

S 311 RS

**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.

**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. INOUYE, 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.

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

***TITLE I--THE DISABLED AMERICAN VETERANS MEMORIAL***

**[Struck out->] SECTION 1. [<-Struck out] SECTION 101. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) IN GENERAL- [Struck out->] The Disabled [<-Struck out] *Notwithstanding section 3(c) of Public Law 99-652, as amended (40 U.S.C. 1003(c)), the Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to*

honor disabled American veterans who have served in the Armed Forces of the United States.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS-** The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled 'An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes', approved November 14, 1986 (40 U.S.C. 1001 et seq.).

**SEC. [~~Struck out~~] 2. [~~Struck out~~] 102. PAYMENT OF EXPENSES.**

The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by section 1(a). No Federal funds may be used to pay any expense of the establishment of the memorial.

**SEC. [~~Struck out~~] 3. [~~Struck out~~] 103. DEPOSIT OF EXCESS FUNDS.**

If, upon payment of all expenses of the establishment of the memorial authorized by section 1(a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

***TITLE II--COMMEMORATIVE WORKS ACT AMENDMENTS***

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

*(a) In this title the term 'Act' means the Commemorative Works Act of 1986, as amended (Public Law 99-652; 40 U.S.C. 1001 et seq.).*

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

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

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

*(1) In subsection (c) by striking 'or a structure which is primarily used for other purposes' and inserting 'that is not a commemorative work as defined by this Act';*

*(2) In subsection (d) by striking 'person' and inserting 'sponsor';*

(3) In subsection (e) by striking `Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986', and insert `the Reserve, Area I, and Area II as depicted on the map numbered 869/86501A, and dated March 23, 2000';

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

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

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

(c) Section 3 of the Act (40 U.S.C. 1003) 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 `10' and inserting `25'; and

(C) by striking `the event.' and inserting `such war or conflict.'.

(2) In subsection (c) by striking `other than a military commemorative work as described in subsection (b) of this section'; and

(3) In subsection (d) by striking `House Oversight' and inserting `Resources'.

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

(1) By amending subsection (a) to read as follows:

*`(a) The National Capital Memorial Commission is hereby established and shall include the following members or their designees:*

*`(1) Director, National Park Service (who shall serve as Chairman);*

*`(2) Architect of the Capitol;*

*`(3) Chairman, American Battle Monuments Commission;*

*`(4) Chairman, Commission of Fine Arts;*

*`(5) Chairman, National Capital Planning Commission;*

*`(6) Mayor, District of Columbia;*

*`(7) Commissioner, Public Buildings Service, General Services Administration; and*

*`(8) Secretary, Department of Defense.'; and*

(2) In subsection (b) by striking `Administrator' and inserting `Administrator (as appropriate)'.

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

(1) By striking `Administrator' and inserting `Administrator (as appropriate)' and

(2) By striking `869/8501, and dated May 1, 1986.' and inserting `869/8501A, and dated March 23, 2000.'.

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

(1) In subsection (a) by striking `3(b)' and inserting `3(d)';

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

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

*`(a) Sites for commemorative works shall not be authorized within the Reserve after January 1, 2000.'*

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

- (1) By striking `person' and inserting `sponsor' each place it appears;*
- (2) In subsection (a) by striking `designs' and inserting `design concepts';*
- (3) In subsection (b) by striking `and Administrator' and inserting `or Administrator (as appropriate)';*
- (4) In subsection (b)(2) by striking `open space and existing public use; and' and inserting `open space, existing public use, and cultural and natural resources;';*
- (5) In subsection (b)(3) by striking the period at the end and inserting a semicolon; and*
- (6) by adding the following new paragraphs:*
  - `(4) 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 subsection 2(f);*
  - `(5) The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specified to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act; and'*
  - `(6) Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.'*

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

- (1) In subsection (a)(3) and (a)(4) and in subsection (b) by striking `person' each place it appears and inserting `sponsor';*
- (2) In subsection (b)(1) and (b)(2) by striking `persons' each place it appears and inserting `a sponsor';*
- (3) By adding at the end of subsection (b)(1), `All such proceeds shall be available, without further appropriation, for the non-recurring repair of the sponsor's commemorative work.';*
- (4) In subsection (b)(2), by striking `Congress authorizes and directs that,' and inserting `Congress authorizes and directs that, upon request,';*
- (5) In subsection (b)(2) in the first sentence strike `Administrator', and inserting `Administrator (as appropriate)'; and*
- (6) By amending subsection (c) to read as follows:*

*`(c) The sponsor shall be required to submit to the Secretary or the Administrator (as appropriate) an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the sponsor authorized to construct the commemorative work.'*

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

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

*(1) by amending subsection (b) to read as follows:*

*`(b) 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 where such addition authority has been granted, unless:*

*`(1) the Secretary or the Administrator (as appropriate) has issued a construction permit for the commemorative work during that period; or  
` (2) the Secretary or the Administrator, in consultation with the National Capital Memorial Commission, has made a determination that final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts and that 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 may extend the 7-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 will also expire.'; and*

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

*`(f) The National Capital Planning Commission, in coordination with the Commission of Fine Arts and the National Capital Memorial Commission, shall complete its master plan to guide the location and development of future memorials outside the Reserve for the next 50 years, including evaluation of and guidelines for potential sites.'.*

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