

In the Senate of the United States,

November 5, 2003.

Resolved, That the bill from the House of Representatives (H.R. 1442) entitled “An Act to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—VIETNAM VETERANS***

2 ***MEMORIAL VISITOR CENTER***

3 ***SEC. 101. VISITOR CENTER***

4 *Public Law 96–297 (16 U.S.C. 431 note) is amended*

5 *by adding at the end the following:*

1 **“SEC. 6. VISITOR CENTER.**

2 “(a) *AUTHORIZATION.*—

3 “(1) *IN GENERAL.*—*The Vietnam Veterans Me-*
4 *memorial Fund, Inc., is authorized to construct a visitor*
5 *center at or near the Vietnam Veterans Memorial on*
6 *Federal land in the District of Columbia, or its envi-*
7 *rons, subject to the provisions of this section, in order*
8 *to better inform and educate the public about the*
9 *Vietnam Veterans Memorial and the Vietnam War.*

10 “(2) *LOCATION.*—*The visitor center shall be lo-*
11 *cated underground.*

12 “(3) *CONSULTATION ON DESIGN PHASE.*—*The*
13 *Vietnam Veterans Memorial Fund, Inc. shall consult*
14 *with educators, veterans groups, and the National*
15 *Park Service in developing the proposed design of the*
16 *visitor center.*

17 “(b) *COMPLIANCE WITH STANDARDS APPLICABLE TO*
18 *COMMEMORATIVE WORKS.*—*Chapter 89 of title 40, United*
19 *States Code, shall apply, including provisions related to the*
20 *siting, design, construction, and maintenance of the visitor*
21 *center, and the visitor center shall be considered a com-*
22 *memorative work for the purposes of that Act, except that—*

23 “(1) *final approval of the visitor center shall not*
24 *be withheld;*

25 “(2) *the provisions of subsections (b) and (c) of*
26 *section 8908 of title 40, United States Code, requiring*

1 *further approval by law for the location of a com-*
2 *memorative work within Area I and prohibiting the*
3 *siting of a visitor center within the Reserve shall not*
4 *apply;*

5 *“(3) the size of the visitor center shall be limited*
6 *to the minimum necessary—*

7 *“(A) to provide for appropriate educational*
8 *and interpretive functions; and*

9 *“(B) to prevent interference or encroach-*
10 *ment on the Vietnam Veterans Memorial and to*
11 *protect open space and visual sightlines on the*
12 *Mall; and*

13 *“(4) the visitor center shall be constructed and*
14 *landscaped in a manner harmonious with the site of*
15 *the Vietnam Veterans Memorial, consistent with the*
16 *special nature and sanctity of the Mall.*

17 *“(c) OPERATION AND MAINTENANCE.—*

18 *“(1) IN GENERAL.—The Secretary of the Interior*
19 *shall—*

20 *“(A) operate and maintain the visitor cen-*
21 *ter, except that the Secretary shall enter into a*
22 *written agreement with the Vietnam Veterans*
23 *Memorial Fund, Inc. for specified maintenance*
24 *needs of the visitor center, as determined by the*
25 *Secretary; and*

1 “(B) as soon as practicable, in consultation
2 with educators and veterans groups, develop a
3 written interpretive plan for the visitor center in
4 accordance with National Park Service policy.

5 “(2) *DONATION FOR PERPETUAL MAINTENANCE*
6 *AND PRESERVATION.*—Paragraph (1)(A) does not
7 waive the requirements of section 8906(b) of title 40,
8 United States Code, with respect to the visitor center.

9 “(d) *FUNDING.*—The Vietnam Veterans Memorial
10 Fund, Inc. shall be solely responsible for acceptance of con-
11 tributions for, and payment of expenses of, the establish-
12 ment of the visitor center. No Federal funds shall be used
13 to pay any expense of the establishment of the visitor cen-
14 ter.”.

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

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Commemorative Works
19 Clarification and Revision Act of 2003”.

