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# American Veterans Disabled For Life Memorial

## Site Selection Report

SUBMITTED BY

THE DISABLED VETERANS' LIFE MEMORIAL FOUNDATION, INC.

# SITE SELECTION REPORT

# FOR

# American Veterans Disabled For Life Memorial

## PL 106-348

## Submission For

## THE NATIONAL CAPITAL MEMORIAL COMMISSION

August, 2001

**Honoring Their Sacrifice**
**In Defense of our Freedom**

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# 1. Executive Summary

Public Law 106-348, approved October 24, 2000, authorized the establishment of a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. The Act authorized the the Disabled Veterans' LIFE Memorial Foundation (Foundation) to construct the memorial to honor disabled veterans.

The legislation (see Appendix A) enjoyed broad bipartisan support in both the House of Representatives and in the United States Senate.

The mission of the Foundation is to honor the millions of veterans of the Armed Forces who became disabled for LIFE while defending our American freedom. It is to commemorate their sacrifice, their dedication and ensures that disabled veterans are always remembered.

The Foundation was created in association with the Lois Pope LIFE Foundation and the Disabled American Veterans.

> *"Long after the guns have been silenced, their disabilities persist. Every American will not have the opportunity to see the suffering and courage of our disabled veterans firsthand as I have. If they had that experience, I have no doubt they would agree without hesitation that we should properly acknowledge and honor these veterans."* Mrs. Lois Pope, Chairman, Foundation

> *"Throughout our history, disabled veterans have paid the cost of American Freedom and have borne the deepest wounds and scars of war. Therefore, America has a solemn obligation to assure these men and women who have served and sacrificed for this country and the cause of freedom will never be forgotten or neglected."* Jesse Brown, Executive Director, Foundation

> *"The contributions of disabled veterans go well beyond their heroic sacrifices in the armed forces. Their contributions also lie in what they added to our national spirit and tradition of selfless service. Those who risk their lives and health for others represent the best of humanity. With this memorial, we are acknowledging their extraordinary service to society and commending their courage."* Arthur H. Wilson, President, Foundation

The Board of Directors of the Foundation selected six sites within the environs of Washington, DC. The sites are located within the area that is defined as Area II in the Commemorative Works Act of 1986 (Public Law 99-652), approved November 16, 1986. (See Appendix B.) The Foundation has had the benefit of the Draft - Memorial and Museums Master Plan (Master Plan) that was prepared by the National Capital Planning

Commission through funds that were provided by Congress. Each of the sites that were studied is evaluated with the Master Plan.

The recommended site is Site Number 26 which is located at the intersection of Washington Avenue, C Street, and 2nd Street, SW, Washington, DC

# 2. INTRODUCTION

## a. Historic Overview

Throughout our history Americans have erected monuments to their heroes, which poet Walt Whitman described as "the statues of the manifold famous dead."

This traditional approach of honoring heroism has failed to provide adequate recognition for the sacrifice of America's living, but unsung heroes...those, who in service to their country and to the cause of freedom, bear the deepest wounds and scars of war long after the guns fall silent. Disabled veterans are those who have been wounded and disabled for LIFE and go largely unnoticed on patriotic holidays.

It is through the long standing support and dedication of Mrs. Lois Pope that the American Veterans Disabled for Life Memorial will come to fruition. She is the founder of Chairman of the Lois Pope LIFE Foundation and Leaders in Furthering Education (LIFE). Both organizations are devoted to saving lives, improving the quality of life for families in need, encouraging leadership in young Americans, and providing awards for medical research, scholarships and summer camps.

In the spring of 1996, Lois Pope began the long process of honoring the disabled veterans, who she describes as the ones who have "taken bullets for their country" and who have not received the recognition they deserve for their service to the cause of freedom and the sacrifices they endure every day of their lives.

Mrs. Pope's first encounter with disabled veterans occurred while she was a singer and actress on Broadway. "I had been asked to do a benefit at the Rusk Rehabilitation Center in New York City. We were taken to the rooftop patio, where disabled veterans had gathered to watch the show," she recalls. "I had chosen a popular song from the musical West Side Story. As I began to sing 'Somewhere there's a place for us...We'll find a place for us,' I could see the emotion and hope in their faces. As I sang, I kept praying that I wouldn't cry."

These are the men and women who served this country, took bullets for us and made enormous sacrifices. They are truly America's unsung heroes. So Mrs. Pope wants to help make sure that these heroes are recognized for their life long sacrifices. She is the founder and president of the Disabled Veterans' LIFE Memorial Foundation.

The American Veterans Disabled for Life Memorial is necessary because America has a solemn obligation to those who have served and sacrificed for our country and defended the cause of freedom. The memorial will be symbolic of the soul and spirit of America. It will revere the millions of men and women who continue to suffer the hardships and sacrifices of war. It will inspire future generations of Americans to recognize the power and virtue of sacrifice. It will inspire future generations to remember all those who have defended our land in war and in peace so that we can all be free.

