

Calendar No. 444

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
107-177

VIETNAM VETERANS MEMORIAL EDUCATION ACT

JUNE 25, 2002.—Ordered to be printed

Mr. BINGMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 281]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 281) to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—VIETNAM VETERANS MEMORIAL EDUCATION CENTER

SECTION 101. EDUCATION CENTER.

Public Law 96-297, as amended, (16 U.S.C. 431 note) is further amended by adding at the end thereof the following:

“SEC. 6. EDUCATION CENTER.

“(a) AUTHORIZATION.—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

“(2) The education center may be located above ground or underground, as determined through the approval process set forth under the Commemorative Works Act and this Act.

“(3) As used in this section, the term “education center” or “center” means a building or other structure approved in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.) and this section.

“(b) COMMEMORATIVE WORKS ACT APPLIES.—(1) The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

“(A) final approval of the education center shall not be withheld;

“(B) the provisions of section 6(a) of that Act (40 U.S.C. 1006(a)) requiring approval by law for the location of a commemorative work within Area I, shall not apply.

“(2) Notwithstanding section 6(c) of the Commemorative Works Act (as added by the Commemorative Works Clarification and Revision Act of 2002), the designation of the Reserve shall not preclude the approval of a site for the education center within such area.

“(3) Section 7(b)(4) of the Commemorative Works Act (as added by the Commemorative Works Clarification and Revision Act of 2002), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.

“(4) The size of the education center shall be limited to the minimum necessary—

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

“(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightliness on the Mall.

“(5) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

“(c) OPERATION AND MAINTENANCE.—(1) The education center shall be operated and maintained by the Secretary of the Interior.

“(2) This subsection does not waive section 8(b) of the Commemorative Works Act (as amended by the Commemorative Works Clarification and Revision Act of 2002) (40 U.S.C. 1008(b)) (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

“(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center.

“(e) LIMITED AVAILABILITY OF EXCESS COIN FUNDS.—(1) Except as provided in paragraph (2), none of the funds made available under section 208(b) of the United States Veterans Commemorative Coin Act of 1993 (31 U.S.C. 5112 note) shall be used to carry out this section.

“(2) Funds described in paragraph (1) may be used to carry out this section only if—

“(A) excess funds are available after the purposes of section 208(b) of the United States Veterans Commemorative Coin Act of 1993 (31 U.S.C. 5112 note) have been met; and

“(B) the Vietnam Veterans Memorial Fund, Inc.—

“(i) prepares a detailed written explanation of its compliance with the requirement of section 208(b) of that Act, including an accounting of any excess funds;

“(ii) prepares a detailed written explanation of the purposes for which the excess funds (or any portion thereof) would be used;

“(iii) prepares a detailed documentation of the actual uses for which the excess funds (or any portion thereof) was spent;

“(iv) has the explanations and documentation under clauses (i) through (iii) certified by each member of its Board of Directors and by its Chief Executive Officer; and

“(v) makes available, upon request of the Secretary of the Interior, the Comptroller General of the United States, or any other authorized representative of a Federal department or agency, any explanation or certified document (including supporting documents) described in this subparagraph.”.

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Commemorative Works Clarification and Revision Act of 2002”.

SEC. 202. ESTABLISHMENT OF RESERVE.

(a) FINDINGS.—Congress finds that—

(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art;

(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.

(b) RESERVE.—Section 6 of the Commemorative Works Act (40 U.S.C. 1006) is amended by adding at the end the following:

“(c) After the date of enactment of the Commemorative Works Clarification and Revision Act of 2002, no commemorative work shall be located within the Reserve.”.

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) Section 1(b) of the Commemorative Works Act (40 U.S.C. 1001(b)) is amended by striking “Columbia;” and inserting “Columbia 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 Commemorative Works Act (40 U.S.C. 1002) is amended to read as follows:

“As used in this Act—

“(1) the term “Secretary” means the Secretary of the Interior;

“(2) the term “Administrator” means the Administrator of the General Services Administration;

“(3) the term “commemorative work” means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

“(4) the term “sponsor” means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

“(5) the term “Reserve” means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (6);

“(6) the term “the District of Columbia and its environs” means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501A, and dated May 1, 2002.”.

(c) Section 3 of the Commemorative Works 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 “the event.” and inserting “such war or conflict”.

