

RICHARD SHELBY
ALABAMA

COMMITTEE ON APPROPRIATIONS
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AND URBAN AFFAIRS
CHAIRMAN—SELECT COMMITTEE ON INTELLIGENCE
SPECIAL COMMITTEE ON AGING

110 HART BUILDING
WASHINGTON, DC 20510-0103
202 224-5744
E-mail: senator@shelby.senate.gov

United States Senate
WASHINGTON, DC 20510-0103

February 10, 1998

Ms. Rebecca F. Lipscomb

Birmingham, Alabama 35205

STATE OFFICES:

1800 FIFTH AVENUE NORTH
321 FEDERAL BUILDING
BIRMINGHAM, AL 35203
(205) 731-1384

HUNTSVILLE INT'L AIRPORT
1000 GLEN HEARN BOULEVARD
BOX 20127
HUNTSVILLE, AL 35824
205 772-0460

113 ST. JOSEPH STREET
308 U.S. COURTHOUSE
MOBILE, AL 36602
334 694-4164

15 LEE STREET
828 U.S. COURTHOUSE
MONTGOMERY, AL 36104
334 223-7303

1118 GREENSBORO AVENUE #240
TUSCALOOSA, AL 35401
205 759-5047

Dear Ms. Lipscomb:

Enclosed please find a copy of the response I received from the National Park Service. I hope the reply adequately addresses the issue you raised. Assisting my constituents and their concerns is of utmost importance to me.

Thank you again for contacting me. If I can be of any future assistance, please let me know.

Sincerely,



Richard Shelby

RCS/aca
Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive SW
Washington, D.C. 20242

D66(NCR-NACC)

FEB 5

Honorable Richard Shelby
United States Senate
Washington, D.C. 20510

Dear Senator Shelby:

We are sorry for the delay in responding to your letter dated November 4, 1997, on behalf of your constituent, Ms. Rebecca Lipscomb, about the feasibility of adding a bronze plaque to the Vietnam Veterans Memorial, at ground level, to honor men and women whose deaths after the war resulted from service in Vietnam.

The Vietnam Veterans Memorial Fund, Inc., pursuant to the authority provided by Public Law 96-297, selected and supported approval of the memorial design "in honor and recognition of the men and women of the Armed Services of the United States who served in the Vietnam War". Since the 1980 legislation, the grounds about the memorial and the original design has been amended twice to provide further recognition to our service men and women.

My staff has contacted Mrs. Ruth Fitzgerald of Fredericksburg, Virginia. It was with sympathy and understanding of the sacrifices of our veterans, that she was informed that the addition of a plaque at the memorial site, according to the standards established by the Commemorative Works Act, would require the passage of legislation. Please refer to Section 2. (c) of Public Law 99-652 (copy enclosed).

With enactment of legislation to memorialize those who died after the Vietnam War, the National Park Service would assist the authorized person or organization in the siting and design of a plaque in accord with established standards. We have so informed Mrs. Fitzgerald. The actions which must be undertaken if the National Park Service is to permit the establishment of a memorial or commemorative plaque within the Nation's Capital are enclosed.

Thank you for your interest in the National Park Service. If you have further questions, please contact me or Mr. John Parsons, Associate Superintendent, Stewardship and Partnerships at (202) 619-7025.

Sincerely,

Joseph M. Jantner

Regional Director, National Capital Region

Enclosures (3)

PUBLIC LAW 96-297—JULY 1, 1980

94 STAT. 827

Public Law 96-297
96th Congress

Joint Resolution

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

July 1, 1980

[S.J. Res. 119]

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.

Vietnam
Veterans
Memorial Fund,
Inc.
establishment
16 USC 431 note.

Sec. 2. (a) The Secretary of the Interior, in consultation with the Vietnam Veterans Memorial Fund, Inc., is authorized and directed to select with the approval of the Commission of Fine Arts and the National Capital Planning Commission a suitable site of approximately two acres in size located in the area of West Potomac Park known as Constitution Gardens in the District of Columbia: *Provided*, That if subsurface soil conditions prevent the engineering of a feasible foundation system for the memorial in a location in that area, then the Secretary of the Interior, in consultation with the Vietnam Veterans Memorial Fund, Inc., is authorized and directed to select a suitable site of approximately two acres in size located in an area of West Potomac Park north of Independence Avenue other than Constitution Gardens.