20 **SEC. 202. ESTABLISHMENT OF RESERVE.**

21 (a) *FINDINGS.*—Congress finds that—

22 (1) the great cross-axis of the Mall in the Dis-
23 trict of Columbia, which generally extends from the
24 United States Capitol to the Lincoln Memorial, and

1 *from the White House to the Jefferson Memorial, is a*
 2 *substantially completed work of civic art; and*

3 (2) *to preserve the integrity of the Mall, a reserve*
 4 *area should be designated within the core of the great*
 5 *cross-axis of the Mall where the siting of new com-*
 6 *memorative works is prohibited.*

7 (b) *RESERVE.*—*Section 8908 of title 40, United States*
 8 *Code, is amended by adding at the end the following:*

9 “(c) *RESERVE.*—*After the date of enactment of the*
 10 *Commemorative Works Clarification and Revision Act of*
 11 *2003, no commemorative work or visitor center shall be lo-*
 12 *cated within the Reserve.”.*

13 **SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.**

14 (a) *PURPOSES.*—*Section 8901(2) of title 40, United*
 15 *States Code, is amended by striking “Columbia;” and in-*
 16 *serting “Columbia and its environs, and to encourage the*
 17 *location of commemorative works within the urban fabric*
 18 *of the District of Columbia;”.*

19 (b) *DEFINITIONS.*—*Section 8902 of title 40, United*
 20 *States Code, is amended by striking subsection (a) and in-*
 21 *serting the following:*

22 “(a) *DEFINITIONS.*—*In this chapter:*

23 “(1) *COMMEMORATIVE WORK.*—*The term ‘com-*
 24 *memorative work’ means any statue, monument,*
 25 *sculpture, memorial, plaque, inscription, or other*

1 *structure or landscape feature, including a garden or*
2 *memorial grove, designed to perpetuate in a perma-*
3 *nent manner the memory of an individual, group,*
4 *event or other significant element of American his-*
5 *tory, except that the term does not include any such*
6 *item which is located within the interior of a struc-*
7 *ture or a structure which is primarily used for other*
8 *purposes.*

9 “(2) *THE DISTRICT OF COLUMBIA AND ITS ENVI-*
10 *RONS.—The term ‘the District of Columbia and its*
11 *environs’ means those lands and properties adminis-*
12 *tered by the National Park Service and the General*
13 *Services Administration located in the Reserve, Area*
14 *I, and Area II as depicted on the map entitled ‘Com-*
15 *memorative Areas Washington, DC and Environs’,*
16 *numbered 869/86501 B, and dated June 24, 2003.*

17 “(3) *RESERVE.—The term ‘Reserve’ means the*
18 *great cross-axis of the Mall, which generally extends*
19 *from the United States Capitol to the Lincoln Memo-*
20 *rial, and from the White House to the Jefferson Me-*
21 *memorial, as depicted on the map referenced in para-*
22 *graph (2).*

23 “(4) *SPONSOR.—The term ‘sponsor’ means a*
24 *public agency, or an individual, group or organiza-*
25 *tion that is described in section 501(c)(3) of the Inter-*

1 *nal Revenue Code of 1986 and exempt from tax under*
2 *section 501(a) of such Code, and which is authorized*
3 *by Congress to establish a commemorative work in the*
4 *District of Columbia and its environs.”.*

5 *(c) AUTHORIZATION.—Section 8903 of title 40, United*
6 *States Code, is amended—*

7 *(1) in subsection (b)—*

8 *(A) by striking “work commemorating a*
9 *lesser conflict” and inserting “work solely com-*
10 *memorating a limited military engagement”;*
11 *and*

12 *(B) by striking “the event” and inserting*
13 *“such war or conflict”;*

14 *(2) in subsection (d)—*

15 *(A) by striking “CONSULTATION WITH NA-*
16 *TIONAL CAPITAL MEMORIAL COMMISSION.—”*
17 *and inserting “CONSULTATION WITH NATIONAL*
18 *CAPITAL MEMORIAL ADVISORY COMMISSION.—”;*

