

COMMEMORATIVE WORKS—CONTINUED

Korean War Veterans Memorial.—Pub. L. 99-572, Oct. 28, 1986, 100 Stat. 3226; Pub. L. 100-202, §101(f) [title II, §§1, 2], Dec. 22, 1987, 101 Stat. 1329-195, 1329-196; Pub. L. 100-230, §§1, 2, Jan. 5, 1988, 101 Stat. 1563; Pub. L. 100-267, Mar. 28, 1988, 102 Stat. 41; Pub. L. 105-262, title VIII, §8122, Oct. 17, 1998, 112 Stat. 2332.

Lincoln Memorial, “I Have a Dream Speech” Commemorative Plaque.—Pub. L. 106-365, Oct. 27, 2000, 114 Stat. 1409.

Mahatma Gandhi Memorial.—Pub. L. 105-284, §1, Oct. 26, 1998, 112 Stat. 2701.

Martin Luther King, Jr. Memorial.—Pub. L. 104-333, div. I, title V, §508, Nov. 12, 1996, 110 Stat. 4157; Pub. L. 105-201, §1, July 16, 1998, 112 Stat. 675; Pub. L. 106-176, title I, §108, Mar. 10, 2000, 114 Stat. 26.

National Peace Garden.—Pub. L. 100-63, June 30, 1987, 101 Stat. 379; Pub. L. 103-321, §1(a)(3), (b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 105-202, July 16, 1998, 112 Stat. 676.

Thomas Paine Memorial.—Pub. L. 102-407, Oct. 13, 1992, 106 Stat. 1991; Pub. L. 102-459, Oct. 23, 1992, 106 Stat. 2268; Pub. L. 103-422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106-113, div. B, §1000(a)(3) [title I, §142], Nov. 29, 1999, 113 Stat. 1535, 1501A-171.

Victims of Communism Memorial.—Pub. L. 103-199, title IX, §905, Dec. 17, 1993, 107 Stat. 2331; Pub. L. 105-277, div. A, §101(e) [title III, §326], Oct. 21, 1998, 112 Stat. 2681-231, 2681-291.

Vietnam Women’s Memorial.—Pub. L. 100-660, Nov. 15, 1988, 102 Stat. 3922; Pub. L. 101-187, Nov. 28, 1989, 103 Stat. 1350.

Women in Military Service for America Memorial.—Pub. L. 99-500, §101(h) [title I, §117], Oct. 18, 1986, 100 Stat. 1783-242, 1783-266, and Pub. L. 99-591, §101(h) [title I, §117], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-590, title IX, §§901, 902, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 99-610, Nov. 6, 1986, 100 Stat. 3477; Pub. L. 103-321, §1(a)(2), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 103-337, div. B, title XXVIII, §2855, Oct. 5, 1994, 108 Stat. 3073.

World War II Memorial.—Pub. L. 103-32, May 25, 1993, 107 Stat. 90; Pub. L. 103-422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106-58, title VI, §652, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106-117, title VI, §601(b), Nov. 30, 1999, 113 Stat. 1578.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1006 of this title.

§ 1004. National Capital Memorial Commission

(a) The National Capital Memorial Advisory Committee as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
 Architect of the Capitol
 Chairman, American Battle Monuments Commission
 Chairman, Commission of Fine Arts
 Chairman, National Capital Planning Commission
 Mayor, District of Columbia
 Commissioner, Public Building¹ Service,
 General Services Administration
 Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concern-

ing commemorative works in the Nation’s Capital as it may deem appropriate. The Commission shall meet at least twice annually.

(Pub. L. 99-652, §4, Nov. 14, 1986, 100 Stat. 3651.)

§ 1005. Availability of map depicting Areas I and II

The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99-652, §5, Nov. 14, 1986, 100 Stat. 3651.)

§ 1006. Specific conditions applicable to Area I and Area II**(a) Area I**

The Secretary or Administrator (as appropriate) may, after seeking the advice of the National Capital Memorial Commission, recommend the location of a commemorative work in Area I only if the Secretary or Administrator (as appropriate) determines that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the National Capital Memorial Commission and the committees of Congress specified in section 1003(b)¹ of this title of the recommendation by the Secretary or Administrator (as appropriate) that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed not authorized, unless, not later than 150 calendar days after such notification, the recommendation is approved by law.

(b) Area II

Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(Pub. L. 99-652, §6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103-321, §2(c), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Pub. L. 103-321 amended section generally, substituting requirement that Secretary or Administrator, as appropriate, notify National Capital Memorial Commission of recommendation of locating a commemorative work in Area I for requirement that Secretary or Administrator consult with National Capital Memorial Commission regarding determination that commemorative work be located in Area I and deleted conditions for locating military commemorative works or commemorative works commemorating individuals or groups of individuals in either Area I or Area II. See section 1003(b) and (c) of this title.

§ 1007. Site and design approval

(a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before requesting the permit for the construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regard-

¹ So in original. Probably should be “Buildings”.

¹ So in original. Probably should be section “1003(d)”.

ing the selection of alternative sites and designs for the commemorative work.

(2) Following consultation in accordance with paragraph (1), the Secretary or Administrator (as appropriate) shall submit, on behalf of such person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by (but not limited by) the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. Landscape features of commemorative works shall be compatible with the climate.

(Pub. L. 99-652, §7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103-321, §2(d), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-321, §2(d)(1), substituted “requesting the permit for the construction of the commemorative work” for “commencing construction of the commemorative work” in introductory provisions.

Subsec. (a)(1). Pub. L. 103-321, §2(d)(2), inserted “the selection of alternative sites and designs for” after “regarding” and struck out at end “Such consultation shall include consideration of potential sites in the District of Columbia and its environs.”

Subsec. (a)(2). Pub. L. 103-321, §2(d)(3), struck out “and the Secretary or Administrator (as appropriate)” before “for their approval”.

Subsec. (b). Pub. L. 103-321, §2(d)(4), inserted “(but not limited by)” after “guided by” in introductory provisions.

§ 1008. Criteria for issuance of construction permit

(a) Issuance of construction permit

Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall determine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contract documents for construction of the commemo-

orative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) Donation for perpetual maintenance and preservation

In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 per centum of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided*, That 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 per centum of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided*, That such moneys shall not be subject to annual appropriations.

(c) Suspension for misrepresentation in fundraising; annual report

(1) The Secretary or the Administrator (as appropriate) may suspend any activity under the authority of this chapter with respect to the establishment of a commemorative work if the Secretary or Administrator determines the fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States.

(2) The person shall be required to submit to the Secretary or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the person authorized to construct the commemorative work.

(Pub. L. 99-652, §8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103-321, §2(e), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-321, §2(e)(1), substituted “contract documents for construction” for “contracts for construction and drawings”.

Subsec. (c). Pub. L. 103-321, §2(e)(2), added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 2113.

§ 1009. Temporary site designation

(a) If the Secretary, in consultation with the National Capital Memorial Commission, deter-