
9 under clause (i) shall be subject to the approval
10 of the Secretary;

11 “(E) provide that the NCC shall maintain
12 the status as an organization described in sec-
13 tion 501(c)(3) of the Internal Revenue Code of
14 1986 that is exempt from taxation under sec-
15 tion 501(a) of the Code;

16 “(F) provide that the NCC shall make
17 available to the Secretary and the Comptroller
18 General of the United States all books, docu-
19 ments, papers, and records of the NCC that are
20 necessary for an audit;

21 “(G) provide that the NCC shall submit to
22 the Secretary or Congress an annual report
23 that—

24 “(i) describes the activities of the
25 NCC during the preceding fiscal year;

1 “(ii) compares the goals and objec-
2 tives of the NCC to the actual accomplish-
3 ments of the NCC during the preceding
4 fiscal year; and

5 “(iii) includes a plan for the NCC for
6 the subsequent fiscal year; and

7 “(H) include any other terms and condi-
8 tions that the Secretary determines to be appro-
9 priate.

10 “(2) TERMINATION OF AGREEMENT.—The Sec-
11 retary may terminate the cooperative agreement en-
12 tered into under paragraph (1) if the Secretary de-
13 termines that termination is in the best interest of
14 the public.

15 “(3) EFFECT ON EXISTING AGREEMENT.—The
16 agreement between the National Park Service and
17 the NCC numbered CA-4450-99-9018 shall remain
18 in effect until the date on which—

19 “(A) the agreement is terminated in ac-
20 cordance with the terms of the agreement; or

21 “(B) a cooperative agreement is entered
22 into under paragraph (1).

23 “(4) ADMINISTRATION OF INDEPENDENCE NA-
24 TIONAL HISTORICAL PARK.—Nothing in this sub-
25 section affects the authority of the Secretary to

1 enter into a contract or other agreement with any
2 organization or entity that provides for the adminis-
3 tration of Independence National Historical Park so
4 long as the agreement does not conflict with the co-
5 operative agreement entered into under paragraph
6 (1).

7 “(5) EXEMPTION FROM APPLICABLE LAW.—An
8 agreement, lease, contract, or other arrangement en-
9 tered into under paragraph (1) shall not be subject
10 to section 3(k) of Public Law 91–383 (16 U.S.C.
11 1a–2(k)), section 321 of the Act of June 30, 1939
12 (40 U.S.C. 303(b)), or section 403 of the National
13 Parks Omnibus Management Act of 1998 (16
14 U.S.C. 5952).”.

15 **SEC. 4. CONFORMING AMENDMENTS.**

16 (a) Section 3 of the Constitution Heritage Act of
17 1988 (16 U.S.C. 407bb) is amended—

18 (1) in the second sentence of subsection (a), by
19 striking “Center” and inserting “NCC”; and

20 (2) in subsection (b)—

21 (A) in the subsection heading, by striking
22 “CENTER” and inserting “NCC”;

23 (B) in the matter before paragraph (1), by
24 striking “Center” and inserting “NCC”; and

1 (C) in paragraph (3), by striking “Cen-
2 ter’s” and inserting “NCC’s”.

3 (b) Section 4 of the Constitution Heritage Act of
4 1988 (16 U.S.C. 407cc) is amended—

5 (1) in the section heading, by striking “**CEN-**
6 **TER**” and inserting “**NCC**”;

7 (2) in subsection (a), by striking “Center” each
8 place it appears and inserting “NCC”; and

9 (3) in subsection (b)—

10 (A) in the subsection heading, by striking
11 “CENTER” and inserting “NCC”;

12 (B) in the first sentence, by striking “Cen-
13 ter” the second place it appears and inserting
14 “NCC”; and

15 (C) in the second sentence, by striking
16 “National Constitution Center” and inserting
17 “NCC”.

18 (c) Section 5 of the Constitution Heritage Act of
19 1988 (16 U.S.C. 407cc) is amended in subsections (c) and
20 (e) by striking “National Constitution Center” each place
21 it appears and inserting “NCC”.

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