Buried deep within the memories of disabled veterans are the horrors and brutality of war. Disabled veterans pay the price of freedom for a lifetime. Many will never know the exhilaration of a morning run, because they have no legs to carry them. Others can never hold their children or grandchildren, because they no longer have arms. Many will never enjoy the beauty of a sunrise, sunset or a spring day, because they live in eternal darkness.

Yes, the price of freedom has a long and dramatic history. Today, there are 13 American veterans still living who were disabled in the Mexican Border War. There are 779 disabled veterans who suffered from the gas attacks and barrages of World War I. Nearly 798,000 who were disabled during World War II continue their service to America today as part of what Tom Brokaw has called "America's Greatest Generation." Nearly 273,000 Americans disabled during the Korean War are preparing for the 50th Anniversary of that brutal war. Contributing to making our nation great are 815,000 disabled veterans who served during the Vietnam era. Another several hundred veterans disabled during the Persian Gulf War will be part of the American landscape far into the 21st century.

The American Veterans Disabled for Life Memorial honors the millions of veterans of Armed Forces who became disabled for LIFE while defending our American Freedom. It commemorates their sacrifice, their dedication and ensures that disabled veterans are always remembered.

The American Veterans Disabled for Life Memorial will be funded by private contributions. The not-for-profit Disabled Veterans' LIFE Memorial Foundation is organized in accord with IRS section 501 (c)(3) to conduct a national fund-raising campaign, thus all contributions are tax deductible accordingly. Leading the campaign are Foundation Chairman Lois Pope, Foundation President Arthur Wilson, Foundation Executive Director Jesse Brown and Foundation Chief Operating Officer, Robert Hansen.

## b. Legislative History

Legislation for the American Veterans Disabled for Life Memorial, Public Law 106-348, was signed into law on October 24, 2000 by President William J. Clinton. The legislation enjoyed broad bipartisan support in both the House of Representatives and the United States Senate. Sponsors included Senators John McCain of Arizona and Max Cleland of Georgia and in the House of Representatives Sam Johnson of Texas and Jack Murtha of Pennsylvania.

> *"We cannot restore the health of those Americans who incurred a disability as a result of their military service. It is within our power, however, to authorize a memorial that would clearly signal the nation's gratitude to all whose disabilities serve as a living reminder of the toll war takes on its victims. The memorial will stand as a testament to the sum of the sacrifices of disabled veterans and as proof that the country they served values their contributions to its cause."*
> Senator John McCain

> *"It will provide the American people an opportunity to honor and express thanks to those who sacrificed so much for our freedom. We must never forget the terrifying physical, psychological, and spiritual costs that so many paid on behalf of their fellow citizens."* Congressman Sam Johnson

> *"It is not only appropriate, but necessary to recognize the special sacrifices that disabled veterans have made to this country. It has been said that 'Poor is the nation which has no heroes. Poorer still is the nation which has them, but forgets.' The creation of this memorial will ensure that we, as a nation, do not forget those who have been forever changed in service to our country."*
> Senator Mac Cleland

> *"Our disabled veterans deserve this recognition of the tremendous sacrifices they've made for our great country, and it's important the veterans and their family members know how grateful our nation is for their service and commitment to America's principles."* Congressman John P. Murtha

Location:
No. 25 - Northeast corner of Louisiana Avenue and 1st Street, NW

Site Description Summary:

