

Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) *EFFECT ON ENTITLEMENT.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.*

(d) *EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).*

(e) *ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.*

(f) *ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.*

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 924), as amended, was read the third time and passed.

VIETNAM VETERANS MEMORIAL EDUCATION CENTER

The Senate proceeded to consider the bill (S. 1076) to authorize construction of an education center at or near the Vietnam Veterans Memorial, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Veterans Memorial Education Center Act".

[SEC. 2. VIETNAM VETERANS MEMORIAL EDUCATION CENTER.

[Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end 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 process set forth under

chapter 89 of title 40, United States Code, and this section.

["(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code, and this section.

["(b) **APPLICABLE LAW.**—(1) Chapter 89 of title 40, United States Code, shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

["(A) final approval of the education center shall not be withheld; and

["(B) the provisions of section 8908(b)(1) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

["(2) The size of the education center shall be limited to the minimum necessary—

["(A) to provide for appropriate educational and interpretive functions; and

["(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

["(3) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

["(c) **OPERATION AND MAINTENANCE.**—(1) The education center shall be operated and maintained by the Secretary of the Interior.

["(2) This subsection does not waive section 8906(b) of title 40, United States Code (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

["(d) **FUNDING.**—All funds required for the planning, design, and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center."]

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 process set forth under the Commemorative Works Act and this Act.

"(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act') and this section.

"(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—

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

"(A) final approval of the education center shall not be withheld; and

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

"(2) Notwithstanding section 8908(c) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), the designation of the Reserve shall

not preclude the approval of a site for the education center within such area.

"(3) Section 8905(b)(5) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.

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

"(A) to provide for appropriate educational and interpretive functions; and

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

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

"(c) OPERATION AND MAINTENANCE.—

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

"(2) This subsection does not waive section 8906(b) of title 40, United States Code (as amended by the Commemorative Works Clarification and Revision Act of 2003), requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work.

"(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center."

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Commemorative Works Clarification and Revision Act of 2003".

SEC. 202. ESTABLISHMENT OF RESERVE.

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

"(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work shall be located within the Reserve."

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) **PURPOSES.**—Section 8901(2) of title 40, United States Code, is amended by striking "Columbia;" and inserting "Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;"

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

"(a) **DEFINITIONS.**—In this chapter, the following definitions apply—

"(1) the term 'commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

"(2) the term 'sponsor' means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

"(3) the term 'Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson

Memorial, as depicted on the map referenced in paragraph (4); and

“(4) the term ‘the District of Columbia and its environs’ means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

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

(1) In subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”;

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

(2) In subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

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

(C) by inserting “Advisory” before “Commission”;

(3) Subsection (e) is amended to read as follows:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

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

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended as follows:

(1) By striking “§8904. National Capital Memorial Commission” and inserting “§8904. National Capital Memorial Advisory Commission”.

(2) In subsection (a) by striking “There is a National Capital Memorial Commission. The membership of the Commission consists of—” and inserting “The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):”.

(3) In subsection (c)—

(A) by inserting “Advisory” before “Commission”;

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

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

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

(1) In subsection (a)—

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

(B) by inserting “Advisory” before “Commission” in paragraph (1); and

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

(2) In subsection (b)—

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

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”.

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended as follows:

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

(2) By amending subsection (b) to read as follows:

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

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

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

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

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

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

(2) by striking “numbered 869/86581, and dated May 1, 1986.” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905 of title 40, United States Code, is further amended by adding the following new paragraphs to subsection (b):

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

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the

commemorative work carries out the purposes of this Act.

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

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Nothing in this title shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within six months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate the National Park Service’s stable and maintenance facilities that are within the Reserve as expeditiously as possible.

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

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

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

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 1076), as amended, was read the third time and passed.

GRANTING AN EASEMENT TO FACILITATE ACCESS TO THE LEWIS AND CLARK INTERPRETIVE CENTER IN NEBRASKA CITY, NEBRASKA

The bill (H.R. 255) to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

KRIS EGGLE VISITOR CENTER

The bill (H.R. 1577) to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center,” and for other purposes was considered, ordered to a third reading, read the third time, and passed.

H.R. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

(a) FINDING.—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) DEDICATION.—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) REDESIGNATION.—The visitor center in Organ Pipe Cactus National Monument in