(2) In subsection (d)—

(A) by striking “House Administration” and inserting “Resources”; and

(B) by inserting “Advisory” before “Commission”.

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

(1) In subsection (a) by striking “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:” and inserting “The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):”.

(2) In subsection (b)—

(A) in the first sentence, by inserting “Advisory” before “Commission”;

(B) by striking “Administrator” and inserting “Administrator (as appropriate)”.

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

(1) by striking “Secretary and the Administrator” and inserting “Secretary or the Administrator (as appropriate)”; and

(2) by striking “numbered 869/8501, and dated May 1, 1986,” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/8501A, and dated May 1, 2002.”.

(f) Section 7 of the Commemorative Works Act (40 U.S.C. 1007) is amended as follows:

(1) In subsection (a)—

(A) by striking “person” and inserting “sponsor” each place it appears; and

(B) by striking “designs” and inserting “design concepts”;

(2) In subsection (b)—

(A) by striking “and Administrator” and inserting “or Administrator (as appropriate)”; and

(B) in paragraph (2), by striking “open space and existing public use; and” and inserting “open space, existing public use, and cultural and natural resources;”

(g) Section 8 of the Commemorative Works Act (40 U.S.C. 1008) is amended as follows:

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

(2) By amending subsection (b) to read as follows:

“(b)(1) In addition to the foregoing criteria, no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. 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 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2002 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

(h) Section 10(b) of the Commemorative Works Act (40 U.S.C. 1010) is amended 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, if such additional 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 (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 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 (as appropriate) may extend the seven-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 shall also expire.”

SEC. 204. SITE AND DESIGN CRITERIA.

Section 7 of the Commemorative Works Act (40 U.S.C. 1007) is further amended as follows:

(1) in subsection (b)(3), by striking the period at the end and inserting a semicolon; and

(2) 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 reference in section 2(5);

“(5) The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific 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.”.

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Nothing in this title shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within six months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

- (1) To relocate the National Park Service’s stable and maintenance facilities that are within the Reserve as expeditiously as possible;
- (2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve’s character;
- (3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan; and
- (4) To make other appropriate changes, if any, to protect the character of the Reserve.

2. Amend the title so as to read: “A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial, and for other purposes.”.

PURPOSE

The purposes of S. 281, as ordered reported, are to authorize the Vietnam Veterans Memorial Fund, Inc. to construct an education center at the Vietnam Veterans Memorial, and to amend the Commemorative Works Act to establish a reserve area along the National Mall where new commemorative works would be prohibited.

BACKGROUND AND NEED

The Vietnam Veterans Memorial comprises approximately 3 acres in the northwest area of the Mall. Several new features have been added to the memorial since the dedication of the wall in 1982. The Three Servicemen Statute was added in 1984 and the Vietnam Women’s Memorial was added in 1993. Congress enacted Public Law 106–214 in 2000, which authorized the placement of a plaque on the memorial grounds to honor Vietnam veterans who died after the war, but as direct result of it.

S. 281 would add another new feature to the site by authorizing the Vietnam Veterans Memorial Fund, Inc. to construct an above- or below-ground education center at the memorial. The education center is intended to give visitors to the memorial, and particularly young people, an opportunity to learn more about what they are seeing and what the memorial means.

LEGISLATIVE HISTORY

S. 281 was introduced by Senators Hagel, Carnahan, Cleland, Kerry and McCain on February 7, 2001. The bill is presently co-sponsored by 62 Senators. The Subcommittee on National Parks held a hearing on the bill on July 17, 2001. The Committee on Energy and Natural Resources considered S. 281 and adopted an amendment in the nature of a substitute to it at its business meet-

ing on May 15, 2002. The Committee ordered the bill, as amended, favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommended that the Senate pass S. 281, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 281, the Committee adopted an amendment in the nature of a substitute. The substitute alters the language authorizing the education center in what is now designated Title I of the bill and includes a new Title II amending the Commemorative Works Act.

Title I makes a few changes to the authorization of the education center. The substitute inserts language indicating that the education center may be above or below ground, and removes the prior description of the center as “temporary.” In place of the original bill’s numerical limit on the square footage of the center, the substitute would limit the center’s size to the minimum necessary to achieve specified educational, aesthetic, and other purposes.