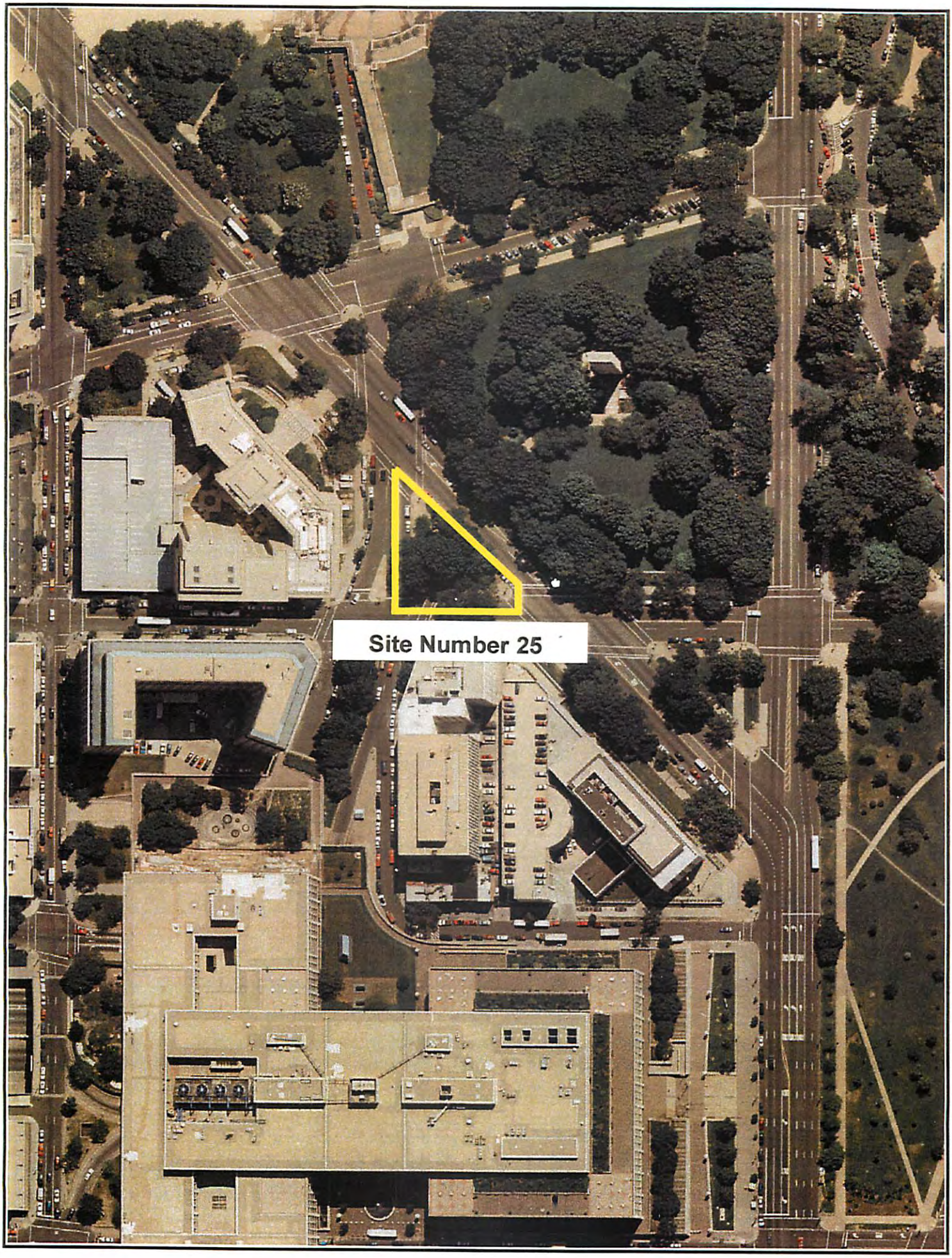
This prominent triangular shaped parcel of National Park Service ground has a limited view of Capitol Hill. The parcel has a gentle slope that follows the ascending grade from Constitution Avenue to Union Station – Capitol Hill. The surface of this open space area of Louisiana Avenue is currently maintained entirely in turf and is shaded by the significant canopies of the street trees and a large Elm near the center of the parcel.

The effect of the trees and their canopies, and those across Louisiana Avenue and Capitol Hill is a screening of potential views to the Capitol. The site has a partial view to Union Station and has direct site lines to the Teamsters Union Building and the Letter Carriers Union Building.

Louisiana Avenue, 1st and C Streets, NW bound the parcel, which was formerly part of the U.S. Capitol Grounds until it was transferred to the National Park Service in 1995. The site was created during the development of Louisiana Avenue and the expansion of the U.S. Capitol Grounds in 1930.

Development of this quiet parcel could be accomplished in two distinctly different ways. The existing trees (and their vital root systems) can be preserved to maintain a site of dense shade, by locating an artwork within the space. Or, secondly, the existing materials could be reduced in number to create a plaza space similar, but smaller, to the recently completed Memorial to Japanese-American Patriotism during World War II. In either scenario, the parcel would be screened from Capitol Hill

Access to a WMATA station is available at either the Judiciary Square Station or Union Station, each being approximately five blocks distant. Metered on-street parking, and commercial, garage parking spaces are available in the city blocks located north and west of the site. Restricted, permit-only parking spaces are in the vicinity of the site.


Site Number 25

Location:
No. 11 - Walt Whitman Park, along E Street between 19th and 20th Streets, NW

Site Description Summary:

This elongated, rectangular shaped site is bounded by 19th and 20th Streets, NW and E Street, NW along the south and north borders of the park. The National Park Service manages the parcel of open space. The space is west of and matches the geometry of U.S. Reservation 13, Rawlins Park (1.44 acres).

