

108TH CONGRESS
1ST SESSION

S. 1981

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

DECEMBER 9, 2003

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. OPERATION OF THE NATIONAL CONSTITUTION**

4 **CENTER.**

5 Section 4 of the Constitution Heritage Act of 1988
6 (16 U.S.C. 407cc) is amended by adding at the end the
7 following:

8 “(c) OPERATION OF THE CENTER.—

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

1 “(A) authorize the Center to—

2 “(i) operate the Center;

3 “(ii) provide to visitors to the Center,
4 and to any other areas of Independence
5 National Historical Park that the Sec-
6 retary and the Center determine to be ap-
7 propriate, any activities and services relat-
8 ing to and consistent with any functions of
9 the Center under section 3(b);

10 “(iii) carry out activities that are ap-
11 propriate for the operation of the Center,
12 including charging fees, conducting events,
13 and selling and marketing merchandise,
14 tickets for activities of the Center, and
15 food to visitors to the Center; and

16 “(iv) negotiate and enter into any
17 agreements, leases, contracts, or other ar-
18 rangements with any person, firm, associa-
19 tion, organization, corporation, or govern-
20 mental entity (including the Federal Gov-
21 ernment and any State and local govern-
22 ments) appropriate for carrying out activi-
23 ties at the Center (including an agreement,
24 contract, or other arrangement for jani-
25 torial service, building maintenance, food

1 service, information technology mainte-
2 nance, or the operation of a museum
3 store);

4 “(B) provide that any revenues from facili-
5 ties and services of the Center shall be made
6 available to the Center, without further appro-
7 priation, to offset the expenses of operating the
8 Center;

9 “(C) authorize the Center to occupy the
10 site and any structures provided under sub-
11 section (a)—

12 “(i) for a term specified in the cooper-
13 ative agreement not to exceed 30 years;
14 and

15 “(ii) in accordance with any terms
16 and conditions of the cooperative agree-
17 ment;

18 “(D)(i) provide that the Center shall main-
19 tain, during the term of the cooperative agree-
20 ment and at the expense of the Center, insur-
21 ance on the Center covering such risks, in such
22 amounts, and including such terms and condi-
23 tions as the Secretary determines to be appro-
24 priate; and

1 “(ii) provide that any repairs or recon-
2 struction carried out using payments made to
3 the Center under an insurance policy main-
4 tained under clause (i) shall be subject to the
5 approval of the Secretary;

6 “(E) provide that the Center shall main-
7 tain the status as an organization described in
8 section 501(c)(3) of the Internal Revenue Code
9 of 1986 that is exempt from taxation under sec-
10 tion 501(a) of the Code;

11 “(F) provide that the Center shall make
12 available to the Secretary and the Comptroller
13 General of the United States all books, docu-
14 ments, papers, and records of the Center that
15 are necessary for an audit;

16 “(G) provide that, on request of the Sec-
17 retary or Congress, the Center shall submit to
18 the Secretary or Congress an annual report
19 that—

20 “(i) describes the activities of the
21 Center during the preceding fiscal year;

22 “(ii) compares the goals and objec-
23 tives of the Center to the actual accom-
24 plishments of the Center during the pre-
25 ceding fiscal year; and

1 “(iii) includes a plan for the Center
2 for the subsequent fiscal year; and

3 “(H) include any other terms and condi-
4 tions that the Secretary determines to be appro-
5 priate.

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

11 “(3) EFFECT ON EXISTING AGREEMENT.—The
12 agreement between the National Park Service and
13 the National Constitution Center numbered CA-
14 4450-99-9018 shall remain in effect until the date
15 on which—

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

18 “(B) a cooperative agreement is entered
19 into under paragraph (1).

20 “(4) ADMINISTRATION OF INDEPENDENCE NA-
21 TIONAL HISTORICAL PARK.—Nothing in this sub-
22 section affects the authority of the Secretary to
23 enter into a contract or other agreement with any
24 organization or entity that provides for the adminis-
25 tration of Independence National Historical Park so

1 long as the agreement does not conflict with the co-
2 operative agreement entered into under paragraph
3 (1).

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

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