

# Calendar No. 516

106TH CONGRESS  
2D SESSION

# S. 311

[Report No. 106-273]

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 1999

Mr. MCCAIN (for himself, Mr. COVERDELL, Mr. CLELAND, Mr. KERREY, Mr. REID, Mr. BRYAN, Mr. INOUE, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mr. WELLSTONE, Mr. DASCHLE, Mr. ROBB, Mr. HUTCHINSON, Mr. BURNS, Mr. GRAHAM, Mr. HARKIN, and Mr. L. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 13, 2000

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

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,*

1     *TITLE I—THE DISABLED AMERICAN*  
 2                     *VETERANS MEMORIAL*

3     ~~SECTION 1.~~ **SECTION 101. AUTHORITY TO ESTABLISH ME-**  
 4                     **MORIAL.**

5             (a) IN GENERAL.—~~The Disabled~~ *Notwithstanding*  
 6     *section 3(c) of Public Law 99–652, as amended (40 U.S.C.*  
 7     *1003(c)), the Disabled Veterans’ LIFE Memorial Founda-*  
 8     *tion is authorized to establish a memorial on Federal land*  
 9     *in the District of Columbia or its environs to honor dis-*  
 10     *abled American veterans who have served in the Armed*  
 11     *Forces of the United States.*

12            (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
 13     RATIVE WORKS.—The establishment of the memorial au-  
 14     thorized by subsection (a) shall be in accordance with the  
 15     Act entitled “An Act to provide standards for placement  
 16     of commemorative works on certain Federal lands in the  
 17     District of Columbia and its environs, and for other pur-  
 18     poses”, approved November 14, 1986 (40 U.S.C. 1001 et  
 19     seq.).

20     ~~SEC. 2.~~ **102. PAYMENT OF EXPENSES.**

21            The Disabled Veterans’ LIFE Memorial Foundation  
 22     shall be solely responsible for acceptance of contributions  
 23     for, and payment of the expenses of, the establishment of  
 24     the memorial authorized by section 1(a). No Federal funds

1 may be used to pay any expense of the establishment of  
2 the memorial.

3 **SEC. 3. 103. DEPOSIT OF EXCESS FUNDS.**

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

15 **TITLE II—COMMEMORATIVE**  
16 **WORKS ACT AMENDMENTS**

17 **SEC. 201. REFERENCE TO COMMEMORATIVE WORKS ACT.**

18 *(a) In this title the term "Act" means the Commemora-*  
19 *tive Works Act of 1986, as amended (Public Law 99-652;*  
20 *40 U.S.C. 1001 et seq.).*

21 **SEC. 202. CLARIFICATIONS AND REVISIONS TO THE ACT.**

22 *(a) Section 1(b) of the Act (40 U.S.C. 1001(b)) is*  
23 *amended by striking the semicolon and inserting "and its*  
24 *environs, and to encourage the location of commemorative*  
25 *works within the urban fabric of the District of Columbia;".*

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

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

7           (2) In subsection (d) by striking “person” and  
8 inserting “sponsor”;

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

14           (4) By redesignating subsection (e) as subsection  
15 (f); and

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

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

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

25           (1) In subsection (b)—

1           (A) by striking “work commemorating a  
2           lesser conflict” and inserting “work solely com-  
3           memorating a limited military engagement”;

4           (B) by striking “10” and inserting “25”;  
5           and

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

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

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

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

15           (1) By amending subsection (a) to read as fol-  
16          lows:

17          “(a) The National Capital Memorial Commission is  
18 hereby established and shall include the following members  
19 or their designees:

20           “(1) Director, National Park Service (who shall  
21          serve as Chairman);

22           “(2) Architect of the Capitol;

23           “(3) Chairman, American Battle Monuments  
24          Commission;

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

1           “(5) *Chairman, National Capital Planning*  
2           *Commission;*

3           “(6) *Mayor, District of Columbia;*

4           “(7) *Commissioner, Public Buildings Service,*  
5           *General Services Administration; and*

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

7           (2) *In subsection (b) by striking “Adminis-*  
8           *trator” and inserting “Administrator (as appro-*  
9           *priate)”.*

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

11           (1) *By striking “Administrator” and inserting*  
12           *“Administrator (as appropriate)” and*