The substitute maintains the requirement that the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the education center. However, the substitute adds a provision making clear that final approval of the center shall not be withheld, nor shall any additional approval be required to locate the education center within Area I (the monumental core area). In Addition, the substitute states that the Secretary of the Interior shall operate and maintain the center. Unlike S. 281, as introduced, the substitute does not require the center to replace the existing National Park Service kiosk located on the memorial grounds.

As reported, S. 281 also includes a new Title II, which amends the Commemorative Works Act in a number of respects. Most importantly, section 202 of the substitute would establish a reserve area along the National Mall where new commemorative works would be prohibited, with the exception of the Vietnam Veterans Memorial education center authorized by the bill. Title II is almost identical to an amendment adopted by the Committee during the 106th Congress to S. 311, which authorized construction of a memorial honoring disabled veterans.

The substitute’s designation of the Reserve responds to the increasing congestion of the National Mall. An average of one new memorial a year has been built within the District of Columbia over the last century, and many of these have been authorized for locations on the Mall—including no fewer than seven new memorials on the Mall in the years from 1980–2000 alone. These trends foreshadow a proliferation of commemorative works that threaten the historic open space of the Nation’s greatest symbolic landscape.

Representatives of the National Capital Memorial Commission, the Commission of Fine Arts, and the National Capital Planning Commission organized as a Joint Task Force on Memorials in order to devise strategies to guide new memorial development away from the Mall and into all quadrants of the city. Following public com-

ment, in January 2000 all three commissions adopted a policy establishing a Reserve to preserve the monumental core and redirect memorials throughout the city.

The Reserve, where no new memorials will be constructed other than the Vietnam Veterans Memorial education center, generally encompasses the central cross axis of the Mall. One protected axis extends along the length of the Mall between the U.S. Capitol and the Lincoln Memorial, and the other extends across the Mall between the Jefferson Memorial and the White House. S. 281 slightly broadens the task force's proposed reserve to include all of the area between Constitution and Independence Avenues from 14th Street west to the Lincoln Memorial.

The substitute amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Title I authorizes the construction of an education center at or near the Vietnam Veterans Memorial.

Section 101 further amends Public Law 96-297 as amended (16 U.S.C. 431 note) by adding at the end a new section 6 as follows:

Subsection (a) authorizes the Vietnam Veterans Memorial Fund, Inc. to construct an education center at or near the Vietnam Veterans Memorial site. The education center may be located above ground or underground.

Subsection (b), paragraph (1) provides that the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the education center, except that final approval of the education center shall not be withheld and the provisions of section 6(a) of that Act requiring approval by law for the location of a commemorative work within Area I shall not apply.

Paragraph (2) states that notwithstanding section 6(c) of the Commemorative Works Act, the designation of the Reserve shall not preclude the approval of a site for the education center within the Reserve.

Paragraph (3) provides that section 7(b)(4) of the Commemorative Works Act, prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.

Paragraph (4) provides that the size of the education center shall be limited to the minimum necessary to provide for appropriate educational and interpretive functions, to prevent interference or encroachment on the Vietnam Veterans Memorial, and to protect open space and visual sightlines on the Mall.

Paragraph (5) states that the education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

Subsection (c) provides that the education center shall be operated and maintained by the Secretary of the Interior, consistent with section 8(b) of the Commemorative Works Act (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

Subsection (d) requires that all funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc., and no Federal funds may be used for these purposes.

Subsection (e) provides that funds made available under section 208(b) of the United States Veterans Commemorative Coin Act of 1993 (31 U.S.C. 5112 note) can be used for the center only if excess funds are left over after the purposes of the Commemorative Coin Act have been achieved and other conditions are met.

Title II amends the Commemorative Works Act to establish a reserve area along the National Mall where new commemorative works would be prohibited, and to make other amendments.

Section 201 designates Title II of the bill (including sections 201 to 206) as the “Commemorative Works Clarification and Revision Act of 2002.”

Section 202 amends the Commemorative Works Act to establish a reserve area along the National Mall where new commemorative works would be prohibited.

Subsection (a) contains congressional findings.

Subsection (b) amends section 6 of the Commemorative Works Act (40 U.S.C. 1006) to preclude the siting of additional commemorative works within the Reserve after the date of enactment of S. 281.