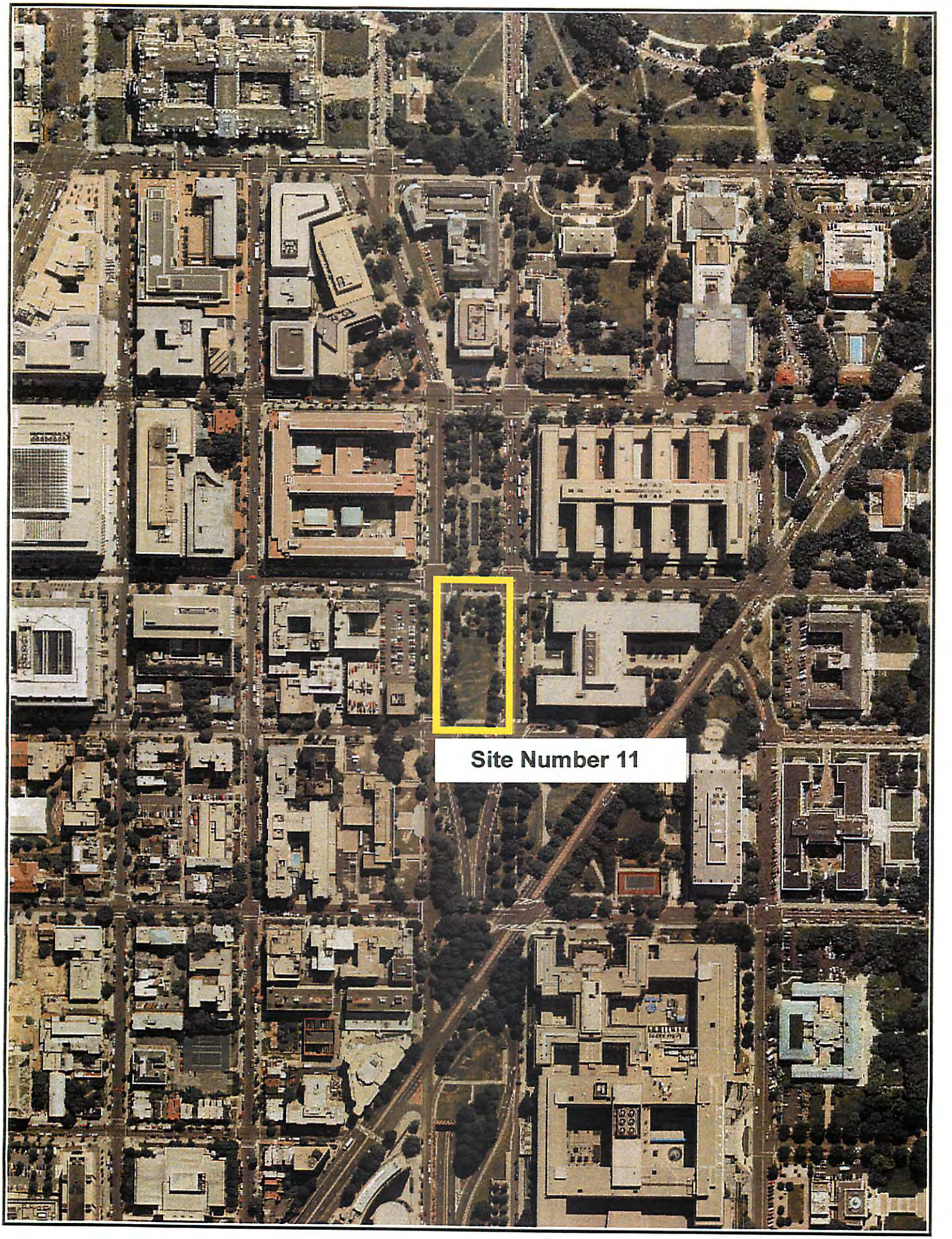
Situated in a view corridor that extends between the John F. Kennedy Center for the Performing Arts and the Grounds of the White House along the length of E Street and the New York Avenue, NW. the site has significant commemorative potential.
The site is located between the buildings that are occupied by the Office of Personnel Management and the American Red Cross. Across the street, and within view are the State Department, the Department of the Interior, and the General Services Administration. The location of the site offers the potential for visitation by office workers. George Washington University is situated to the north of the site.

The site slopes from east to west and from north to south. The opportunity exits to level the grade by creating a raised terrace by constructing a wall on the south and west lines of the parcel. Similarly, the grade could be leveled by excavation and constructing retaining walls to the north and east. On analysis, the site would benefit from substantial engineering amendments (structures) to accommodate a commemorative work that could comfortably influence the nature of the site.

WMATA facilities at the Foggy Bottom Station and Farragut West Station are located approximately four blocks distant from the site. West Potomac Park, the Lincoln Memorial and Constitution Gardens are located 3 blocks from the site. Metered street parking and commercial, garage parking spaces are available in the vicinity of the site.

The park is currently known as Walt Whitman Park a title that was assigned by the Department of the Interior. A temporary, playground that was developed and is utilized by a day care program occupies the eastern quarter of this site. The remainder of the site is an open, turf area that is surrounded by a formal, border planting of street trees.

The site is a prominent one, and could well serve some commemorative purpose and provide a space for an urban design feature in the future. However, in the opinion of the Foundation, the site lacks any recognizable nexus to disabled veterans issues, and is remote to those who may consider and implement issues that relate to military service.