13           (2) *By striking “869/8501, and dated May 1,*  
14           *1986.” and inserting “869/8501A, and dated March*  
15           *23, 2000.”.*

16          (f) *Section 6 of the Act (40 U.S.C. 1006) is amended*  
17          *as follows:*

18           (1) *In subsection (a) by striking “3(b)” and in-*  
19           *serting “3(d)”;*

20           (2) *By redesignating subsections (a) and (b) as*  
21           *subsections (b) and (c), respectively; and*

22           (3) *by adding a new subsection (a) as follows:*

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

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

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

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

7           (3) In subsection (b) by striking “and Adminis-  
8 trator” and inserting “or Administrator (as appro-  
9 priate)”;

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

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

16          (6) by adding the following new paragraphs:

17           “(4) No commemorative work primarily designed  
18 as a museum may be located on lands under the ju-  
19 risdiction of the Secretary in Area I or in East Poto-  
20 mac Park as depicted on the map referenced in sub-  
21 section 2(f);

22           “(5) The National Capital Planning Commission  
23 and the Commission of Fine Arts may develop such  
24 criteria or guidelines specified to each site that are  
25 mutually agreed upon to ensure that the design of the

1 *commemorative work carries out the purposes of this*  
2 *Act; and”*

3 *“(6) Donor contributions to commemorative*  
4 *works shall not be acknowledged in any manner as*  
5 *part of the commemorative work or its site.”.*

6 *(h) Section 8 of the Act (40 U.S.C. 1008) is amended*  
7 *as follows:*

8 *(1) In subsection (a)(3) and (a)(4) and in sub-*  
9 *section (b) by striking “person” each place it appears*  
10 *and inserting “sponsor”;*

11 *(2) In subsection (b)(1) and (b)(2) by striking*  
12 *“persons” each place it appears and inserting “a*  
13 *sponsor”;*

14 *(3) By adding at the end of subsection (b)(1),*  
15 *“All such proceeds shall be available, without further*  
16 *appropriation, for the non-recurring repair of the*  
17 *sponsor’s commemorative work.”;*

18 *(4) In subsection (b)(2), by striking “Congress*  
19 *authorizes and directs that,” and inserting “Congress*  
20 *authorizes and directs that, upon request,”;*

21 *(5) In subsection (b)(2) in the first sentence*  
22 *strike “Administrator”, and inserting “Administrator*  
23 *(as appropriate)”;* and

24 *(6) By amending subsection (c) to read as fol-*  
25 *lows:*

1       “(c) The sponsor shall be required to submit to the Sec-  
2       retary or the Administrator (as appropriate) an annual re-  
3       port of operations, including financial statements audited  
4       by an independent certified public accountant, paid for by  
5       the sponsor authorized to construct the commemorative  
6       work.”.

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

9       (j) Section 10 of the Act (40 U.S.C. 1010) is amended  
10      as follows:

11             (1) by amending subsection (b) to read as fol-  
12      lows:

13             “(b) Any legislative authority for a commemorative  
14      work shall expire at the end of the seven-year period begin-  
15      ning on the date of the enactment of such authority, or at  
16      the end of the seven-year period beginning on the date of  
17      the enactment of legislative authority to locate the com-  
18      memorative work within Area I where such addition au-  
19      thority has been granted, unless:

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

23                     “(2) the Secretary or the Administrator, in con-  
24      sultation with the National Capital Memorial Com-  
25      mission, has made a determination that final design

1        *approvals have been obtained from the National Cap-*  
2        *ital Planning Commission and the Commission of*  
3        *Fine Arts and that 75 percent of the amount esti-*  
4        *mated to be required to complete the memorial has*  
5        *been raised. If these two conditions have been met, the*  
6        *Secretary or the Administrator may extend the 7-year*  
7        *legislative authority for a period not to exceed three*  
8        *years from the date of expiration. Upon expiration of*  
9        *the legislative authority, any previous site and design*  
10       *approvals will also expire.”; and*

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

12                *“(f) The National Capital Planning Commission, in*  
13        *coordination with the Commission of Fine Arts and the Na-*  
14        *tional Capital Memorial Commission, shall complete its*  
15        *master plan to guide the location and development of future*  
16        *memorials outside the Reserve for the next 50 years, includ-*  
17        *ing evaluation of and guidelines for potential sites.”.*

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