Section 203 includes clarifying and conforming amendments to the Commemorative Works Act.

Subsection (a) amends section 1(b) of the Commemorative Works Act (“Act”) (40 U.S.C. 1001(b)) to encourage the location of commemorative works within the urban fabric of the District of Columbia.”

Subsection (b) amends section 2 of the Act (40 U.S.C. 1002) to revise the definition of key terms used in the Act.

Subsection (c) makes technical amendments to section 3 of the Act (40 U.S.C. 1003).

Subsection (d) amends section 4 of the Act (40 U.S.C. 1004) to redesignate the National Capital Memorial Commission as the National Capital Memorial Advisory Commission, and to make other technical changes.

Subsection (e) makes technical amendments to section 5 of the Act (40 U.S.C. 1005).

Subsection (f) makes technical amendments to section 7 of the Act (40 U.S.C. 1007).

Subsection (g) amends section 8(b) of the Act (40 U.S.C. 1008), to direct that money provided by a sponsor pursuant to this subsection after the date of enactment of S. 281 shall be credited to a separate account with the National Park Foundation. This subsection also makes clarifying and technical changes to other parts of section 8 of the Act.

Subsection (h) amends section 10(b) of the Act (40 U.S.C. 1010(b)), to provide that, with certain exceptions, any legislative authority for a commemorative work shall expire at the end of the 7-year period beginning on the date of enactment of such authority, or at the end of the 7-year period beginning on the date of enactment of legislative authority to locate the commemorative work within Area I. In addition to the existing exception where the Secretary of the Interior or Administrator of the General Services Ad-

ministration (as appropriate) has issued a construction permit for the commemorative work during that period, the amendment would also provide an exception where the Secretary or Administrator has made a determination that final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts, and 75 percent of the amount estimated to be required to complete the memorial has been raised. If the two conditions for the new exception are met, the Secretary or Administrator may extend the commemorative work's 7-year legislative authority for a period not to exceed 3 years.

Section 204 further amends section 7 of the Act (40 U.S.C. 1007) by adding paragraphs (4) through (6) in subsection (b).

Paragraph (4) prohibits the location of any commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 2(5).

Paragraph (5) provides that the National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act.

Paragraph (6) provides that donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.

Section 205 provides that nothing in this title (sections 201 through 206) shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

Section 206 provides that within 6 months date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Congressional committees of jurisdiction reports setting forth plans for the following:

- (1) To relocate the National Park Service's stable and maintenance facilities that are within the Reserve as expeditiously as possible;
- (2) To relocate, redesign, or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character;
- (3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan; and
- (4) To make other appropriate changes, if any, to protect the character of the Reserve.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 281, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director.)

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 281—A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial, and for other purposes

Title I of S. 281 would authorize the establishment of an education center near the Vietnam Veterans Memorial. Title II would amend the Commemorative Works Act, which governs the requirements for building memorials on federal land. CBO estimates that implementing title I would cost about \$1 million annually to operate the proposed center, assuming appropriation of the necessary amounts. Implementing title II would have no significant impact on the federal budget.

Enacting S. 281 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 281 would authorize a private entity, the Vietnam Veterans Memorial Fund, Inc., to build an education center near the Vietnam Veterans Memorial in the District of Columbia. While no federal funds would be used to build the center, the National Park Service (NPS) would operate it. Under section 8 of the Commemorative Works Act (as amended by title II of the bill), this entity would donate 10 percent of the center's construction costs to the National Park Foundation, a private nonprofit organization. Such funds would be available to the Vietnam Veterans Memorial Fund for maintenance of the center.

Based on information provided by NPS, CBO estimates that the government would spend about \$1 million annually to operate the new education center once it is complete. Construction of the center, which would not require federal funding, would take several years.

The CBO staff contact for this estimate is Deborah Reis. The estimate was reviewed by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 281. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 281.

EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 281. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN G. PARSONS, ASSOCIATE REGIONAL DIRECTOR, LANDS, RESOURCES, AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 281, which would authorize the Vietnam Veterans Memorial Fund to construct an education center at the Vietnam Veterans Memorial on the Mall.