Site Number 11

Location:
No. 57 - On the Potomac River at the foot of Wisconsin Avenue, NW

Site Description Summary:

This site borders the Potomac River and is framed by the elevated Whitehurst Freeway and K Street corridor that forms the southern edge of Georgetown. The base of Wisconsin Avenue, NW, between K Street and the Potomac is viewed as a potential memorial site in the Georgetown Waterfront Park plan. The base of Wisconsin Avenue is to remain open in the plan, so commemorative elements at this site would need to be low to preserve the view to the Potomac River.

The site is a prominent one, and could well serve some commemorative purpose and provide a space for an urban design feature in the future. However, in the opinion of the Foundation, the site lacks any recognizable nexus to disabled veterans issues, and is remote to those who may consider and implement issues that relate to military service.

Metrobus service is available 2 blocks away; however, the closest metrorail station is the Foggy Bottom Station nearly 8 blocks away.

Site Number 57

Location:
No. 44 - Edward Murrow Park ($18^{th}$-$19^{th}$ St) or James Monroe Park ($20^{th}$-$21^{st}$ St)

Site Description Summary:

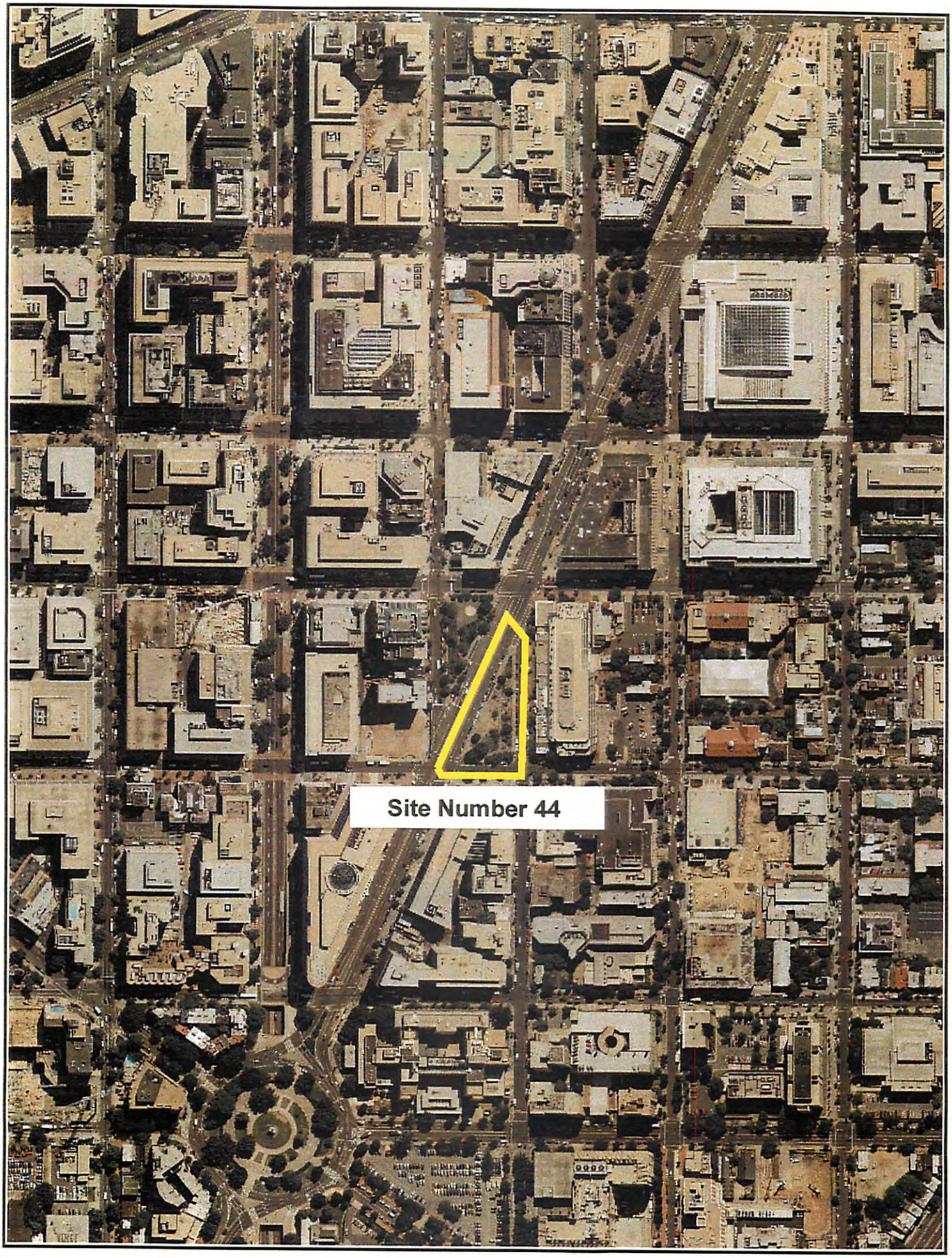
This triangular shaped site is bounded by 21st Street, H Street, Pennsylvania Avenue, NW. The National Park Service manages the parcel of open space, U.S. Reservation 28. The space is approximately .40 acres in size and matches a similar park space, U.S. Reservation 29, located to the north, across Pennsylvania Avenue, NW.

