

106TH CONGRESS
2D SESSION

S. 311

AN ACT

To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

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

TITLE I—THE DISABLED VETERANS MEMORIAL

SECTION 101. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—Notwithstanding section 3(c) of Public Law 99–652, as amended (40 U.S.C. 1003(c)), the Disabled Veterans’ LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor disabled veterans who have served in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled “An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes”, approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 102. PAYMENT OF EXPENSES.

The Disabled Veterans’ LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by section 1(a). No Federal funds may be used to pay any expense of the establishment of the memorial.

1 **SEC. 103. DEPOSIT OF EXCESS FUNDS.**

2 If, upon payment of all expenses of the establishment
 3 of the memorial authorized by section 1(a) (including the
 4 maintenance and preservation amount provided for in sec-
 5 tion 8(b) of the Act referred to in section 1(b)), or upon
 6 expiration of the authority for the memorial under section
 7 10(b) of such Act, there remains a balance of funds re-
 8 ceived for the establishment of the memorial, the Disabled
 9 Veterans' LIFE Memorial Foundation shall transmit the
 10 amount of the balance to the Secretary of the Treasury
 11 for deposit in the account provided for in section 8(b)(1)
 12 of such Act.

13 **TITLE II—COMMEMORATIVE**
 14 **WORKS ACT AMENDMENTS**

15 **SEC. 201. SHORT TITLE**

16 This title may be cited as the “Commemorative
 17 Works Clarification and Revision Act of 2000”.

18 **SEC. 202. REFERENCE TO COMMEMORATIVE WORKS ACT.**

19 (a) In this title the term “Act” means the Commemo-
 20 rative Works Act of 1986, as amended (Public Law 99–
 21 652; 40 U.S.C. 1001 et seq.).

22 **SEC. 203. CLARIFICATIONS AND REVISIONS TO THE ACT.**

23 (a) Section 1(b) of the Act (40 U.S.C. 1001(b)) is
 24 amended by striking the semicolon and inserting “and its
 25 environs, and to encourage the location of commemorative

1 works within the urban fabric of the District of Colum-
2 bia;”.

3 (b) Section 2 of the Act (40 U.S.C. 1002) is amended
4 as follows:

5 (1) In subsection (c) by striking “or a structure
6 which is primarily used for other purposes” and in-
7 serting “that is not a commemorative work as de-
8 fined by this Act”;

9 (2) In subsection (d) by striking “person” and
10 inserting “sponsor”;

11 (3) In subsection (e) by striking “Areas I and
12 II as depicted on the map numbered 869/86501, and
13 dated May 1, 1986”, and insert “the Reserve, Area
14 I, and Area II as depicted on the map numbered
15 869/86501A, and dated March 23, 2000”;

16 (4) By redesignating subsection (e) as sub-
17 section (f); and

18 (5) By adding a new subsection (e) as follows:

19 “(e) the term “Reserve” means the great cross-axis
20 of the Mall, which is a substantially completed work of
21 civic art and which generally extends from the U.S. Cap-
22 itol to the Lincoln Memorial, and from the White House
23 to the Jefferson Memorial, as depicted on the map de-
24 scribed in subsection (f);”.

1 (c) Section 3 of the Act (40 U.S.C. 1003) is amended
2 as follows:

3 (1) In subsection (b)—

4 (A) by striking “work commemorating a
5 lesser conflict” and inserting “work solely com-
6 memorating a limited military engagement”;

7 (B) by striking “10” and inserting “25”;
8 and

9 (C) by striking “the event.” and inserting
10 “such war or conflict.”.

11 (2) In subsection (c) by striking “other than a
12 military commemorative work as described in sub-
13 section (b) of this section”; and

14 (3) In subsection (d) by striking “House Over-
15 sight” and inserting “Resources”.

16 (d) Section 4 of the Act (40 U.S.C. 1004) is amended
17 as follows:

18 (1) By amending subsection (a) to read as fol-
19 lows:

20 “(a) The National Capital Memorial Commission is
21 hereby established and shall include the following mem-
22 bers or their designees:

23 “(1) Director, National Park Service (who shall
24 serve as Chairman);

25 “(2) Architect of the Capitol;

1 “(3) Chairman, American Battle Monuments
2 Commission;

3 “(4) Chairman, Commission of Fine Arts;

4 “(5) Chairman, National Capital Planning
5 Commission;

6 “(6) Mayor, District of Columbia;

7 “(7) Commissioner, Public Buildings Service,
8 General Services Administration; and

9 “(8) Secretary, Department of Defense.”; and

10 (2) In subsection (b) by striking “Adminis-
11 trator” and inserting “Administrator (as appro-
12 priate)”.

13 (e) Section 5 of the Act (40 U.S.C. 1005) is
14 amended—

15 (1) By striking “Administrator” and inserting
16 “Administrator (as appropriate)” and

17 (2) By striking “869/8501, and dated May 1,
18 1986.” and inserting “869/8501A, and dated March
19 23, 2000.”.

20 (f) Section 6 of the Act (40 U.S.C. 1006) is amended
21 as follows:

22 (1) In subsection (a) by striking “3(b)” and in-
23 serting “3(d)”;

24 (2) By redesignating subsections (a) and (b) as
25 subsections (b) and (c), respectively; and

1 (3) by adding a new subsection (a) as follows:

2 “(a) Sites for commemorative works shall not be au-
3 thorized within the Reserve after January 1, 2000.”.