The Department strongly supports efforts to educate the public about the Vietnam War and about the men and women who bravely served our country in that war. However, we do have concerns with S. 281, as introduced. The structure that would be authorized by this legislation would detract from the visitors' experience to the Vietnam Veterans Memorial and the Lincoln Memorial, and would set an unwelcome precedent for other memorials on the National Mall. Instead, we believe that other more suitable alternatives to the proposed education center should be explored. We look forward to working with the Committee on fulfilling the goal of the legislation of providing educational information about the Vietnam War, but doing so in ways that would not detract from the Vietnam War, but doing so in ways that would not detract from the Vietnam Veterans Memorial or visually impact the monumental core in our Nation's Capital.

S. 281 would authorize the Vietnam Veterans Memorial Fund, Inc. to construct an education center for the purpose of educating people about the Vietnam Veterans Memorial. It would replace the small National Park Service information kiosk (168 square feet) currently at the site. The new structure would be a maximum of 1,200 square feet in size. The legislation specifies that the center would be

erected for 10 years and reevaluated by Congress at the end of that period. The Vietnam Veterans Memorial Fund, Inc. would be responsible for paying for the cost of designing and constructing the center.

The Vietnam Veterans Memorial generates a memorable emotional response from virtually all who visit it. Although not part of the original design, several elements have been added to the memorial, including the flagpole and the Three Servicemen statue. A separate Memorial to Women who Served in Vietnam was constructed in 1993, and the In Memory Plaque, to those veterans who died after the war as a direct result of their military service in Vietnam, was authorized last year. The Department believes that the Vietnam Veterans Memorial is complete and should not be subject to further additions. While we support the effort to provide the public with an opportunity to learn more about history of the Vietnam War, we believe that we risk diminishing the original work by adding adjunct structures to this site.

The education center authorized by S. 281 would not simply be another design element added to the memorial. The proposed structure would be more than seven times the size of the existing information kiosk and would visually intrude on and detract from the memorial as the focal point of the visitor's experience. In addition, this proposal would violate concepts contained in the Master Plan for Memorials and Museums in the Nation's Capital, which is being developed by a joint task force of commissions, under the leadership of the National Capital Planning Commission. That plan precludes such facilities within Area I and has gone through a public review and comment period, where endorsement was urged. On April 26, 2001, the National Capital Memorial Commission recommended opposing the bill by a unanimous vote at its public meeting.

Similar facilities have been disapproved or precluded at the Franklin Delano Roosevelt, World War II, and Martin Luther King, Jr. Memorials by the National Park Service, the National Capital Planning Commission and the Commission of Fine Arts because they would intrude on those works of landscape architecture. Each of these memorials represents a historical figure or time period important to our Nation. However, a determination was made that opportunities to educate the public further about these historical people and events could be accomplished in ways that would not detract from the memorials.

Groups who support similar facilities at these and other memorials may be watching our action on S. 281 with great interest. If an education center were to be authorized for the Vietnam Veterans Memorial, similar proposals for the other war memorials would likely follow. Proponents of the education center express concern about visitors' lack of fundamental understanding of the Vietnam War, but the same could be said to be true for visitors to the Nation's Capital' memorials for the Revolutionary War, the Civil

War, the Korean War, and the nearby District of Columbia World War I Memorial and the soon-to-be-constructed World War II Memorial.

One alternative to placing facilities at these memorials is to provide education about all of the wars that are part of our Nation's history in one museum. In fact, Congress has already begun the process of developing the kind of facility we believe would be appropriate for telling the story of our Vietnam veterans and the Vietnam War by establishing a Commission on the National Military Museum as part of the Department of Defense Authorization for Fiscal Year 2000 (P.L. 106-65). The commission established by that law is charged with developing preliminary proposals for a national military museum in the National Capital Area. If the commission recommends establishing such a facility on Navy Annex property in Arlington, Virginia, the law further provides that the Secretary of Defense may make 10 acres of that property available for that purpose. Wherever the museum is located, it presumably would be easily accessible to those who visit the Vietnam Veterans Memorial as well as other war memorials on the Mall. Once the military museum is established, we envision coordinating with the Defense Department to ensure that visitors to the military memorials in the Nation's Capital that are managed by the National Park Service are encouraged to visit the museum to learn more about the history of the wars.