Situated in a corridor that extends between Georgetown and the Grounds of the White House along the length of Pennsylvania Avenue the site has significant commemorative potential. However, the site is located between the several commercial office buildings in a business section of Washington, DC. The location of the site offers the potential for visitation by office workers. George Washington University is situated to the north of the site.

The site slopes from east to west and from north to south. The opportunity exits to level the grade by creating a raised terrace by constructing a wall on the south and west lines of the parcel. Similarly, the grade could be leveled by excavation and constructing retaining walls to the north and east. On analysis, the site would benefit from substantial engineering amendments (structures) to accommodate a commemorative work that could comfortably influence the nature of the site.

WMATA facilities at the Farragut West Station are located approximately two blocks distant from the site. West Potomac Park, the Lincoln Memorial and Constitution Gardens are located 7 blocks from the site. Metered street parking and commercial, garage parking spaces are available in the vicinity of the site.

The site is a prominent one, and could well serve some commemorative purpose and provide a space for an urban design feature in the future. However, in the opinion of the Foundation, the site lacks any recognizable nexus to disabled veterans issues, and is remote to those who may consider and implement issues that relate to military service.


Site Number 44

Location:
No. 46 - In Rock Creek Park between M Street and Pennsylvania Avenue, NW

Site Description Summary:

This potential .5 acre site is located at the west end of Foggy Bottom and borders the Rock Creek and Potomac River Parkway. This open space area is managed by the National Park Service as a turf and natural area. The site slopes gently, approximately 150 feet away from 26th Street, NW, before the grade drops sharply to form the east bank of Rock Creek. The site is bordered by street trees on 26th Street and Pennsylvania Avenue, and by natural vegetation (west) and M Street on the north.

Although the space is bordered by commercial office buildings, the parkway, and two traffic corridors (M Street, and Pennsylvania Avenue), the space is situated such that it is quiet, thereby offering design opportunities for contemplation, or for greater activity.

The site is a prominent one, and could well serve some commemorative purpose and provide a space for an urban design feature in the future. However, in the opinion of the Foundation, the site lacks any recognizable nexus to disabled veterans issues, and is remote to those who may consider and implement issues that relate to military service.

Metrorail service is 3 blocks away at the Foggy Bottom Station, and metrobus access is adjacent to the site.

Site Number 46

The four sites in Area II considered but not reviewed were:

Location:
No. 27 - East Potomac Park on Washington Channel
No. 32 - Northeast corner of Maryland and Constitution Avenues, NE
No. 42 - East Side of Washington Channel at Water Street
Franklin Park - Between I and K Streets, NW, bordered by 13th and 14th Streets, NW

