Subsec. (a). Pub. L. 108–126, § 203(d)(2), substituted ''There is established the National Capital Memorial Advisory Commission, which shall be composed of'' for ''There is a National Capital Memorial Commission. The membership of the Commission consists of'' in introductory provisions.

Subsec. (c). Pub. L. 108–126, § 203(d)(3), inserted ''Advisory'' before ''Commission shall'' and substituted ''Services (as appropriate)'' for ''Services''.

Subsec. (d). Pub. L. 108–126, § 203(d)(4), inserted ''Advisory'' before ''Commission''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8905. Site and design approval

(a) CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.—A sponsor authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

(1) CONSULTATION.—The sponsor must consult with the National Capital Memorial Advisory Commission regarding the selection of alternative sites and design concepts for the commemorative work.

(2) SUBMITTAL.—Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the sponsor, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

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

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

(2) LOCATION.—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space, existing public use, and cultural and natural resources.

(3) MATERIAL.—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) LANDSCAPE FEATURES.—Landscape features of commemorative works shall be compatible with the climate.

(5) MUSEUMS.—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 8902(2).[1]

(6) SITE-SPECIFIC GUIDELINES.—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 chapter.

(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108–126, title II, §§ 203(e), 204, Nov. 17, 2003, 117 Stat. 1351, 1352.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8905(a)	40:1007(a).	Pub. L. 99–652, § 7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(d), Aug. 26, 1994, 108 Stat. 1794.
8905(b)	40:1007(b).	

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–126, § 203(e)(1)(A), substituted ''sponsor'' for ''person'' wherever appearing.

Subsec. (a)(1). Pub. L. 108–126, § 203(e)(1)(B), inserted ''Advisory'' before ''Commission'' and substituted ''design concepts'' for ''designs''.

Subsec. (b). Pub. L. 108–126, § 203(e)(2)(A), substituted ''and the Secretary or Administrator (as appropriate)'' for ''Secretary, and Administrator'' in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 108–126, § 203(e)(2)(B), substituted ''open space, existing public use, and cultural and natural resources.'' for ''open space and existing public use.''

Subsec. (b)(5) to (7). Pub. L. 108–126, § 204, added pars. (5) to (7).

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8906. Criteria for issuance of construction permit

(a) CRITERIA FOR ISSUING PERMIT.—Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior or Administrator of General Services, as appropriate, shall determine that—

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

(2) knowledgeable individuals qualified in the field of preservation and maintenance

[1] So in original. Probably should be section ''8902(a)(2).''

have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;

(3) the sponsor authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and

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

(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

(1) In addition to the criteria described above in subsection (a), 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 the Commemorative Works Clarification and Revision Act of 2003 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 2003 shall be credited to a separate account with the National Park Foundation.

(4) Upon request of the Secretary or Administrator (as appropriate), 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.

(c) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.

(d) ANNUAL REPORT.—The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1230; Pub. L. 108–126, title II, § 203(f), Nov. 17, 2003, 117 Stat. 1351.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8906(a)	40:1008(a).	Pub. L. 99–652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(e), Aug. 26, 1994, 108 Stat. 1794.
8906(b)(1)	40:1008(b) (words before proviso), cl. (1).	
8906(b)(2), (3).	40:1008(b)(2).	
8906(b)(4)	40:1008(b) (proviso).	
8906(c)	40:1008(c)(1).	
8906(d)	40:1008(c)(2).	

In subsection (b)(1), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

In subsection (b)(2), the words ''Congress authorizes and directs that'' are omitted as unnecessary.

REFERENCES IN TEXT

The date of enactment of the Commemorative Works Clarification and Revision Act of 2003, referred to in subsec. (b)(2), (3), is the date of enactment of Pub. L. 108–126, which was approved on Nov. 17, 2003.

AMENDMENTS

2003—Subsec. (a)(3), (4). Pub. L. 108–126, § 203(f)(1), substituted ''sponsor'' for ''person''.

Subsec. (b). Pub. L. 108–126, § 203(f)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

''(1) AMOUNT.—In addition to the criteria described in subsection (a), a construction permit may not be issued unless the person 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. The amounts shall be credited to a separate account in the Treasury.

''(2) AVAILABILITY.—The Secretary of the Treasury shall make any part of the donated amount available to the Secretary of the Interior or Administrator for maintenance at the request of the Secretary of the Interior or Administrator. The Secretary of the Interior or Administrator shall not request more from the separate account than the total amount deposited by persons establishing commemorative works in areas the Secretary of the Interior or Administrator administers.

''(3) INVENTORY OF AVAILABLE AMOUNTS.—The Secretary of the Interior and Administrator shall maintain an inventory of amounts available under this subsection. The amounts are not subject to annual appropriations.

''(4) NONAPPLICABILITY.—This subsection does not apply when a department or agency of the Federal Government constructs the work and less than 50 percent of the funding for the work is provided by private sources.''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8907. Temporary site designation

(a) CRITERION FOR DESIGNATION.—If the Secretary of the Interior, in consultation with the