

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2947

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 23, 1993

Received

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Read twice and referred to the Committee on Energy and Natural Resources

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## AN ACT

To amend the Commemorative Works Act, 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,*

3 **SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR**  
4 **MEMORIAL ESTABLISHMENT.**

5 (a) IN GENERAL.—The legislative authority for each  
6 of the following groups to establish a commemorative work  
7 (as defined by Public Law 99–652, as amended) shall ex-  
8 pire at the end of the 10-year period beginning on the  
9 date of enactment of such authority for the respective  
10 commemorative work, notwithstanding the time period  
11 limitation specified in section 10(b) of that Public Law:

1 (1) The Black Revolutionary War Patriots  
2 Foundation.

3 (2) The Women in Military Service for America  
4 Memorial Foundation.

5 (3) The National Peace Garden.

6 (b) NAME CHANGE.—(1) The Congress finds that the  
7 Peace Garden Project, Incorporated, has changed its name  
8 to the National Peace Garden.

9 (2) Any reference in a law, map, regulation, docu-  
10 ment, paper, or other record of the United States to the  
11 entity referred to in paragraph (1) shall be deemed to be  
12 a reference to the National Peace Garden.

13 **SEC. 2. COMMEMORATIVE WORKS ACT AMENDMENTS.**

14 (a) DEFINITIONS.—(1) Section 2(c) of the Act enti-  
15 tled “An Act to provide standards for placement of com-  
16 memorative works on certain Federal lands in the District  
17 of Columbia and its environs, and for other purposes” (40  
18 U.S.C. 1002(c)) is amended—

19 (A) by inserting “plaque, inscription,” after  
20 “memorial,”;

21 (B) by striking out “a person” and inserting in  
22 lieu thereof “an individual”; and

23 (C) by inserting “American” before “history”.

24 (2) Section 2(d) of such Act (40 U.S.C. 1002(d)) is  
25 amended by striking “an individual, group or organiza-

1 tion” and inserting “a public agency, and an individual,  
2 group or organization that is described in section  
3 501(c)(3) of the Internal Revenue Code of 1986 and ex-  
4 empt from tax under section 501(a) of such Code, and  
5 which is”.

6 (b) AUTHORIZATION.—Section 3 of such Act (40  
7 U.S.C. 1003) is amended as follows:

8 (1) In subsection (a), by inserting “on Federal  
9 lands referred to in section 1(d)” after “estab-  
10 lished”.

11 (2) By redesignating subsection (b) as sub-  
12 section (d) and inserting after subsection (a) the fol-  
13 lowing new subsections:

14 “(b) A military commemorative work may be author-  
15 ized only to commemorate a war or similar major military  
16 conflict or to commemorate any branch of the Armed  
17 Forces. No commemorative work commemorating a lesser  
18 conflict or a unit of an Armed Force shall be authorized.  
19 Commemorative works to a war or similar major military  
20 conflict shall not be authorized until at least 10 years after  
21 the officially designated end of the event.

22 “(c) A commemorative work commemorating an  
23 event, individual, or group of individuals, other than a  
24 military commemorative work as described in subsection  
25 (b) of this section, shall not be authorized until after the

1 25th anniversary of the event, death of the individual, or  
2 death of the last surviving member of the group.”.

3 (c) SPECIFIC CONDITIONS APPLICABLE TO AREAS I  
4 AND II.—Section 6 of such Act (40 U.S.C. 1006) is  
5 amended to read as follows:

6 “SPECIFIC CONDITIONS APPLICABLE TO AREA I AND  
7 AREA II

8 “SEC. 6. (a) AREA I.—The Secretary or Adminis-  
9 trator (as appropriate) may, after seeking the advice of  
10 the National Capital Memorial Commission, recommend  
11 the location of a commemorative work in Area I only if  
12 the Secretary or Administrator (as appropriate) deter-  
13 mines that the subject of the commemorative work is of  
14 preeminent historical and lasting significance to the Na-  
15 tion. The Secretary or Administrator (as appropriate)  
16 shall notify the National Capital Memorial Commission  
17 and the committees of Congress specified in section 3(b)  
18 of the recommendation by the Secretary or Administrator  
19 (as appropriate) that a commemorative work should be lo-  
20 cated in Area I. The location of a commemorative work  
21 in Area I shall be deemed not authorized, unless, not later  
22 than 150 calendar days after such notification, the rec-  
23 ommendation is approved by law.