Site Number 27

Site Number 32

Site Number 42

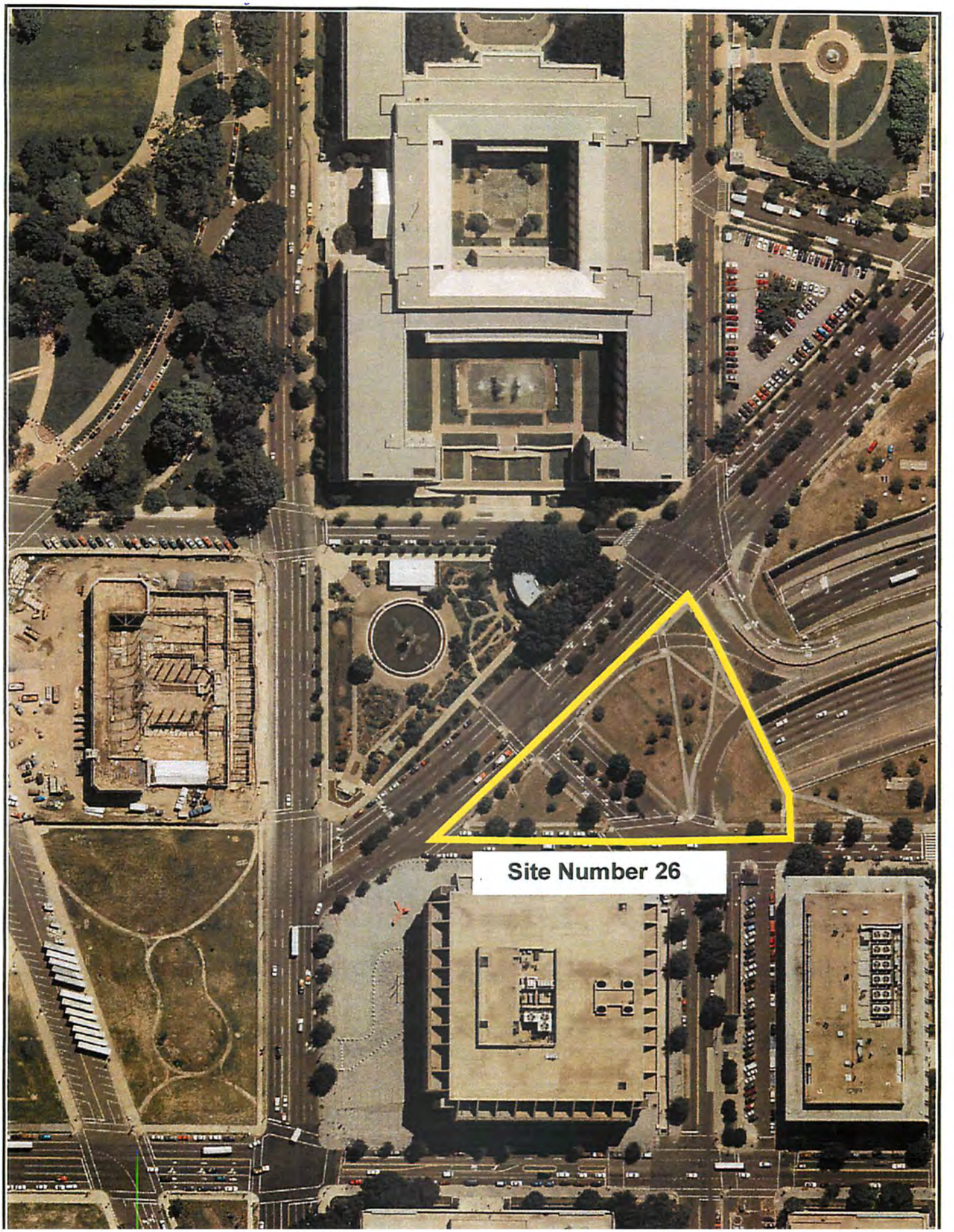
Franklin Park

# 4. Recommended Site for the American Veterans Disabled for Life Memorial

In keeping with the Commemorative Works Act, the recommended site for the American Veterans Disabled for Life Memorial is in Area II, site no. 26, Washington Avenue at 2nd Street, SW.

Its proximity to the U. S. Capitol building is fitting for a memorial to Disabled Veterans' as it is the Congress which has the sole and solemn power to declare war and commit our troops to action.

This site does not encroach upon any other existing commemorative work. It protects and in fact will enhance this open space and will allow for maximum public use.


Site Number 26

# APPENDIX A

## Public Law 106-348

## "Memorial To Honor Disabled Veterans of the United States Armed Services"

*One Hundred Sixth Congress*

*of the*

*United States of America*

**AT THE SECOND SESSION**

*Begun and held at the City of Washington on Monday, the twenty-fourth of January, two thousand.*

*An Act*

**To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.**

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

*SECTION 1.* *MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED SERVICES*

(A) Memorial Authorized. - 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 veterans who became disabled while serving in the Armed Services of the United States.

(B) Compliance with Standards For Commemorative Works. - The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(C) 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. No Federal funds may be used to pay any expenses of the establishment of the memorial.

(D) Deposit of Excess Funds. - If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), 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 (40 U.S.C. 1008(b)(1)).

Signed by: J. Denis Hastert, Speaker of the House of Representatives
Strom Thurmond, President of the Senate pro Tempore
William J. Clinton, President of the United States of America

Dated/Approved October 24, 2000

# APPENDIX B

## "The Commemorative Works Act"

# THE 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. 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.

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved

## 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;

(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

## CONGRESSIONAL AUTHORIZATION OF COMMEMORATIVE WORKS IN THE DISTRICT OF COLUMBIA OR ITS ENVIRONS

SEC. 3. (a) No commemorative work may be established on Federal lands referred to in section 1(d) in the District of Columbia and its environs unless specifically authorized by Act of Congress. 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 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.

(c) A commemorative work commemorating an event, individual, or 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 of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial 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:

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; and
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 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 II

SEC. 5. 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.

## SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

SEC. 6. (a) 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 3(b) of the recommendation by the Secretary or the 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.

## SITE AND DESIGN APPROVAL

SEC. 7. (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 regarding 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.

## 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 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 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.

(c) (1) The Secretary or the Administrator (as appropriate) may suspend any activity under the authority of this Act with respect to the establishment of a commemorative work if the Secretary or Administrator determines that 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

## TEMPORARY SITE DESIGNATION

SEC 9. (a) If the Secretary, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary in order to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on lands administered by the Secretary in the District of Columbia. A designation may not be made under the preceding sentence unless, at least one hundred and twenty days before the designation, the Secretary, in consultation with the National Capital Memorial Commission, prepares and submits to the Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site, and criteria for displaying commemorative works at the site.