Exploring other projects or sites also allow us to find a location that is large enough to tell a more complete story of the Vietnam War. S. 281 proposes a 1,200 square-foot structure which may actually be too small for the purpose it is intended to serve. It is questionable whether it is possible to treat the Vietnam War with the range and depth that could be considered minimally appropriate in a structure of this size. It would be too small for the high volume of visitation at the memorial, which is approximately four million annually.

The Department is firmly committed to educating the public about the Vietnam War and its impact on the history of our Nation. We have been involved in several types of educational programs. For nearly ten years, the Smithsonian has displayed an exhibit of the offerings left at the Vietnam Veterans Memorial and collected by National Park Service rangers. Other exhibits of offerings collected by the National Park Service have traveled to schools, universities, museums and veterans centers all over the world. In addition, the National Park Service has published a book and CD-ROM on the history of the memorial and the Vietnam War and runs a website designed to educate children about museum collections, including those associated with the Vietnam Veterans Memorial. The National Park Service has been involved in a number of news programs and television specials on the Vietnam Veterans Memorial and the history of the Vietnam War.

The goal of S. 281 of educating the public about the Vietnam War is an admirable one, and one which the Department has and will continue to fully support. We strongly believe that this important goal can be accomplished in a different manner than prescribed by this legislation. We look forward to working with the Committee in exploring projects or sites that give us the best opportunity to tell the story of the Vietnam War and the men and women who served our Nation.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 281, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

Public Law 96-297, 96th Congress

JOINT RESOLUTION To authorize the Vietnam Veterans Memorial Fund, Inc., to establish a memorial

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vietnam Veterans Memorial Fund, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, is authorized to establish a memorial on public grounds in West Potomac Park in the District of Columbia, in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war.

Sec. 2. (a) * * *

* * * * *

SEC. 6. EDUCATION CENTER.

(a) *AUTHORIZATION.—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.*

(2) *The education center may be located above ground or underground, as determined through the approval process set forth under the Commemorative Works Act and this Act.*

(3) *As used in this section, the term “education center” or “center” means a buildings or other structure approved in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.) and this section.*

(b) *COMMEMORATIVE WORKS ACT APPLIES.—(1) The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—*

(A) final approval of the education center shall not be withheld;

(B) the provisions of section 6(a) of that Act (40 U.S.C. 1006(a)) requiring approval by law for the location of a commemorative work within Area I, shall not apply.

(2) Notwithstanding section 202 of the Commemorative Works Act (as added by the Commemorative Works Clarification and Revision Act of 2002), the designation of the Reserve shall not preclude the approval of a site for the education center within such area.

(3) Section 7(b)(4) of the Commemorative Works Act (as added by the Commemorative Works Clarification and Revision Act of 2002), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.

(4) The size of the education center shall be limited to the minimum necessary—

(A) to provide for appropriate educational and interpretive functions; and

(B) to prevent interference to encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

(5) The education center shall be construed and landscape in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

(c) OPERATION AND MAINTENANCE.—(1) The education center shall be operated and maintained by the Secretary of the Interior.

(2) This subsection does not waive section 8(b) of the Commemorative Works Act (as amended by the Commemorative Works Clarification and Revision Act of 2002) (40 U.S.C. 1008(b)) (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center.

(e) LIMITED AVAILABILITY OF EXCESS COIN FUNDS.—Except as provided in paragraph (2), none of the funds made available under section 208(b) of the United States Veterans Commemorative Coin Act of 1993 (31 U.S.C. 5112 note) shall be used to carry out this section.

(2) Funds described in paragraph (1) may be used to carry out this section only if—

(A) excess funds are available after the purposes of section 208(b) of the United States Veterans Commemorative Coin Act of 1993 (31 U.S.C. 5112 note) have been met; and

(B) the Vietnam Veterans Memorial Fund, Inc.—

(i) prepares a detailed written explanation of its compliance with the requirements of section 208(b) of that Act, including an accounting of any excess funds;

(ii) prepares a detailed written explanation of the purposes for which the excess funds (or any portion thereof) would be used;

(iii) prepares a detailed documentation of the actual uses for which the excess funds (or any portion thereof) was spent;

(iv) *has the explanations and documentation under clauses (I) through (iii) certified by each member of its Board of Directors and by its Chief Executive Officer; and*
 (v) *makes available, upon request of the Secretary of the Interior, the Comptroller General of the United States, or any other authorized representative of a Federal department of agency, any explanation of certified document (including supporting documents) described in this subparagraph.*

17. COMMEMORATIVE WORKS ACT

(Public Law 99-652; November 14, 1986; 40 U.S.C. 1001 through 1010)

COMMEMORATIVE WORKS ACT

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.