24 “(b) AREA II.—Commemorative works of subjects of  
25 lasting historical significance to the American people may  
26 be located in Area II.”.

1 (d) SITE AND DESIGN APPROVAL.—Section 7 of such  
2 Act (40 U.S.C. 1007) is amended—

3 (1) in the matter preceding paragraph (1) of  
4 subsection (a), by striking out “commencing con-  
5 struction of the commemorative work” and inserting  
6 in lieu thereof “requesting the permit for the con-  
7 struction of the commemorative work”;

8 (2) in paragraph (1) of subsection (a)—

9 (A) by inserting “the selection of alter-  
10 native sites and designs for” after “regarding”;  
11 and

12 (B) by striking out the second sentence;

13 (3) in paragraph (2) of subsection (a), by strik-  
14 ing out “and the Secretary or Administrator (as ap-  
15 propriate)”;

16 (4) in the matter preceding paragraph (1) of  
17 subsection (b), by inserting “(but not limited by)”  
18 after “guided by”.

19 (e) CRITERIA FOR ISSUANCE OF CONSTRUCTION  
20 PERMIT.—(1) Section 8(a)(3) of such Act (40 U.S.C.  
21 1008(a)(3)) is amended by striking out “contracts for con-  
22 struction and drawings” and inserting in lieu thereof  
23 “contract documents for construction”.

24 (2) Section 8 of such Act (40 U.S.C. 1008) is amend-  
25 ed by adding at the end the following:

1       “(c)(1) The Secretary or the Administrator may sus-  
2 pend any activity under the authority of this Act with re-  
3 spect to the establishment of a commemorative work if the  
4 Secretary or Administrator determines that—

5           “(A) fundraising efforts with respect to the  
6 commemorative work have misrepresented an affili-  
7 ation with the commemorative work or the United  
8 States; or

9           “(B) the percentage of funds raised that is dis-  
10 bursed for administrative expenses and fundraising  
11 fees is unreasonable or excessive or otherwise vio-  
12 lates fund raising standards established by the Sec-  
13 retary or Administrator.

14       “(2) The person shall be required to submit to the  
15 Secretary or Administrator an annual report of operations  
16 prepared by an independent certified public accountant,  
17 paid for by the person authorized to construct the com-  
18 memorative work.

19       “(3) The person authorized to construct a commemo-  
20 rative work shall require in all fundraising contracts that  
21 the fundraiser make its books and records with respect  
22 to the commemorative work fully available to the Secretary  
23 or Administrator and the Comptroller General of the Unit-  
24 ed States for a period of not less than five years after  
25 the establishment of the commemorative work.”.

1 (f) TEMPORARY SITE DESIGNATION.—Section 9(a) of  
2 such Act (40 U.S.C. 1009(a)) is amended by striking out  
3 “he may designate such a site on lands administered by  
4 him” and inserting in lieu thereof “a site may be des-  
5 ignated on lands administered by the Secretary”.

6 (g) MISCELLANEOUS PROVISIONS.—(1) Section  
7 10(d) of such Act (40 U.S.C. 1010(d)) is amended to read  
8 as follows:

9 “(d) The Secretary and the Administrator shall de-  
10 velop appropriate regulations or standards to carry out  
11 this Act.”.

12 (2) Section 10(e) of such Act (40 U.S.C. 1010(e))  
13 is amended to read as follows:

14 “(e) This Act shall apply to all commemorative works  
15 authorized by Congress before, on, or after the date of  
16 enactment of this subsection.”.

17 (h) SHORT TITLE.—Such Act is amended by adding  
18 at the end the following new section:

19 “SHORT TITLE

20 “SEC. 11. This Act may be cited as the ‘Commemora-  
21 tive Works Act’.”.

Passed the House of Representatives November 23  
(legislative day, November 22), 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*