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

21 *(C) by inserting “Advisory” before “Com-*
22 *mission”; and*

23 *(3) by striking subsection (e) and inserting the*
24 *following:*

1 “(e) *EXPIRATION OF LEGISLATIVE AUTHORITY.*—Any
2 *legislative authority for a commemorative work shall expire*
3 *at the end of the seven-year period beginning on the date*
4 *of the enactment of such authority, or at the end of the*
5 *seven-year period beginning on the date of the enactment*
6 *of legislative authority to locate the commemorative work*
7 *within Area I, if such additional authority has been grant-*
8 *ed, unless—*

9 “(1) *the Secretary of the Interior or the Admin-*
10 *istrator of General Services (as appropriate) has*
11 *issued a construction permit for the commemorative*
12 *work during that period; or*

13 “(2) *the Secretary or the Administrator (as ap-*
14 *propriate), in consultation with the National Capital*
15 *Memorial Advisory Commission, has made a deter-*
16 *mination that—*

17 “(A) *final design approvals have been ob-*
18 *tained from the National Capital Planning Com-*
19 *mission and the Commission of Fine Arts; and*

20 “(B) *75 percent of the amount estimated to*
21 *be required to complete the commemorative work*
22 *has been raised.*

23 *If these two conditions have been met, the Secretary or the*
24 *Administrator (as appropriate) may extend the seven-year*
25 *legislative authority for a period not to exceed three addi-*

1 tional years. Upon expiration of the legislative authority,
2 any previous site and design approvals shall also expire.”.

3 (d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMIS-
4 SION.—Section 8904 of title 40, United States Code, is
5 amended—

6 (1) in the heading, by inserting “**Advisory**” be-
7 fore “**Commission**”;

8 (2) in subsection (a), by striking “There is a Na-
9 tional” and all that follows through “consists of” and
10 inserting the following: “There is established the Na-
11 tional Capital Memorial Advisory Commission, which
12 shall be composed of”;

13 (3) in subsection (c)—

14 (A) by inserting “Advisory” before “Com-
15 mission shall”; and

16 (B) by striking “Services” and inserting
17 “Services (as appropriate)”; and

18 (4) in subsection (d) by inserting “Advisory” be-
19 fore “Commission”.

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

22 (1) in subsection (a)—

23 (A) by striking “person” each place it ap-
24 pears and inserting “sponsor”; and

25 (B) in paragraph (1)—

1 (i) by inserting “Advisory” before
2 “Commission”; and

3 (ii) by striking “designs” and insert-
4 ing “design concepts”; and

5 (2) in subsection (b)—

6 (A) by striking “Secretary, and Adminis-
7 trator” and inserting “and the Secretary or Ad-
8 ministrators (as appropriate)”; and

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

13 (f) *CRITERIA FOR ISSUANCE OF CONSTRUCTION PER-*
14 *MIT.—Section 8906 of title 40, United States Code, is*
15 *amended—*

16 (1) in subsection (a)(3) and (a)(4) by striking
17 “person” and inserting “sponsor”; and

18 (2) by striking subsection (b) and inserting the
19 following:

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

22 “(1) In addition to the criteria described above
23 in subsection (a), no construction permit shall be
24 issued unless the sponsor authorized to construct the
25 commemorative work has donated an amount equal to

1 *10 percent of the total estimated cost of construction*
2 *to offset the costs of perpetual maintenance and pres-*
3 *ervation of the commemorative work. All such*
4 *amounts shall be available for those purposes pursu-*
5 *ant to the provisions of this subsection. The provisions*
6 *of this subsection shall not apply in instances when*
7 *the commemorative work is constructed by a Depart-*
8 *ment or agency of the Federal Government and less*
9 *than 50 percent of the funding for such work is pro-*
10 *vided by private sources.*

11 *“(2) Notwithstanding any other provision of law,*
12 *money on deposit in the Treasury on the date of en-*
13 *actment of the Commemorative Works Clarification*
14 *and Revision Act of 2003 provided by a sponsor for*
15 *maintenance pursuant to this subsection shall be cred-*
16 *ited to a separate account in the Treasury.*