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

PURPOSES

SECTION 1.¹ The purposes of this Act are as follows:

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of **【Columbia;】** *Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;*

* * * * *

DEFINITIONS

SEC. 2. **【As used in this Act—**

【(a) the term “Secretary” means the Secretary of the Interior;

【(b) the term “Administrator” means the Administrator of the General Services Administration;

【(c) the term “commemorative work” means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

【(d) the term “person” means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

¹For a list of commemorative works authorized to be established since the enactment of this Act in the District of Columbia and its environs, see 40 U.S.C. 1003 note.

[(e) notwithstanding any other provision of law, the term “the District of Columbia and its environs” means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986.]

As used in this Act—

(1) the term “Secretary” means the Secretary of the Interior;

(2) the term “Administrator” means the Administrator of the General Services Administration;

(3) the term “commemorative work” means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(4) the term “sponsor” means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(5) the term “Reserve” means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (6);

(6) the term “the District of Columbia and its environs” means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501A, and dated May 1, 2002.

CONGRESSIONAL AUTHORIZATION OF COMMEMORATIVE WORKS IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS

SEC. 3. (a) No commemorative works may be established on Federal lands referred to in section 1(d) in the District of Columbia and its environs unless specifically authorized by law. All such authorized commemorative works shall be subject to applicable provisions of this Act.

(b) A military commemorative work may be authorized only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative **[work commemorating a lesser conflict]** *work solely commemorating a limited military engagement* or a unit of an Armed Force shall be authorized. Commemorative works to a war or similar major military conflict shall not be authorized until at least 10 years after the officially designated end of **[the event.]** *such war or conflict.*

(c) A commemorative work commemorating an event, individual, or a group of individuals, other than a military commemorative work as described in subsection (b) of this section, shall not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) In considering legislation authorizing commemorative works within the District of Columbia and its environs, the Committee on **House Administration** *Resources* of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial *Advisory Commission*.

NATIONAL CAPITAL MEMORIAL COMMISSION

SEC. 4. (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: *The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):*

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 Building Service, General Services Administration
 Secretary, Department of Defense

(b) The National Capital Memorial *Advisory Commission* shall advise the Secretary and the **Administration** *Administrator (as appropriate)* 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 concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

AVAILABILITY OF MAP DEPICTING AREA I AND AREA II

SEC. 5. The **Secretary and the Administrator** *Secretary or the Administrator (as appropriate)* shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map **numbered 869/85601**, and dated May 1, 1986, *entitled "Commemorative Areas Washington, DC and Environs", numbered 869/8501A, and dated May 1, 2002.*

SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

SEC. 6. (a) * * *

* * * * *

(c) *After the date of enactment of the Commemorative Works Clarification and Revision Act of 2002, no commemorative work shall be located within the Reserve.*

SITE AND DESIGN APPROVAL

SEC. 7. (a) Any **person** *sponsor* 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] *sponsor* shall consult with the National Capital Memorial Commission regarding the selection of alternative sites and [designs] *design concepts* 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], *sponsor* 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] *or Administrator (as appropriate)* 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] *open space, existing public use, and cultural and natural resources*;

(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[.];

(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 section 2(5);*

(5) *The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific 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.*

CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT

SEC. 8. (a) 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] *sponsor* authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator (as appropriate); and

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

[(b) 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.]

(b)(1) In addition to the foregoing criteria, no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. 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 percent of the funding for such work is provided by private sources.

(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2002 shall be credited to a separate account with the National Park Foundation.

(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds

provided under this paragraph shall be available without further appropriation and shall remain available until expended.

* * * * *

MISCELLANEOUS PROVISIONS

Sec. 10. (a) Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary or the Administrator (as appropriate) and shall be permanently maintained in the manner provided by law.

[(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, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.]

(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, if such additional 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 (as appropriate) in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

(B) 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 (as appropriate) may extend the seven-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 shall also expire.

* * * * *