Location
authorization

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission: *Provided*, That if the Secretary of the Interior, the Commission of Fine Arts, or the National Capital Planning Commission fails to report his or its approval of or specific objection to such design and plans within ninety days of their submission, his or its approval shall be deemed to be given.

Design plans

(c) Neither the United States nor the District of Columbia shall be put to any expense in the establishment of the memorial.

Expenses

Sec. 3. The authority conferred pursuant to this resolution shall lapse unless (1) the establishment of such memorial is commenced within five years from the date of enactment of this resolution, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior based upon the approved design and plans for the memorial, to insure completion of the memorial.

Termination of
authority

Sec. 4. The maintenance and care of the memorial established under the provisions of this resolution shall be the responsibility of the Secretary of the Interior.

Memorial
maintenance

Approved July 1, 1980

24 Steps to Erecting a Memorial in Washington D.C.

1. Draft a bill containing the appropriate language (see attached).
2. Seek out a Representative or Senator who is willing to sponsor the legislation.
3. Visit Committee staff members with sponsor's staff.
4. Contact staff of National Capital Memorial Commission (NCMC) for technical advice leading to consideration of their views on a proposed bill under Section 3(d) of the Commemorative Works Act.
- Chairman: John Parsons (202/619-7025); Staff: Glenn DeMarr, Nancy Young (202/619-7097)
5. Introduce bill (need 100 cosponsors to hold a Congressional hearing).
6. Seek and hold hearings in both House and Senate.
7. Conference between House and Senate to mark up bill.
8. Bill passes both Houses and is signed into law by President.
9. Begin planning for fund-raising efforts.
10. Work with staff of NPS to identify alternative sites.
11. Submit study of alternative sites to NPS for approval of preferred site in consultation with NCMC.
12. Approved site is submitted by the National Park Service (NPS) to the National Capital Planning Commission (NCPC); the Commission of Fine Arts (CFA); and the D.C. State Historic Preservation Officer (SHPO).
13. After site approval by the NCPC and CFA, and the comments are received from SHPO, the Secretary of the Interior approves the site.
14. Select (1) a designer, or (2) a coordinator for design competition if a competition is to be held.
15. Submit proposed design concept to the NPS for approval.
16. NPS submits design concept to NCPC, CFA, and SHPO.
17. Refine design concepts based on comments, and produce preliminary design and environmental assessment for NPS who, upon approval, will submit to NCPC, CFA, SHPO.
18. Refine preliminary design, based on comments, and produce final design to NPS who, upon approval, will submit to NCPC, CFA, SHPO.
19. Complete final drawings and specifications.
20. Complete fund-raising.
21. Submit final drawings and specifications, cost estimate, and evidence of funds on hand, plus 10 percent cash payment for maintenance to NPS, for final approval by the Secretary of the Interior.
22. NPS issues a construction permit.
23. Begin construction and prepare for dedication ceremony.
24. Dedication and transfer to the NPS for management.

A BILL

To authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL. - The Air Force Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

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

SEC. 2. PAYMENT OF EXPENSES.

The Air Force 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 expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Air Force 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.

<END>

PUBLIC LAW 103-163—DEC. 2, 1993

107 STAT. 1973

Public Law 103-163
103d Congress

An Act

To authorize the Air Force Memorial Foundation to establish a memorial in the
District of Columbia or its environs.Dec. 2, 1993
[H. R. 492]*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

40 USC 1001
note(a) **IN GENERAL.**—The Air Force Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

40 USC 1001
note

The Air Force 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 expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

40 USC 1001
note

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Air Force 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.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H. R. 492—S. 270

CONGRESSIONAL RECORD, Vol. 139, 1993

Nov. 16, considered and passed House

Nov. 20, considered and passed Senate

○

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 Arcas 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 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)