17 *“(3) Money provided by a sponsor pursuant to*
18 *the provisions of this subsection after the date of en-*
19 *actment of the Commemorative Works Clarification*
20 *and Revision Act of 2003 shall be credited to a sepa-*
21 *rate account with the National Park Foundation.*

22 *“(4) Upon request of the Secretary or Adminis-*
23 *trator (as appropriate), the Secretary of the Treasury*
24 *or the National Park Foundation shall make all or a*
25 *portion of such moneys available to the Secretary or*

1 *the Administrator (as appropriate) for the mainte-*
2 *nance of a commemorative work. Under no cir-*
3 *cumstances may the Secretary or Administrator re-*
4 *quest funds from a separate account exceeding the*
5 *total money in the account established under para-*
6 *graph (2) or (3). The Secretary and the Adminis-*
7 *trator shall maintain an inventory of funds available*
8 *for such purposes. Funds provided under this para-*
9 *graph shall be available without further appropria-*
10 *tion and shall remain available until expended.”.*

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

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

17 *(2) by striking “numbered 869/86581, and dated*
18 *May 1, 1986” and inserting “entitled ‘Commemora-*
19 *tive Areas Washington, DC and Environs’, numbered*
20 *869/86501 B, and dated June 24, 2003”.*

21 **SEC. 204. SITE AND DESIGN CRITERIA.**

22 *Section 8905(b) of title 40, United States Code (as*
23 *amended by section 203(e)), is amended by adding at the*
24 *end the following:*

1 “(5) *MUSEUMS*.—No commemorative work pri-
2 marily designed as a museum may be located on
3 lands under the jurisdiction of the Secretary in Area
4 I or in East Potomac Park as depicted on the map
5 referenced in section 8902(2).

6 “(6) *SITE-SPECIFIC GUIDELINES*.—The National
7 Capital Planning Commission and the Commission of
8 Fine Arts may develop such criteria or guidelines spe-
9 cific to each site that are mutually agreed upon to en-
10 sure that the design of the commemorative work car-
11 ries out the purposes of this chapter.

12 “(7) *DONOR CONTRIBUTIONS*.—Donor contribu-
13 tions to commemorative works shall not be acknowl-
14 edged in any manner as part of the commemorative
15 work or its site.”.

16 **SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.**

17 *Except for the provision in the amendment made by*
18 *section 202(b) prohibiting a visitor center from being lo-*
19 *cated in the Reserve (as defined in section 8902 of title 40,*
20 *United States Code), nothing in this title shall apply to*
21 *a commemorative work for which a site was approved in*
22 *accordance with chapter 89 of title 40, United States Code,*
23 *prior to the date of enactment of this title.*

1 **SEC. 206. NATIONAL PARK SERVICE REPORTS.**

2 *Within six months after the date of enactment of this*
3 *title, the Secretary of the Interior, in consultation with the*
4 *National Capital Planning Commission and the Commis-*
5 *sion of Fine Arts, shall submit to the Committee on Energy*
6 *and Natural Resources of the United States Senate, and*
7 *to the Committee on Resources of the United States House*
8 *of Representatives reports setting forth plans for the fol-*
9 *lowing:*

10 *(1) To relocate, as soon as practicable after the*
11 *date of enactment of this Act, the National Park Serv-*
12 *ice's stable and maintenance facilities that are within*
13 *the Reserve (as defined in section 8902 of title 40,*
14 *United States Code).*

15 *(2) To relocate, redesign or otherwise alter the*
16 *concession facilities that are within the Reserve to the*
17 *extent necessary to make them compatible with the*
18 *Reserve's character.*

19 *(3) To limit the sale or distribution of permitted*
20 *merchandise to those areas where such activities are*
21 *less intrusive upon the Reserve, and to relocate any*
22 *existing sale or distribution structures that would oth-*
23 *erwise be inconsistent with the plan.*

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

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 1442

AMENDMENT