(b) Any commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the commemorative works. Such person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

## 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.

(c) Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

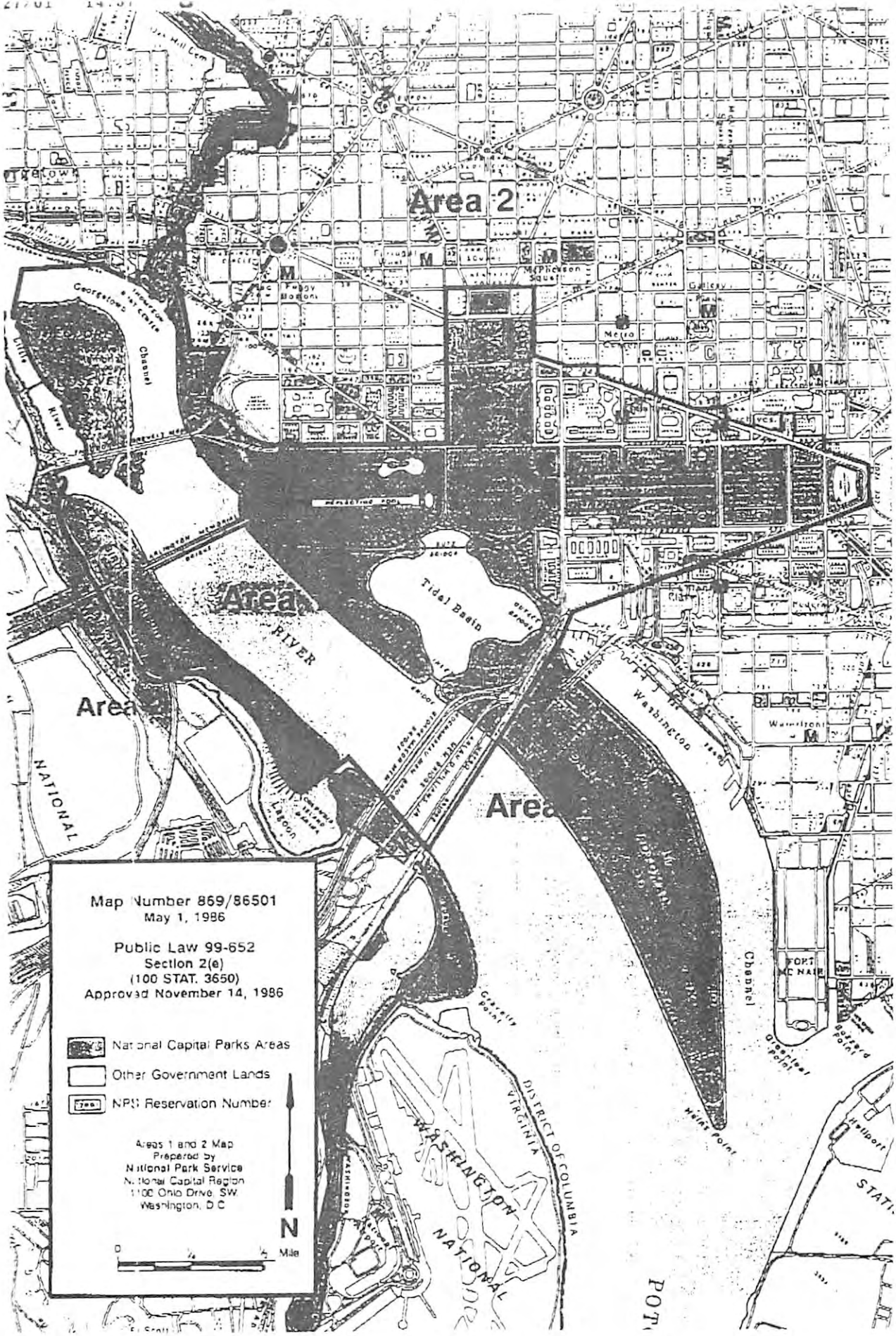
(d) The Secretary and the Administrator shall develop appropriate regulations or standards to carry out this Act.

(e) This Act shall not apply to commemorative works authorized by a law enacted before the commencement of the Ninety-ninth Congress.

## SHORT TITLE

SEC. 11. This Act may be cited as the 'Commemorative Works Act'

Public Law 99-652 (November 14, 1986)
Public Law 102-216 (December 11 1991)
Public Law 103-321 (August 26, 1994)


Area 2
Area 1
Area 2
Tidal Basin
RIVER
NATIONAL
Washington
Channel
Georgetown
Channel
Lagoon
Gravelly Point
Hains Point
Greenleaf Point
Bozzard Point
FORT MC NAIR
DISTRICT OF COLUMBIA
VIRGINIA
WASHINGTON
NATIONAL
Map Number 869/86501
May 1, 1986
Public Law 99-652
Section 2(e)
(100 STAT. 3650)
Approved November 14, 1986
National Capital Parks Areas
Other Government Lands
NPS Reservation Number
Areas 1 and 2 Map
Prepared by
National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, D.C.
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