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

6 (1) By striking “person” and inserting “spon-
7 sor” each place it appears;

8 (2) In subsection (a) by striking “designs” and
9 inserting “design concepts”;

10 (3) In subsection (b) by striking “and Adminis-
11 trator” and inserting “or Administrator (as appro-
12 priate)”;

13 (4) In subsection (b)(2) by striking “open space
14 and existing public use; and” and inserting “open
15 space, existing public use, and cultural and natural
16 resources;”;

17 (5) In subsection (b)(3) by striking the period
18 at the end and inserting a semicolon; and

19 (6) by adding the following new paragraphs:

20 “(4) No commemorative work primarily de-
21 signed as a museum may be located on lands under
22 the jurisdiction of the Secretary in Area I or in East
23 Potomac Park as depicted on the map referenced in
24 subsection 2(f);

1 “(5) The National Capital Planning Commis-
2 sion and the Commission of Fine Arts may develop
3 such criteria or guidelines specified to each site that
4 are mutually agreed upon to ensure that the design
5 of the commemorative work carries out the purposes
6 of this Act; and”

7 “(6) Donor contributions to commemorative
8 works shall not be acknowledged in any manner as
9 part of the commemorative work or its site.”.

10 (h) Section 8 of the Act (40 U.S.C. 1008) is amended
11 as follows:

12 (1) In subsections (a)(3) and (a)(4) and in sub-
13 section (b) by striking “person” each place it ap-
14 pears and inserting “sponsor”.

15 (2) By amending subsection (b) to read as fol-
16 lows:

17 “(b) In addition to the foregoing criteria, no con-
18 struction permit shall be issued unless the sponsor author-
19 ized to construct the commemorative work has donated an
20 amount equal to 10 percent of the total estimated cost
21 of construction to offset the costs of perpetual mainte-
22 nance and preservation of the commemorative work. All
23 such proceeds shall be available for the nonrecurring re-
24 pair of the sponsor’s commemorative work pursuant to the
25 provisions of this subsection. The provisions of this sub-

1 section shall not apply in instances when the commemora-
2 tive work is constructed by a department or agency of the
3 Federal Government and less than 50 percent of the fund-
4 ing for such work is provided by private sources:

5 “(1) Notwithstanding any other provision of
6 law, money on deposit in the Treasury on the date
7 of enactment of this subsection provided by a spon-
8 sor for maintenance pursuant to this subsection
9 shall be credited to a separate account in the Treas-
10 ury.

11 “(2) Money provided by a sponsor pursuant to
12 the provisions of this subsection after the date of en-
13 actment of the Commemorative Works Clarification
14 and Revision Act of 2000 shall be credited to a sepa-
15 rate account with the National Park Foundation.

16 “(3) Upon request, the Secretary of the Treas-
17 ury or the National Park Foundation shall make all
18 or a portion of such moneys available to the Sec-
19 retary or the Administrator (as appropriate) for the
20 maintenance of a commemorative work. Under no
21 circumstances may the Secretary or Administrator
22 request funds from a separate account exceeding the
23 total money in the account established under para-
24 graph (1) or (2). The Secretary and the Adminis-
25 trator shall maintain an inventory of funds available

1 for such purposes. Funds provided under this para-
2 graph shall be available without further appropria-
3 tion and shall remain available until expended.”.

4 (3) By amending subsection (c) to read as fol-
5 lows:

6 “(c) The sponsor shall be required to submit to the
7 Secretary or the Administrator (as appropriate) an annual
8 report of operations, including financial statements au-
9 dited by an independent certified public accountant, paid
10 for by the sponsor authorized to construct the commemo-
11 rative work.”.

12 (i) Section 9 of the Act (40 U.S.C. 1009) is hereby
13 repealed.

14 (j) Section 10 of the Act (40 U.S.C. 1010) is amend-
15 ed as follows:

16 (1) by amending subsection (b) to read as fol-
17 lows:

18 “(b) Any legislative authority for a commemorative
19 work shall expire at the end of the seven-year period be-
20 ginning on the date of the enactment of such authority,
21 or at the end of the seven-year period beginning on the
22 date of the enactment of legislative authority to locate the
23 commemorative work within Area I where such addition
24 authority has been granted, unless:

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

4 “(2) the Secretary or the Administrator, in con-
5 sultation with the National Capital Memorial Com-
6 mission, has made a determination that final design
7 approvals have been obtained from the National
8 Capital Planning Commission and the Commission
9 of Fine Arts and that 75 percent of the amount esti-
10 mated to be required to complete the memorial has
11 been raised. If these two conditions have been met,
12 the Secretary or the Administrator may extend the
13 7-year legislative authority for a period not to exceed
14 three years from the date of expiration. Upon expi-
15 ration of the legislative authority, any previous site
16 and design approvals will also expire.”; and

17 (2) By adding a new subsection (f) as follows:

18 “(f) The National Capital Planning Commission, in
19 coordination with the Commission of Fine Arts and the
20 National Capital Memorial Commission, shall complete its
21 master plan to guide the location and development of fu-
22 ture memorials outside the Reserve for the next 50 years,
23 including evaluation of and guidelines for potential sites.”.

1 **SEC. 204. PREVIOUSLY APPROVED MEMORIALS.**

2 Nothing in this title shall apply to a memorial whose
3 site was approved, in accordance with the Commemorative
4 Works Act of 1986 (Public Law 99–652; 40 U.S.C. 1001
5 et seq.), prior to the date of enactment of this title.

Passed the Senate July 10, 2000.

Attest:

Secretary.

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