

shall have public or private solicitation for bids or offers be made as the Secretary considers appropriate. The Secretary shall sell the parcel to the party agreeing to pay the highest price if the price is otherwise satisfactory. If the price offered or bid by the owner of land abutting the land to be sold equals the highest price offered or bid by any other party, the parcel may be sold to the owner of the abutting land.

(c) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Secretary—

(1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the Government and the District of Columbia in the proportion that each—

(A) paid the appropriations used to acquire the parcels; or

(B) was obligated to pay the appropriations, at the time of acquisition, by reimbursement.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1226.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 8735(a), 8735(b), and 8735(c).

In subsection (a), the words “in his discretion”, “and convey, in whole or in part”, and “proper” are omitted as unnecessary.

In subsection (b), reference to sections 72c to 72e is omitted as unnecessary because the Secretary of the Interior does not have authority to sell land under those sections.

§ 8736. Execution of deeds

The Mayor of the District of Columbia may execute deeds of conveyance for real estate sold under this subchapter. The deeds shall contain a full description of the land sold as required by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 8736.

The word “proper” is omitted as unnecessary. The words “as required by” are substituted for “either by metes and bounds, or otherwise according to” to eliminate unnecessary words.

§ 8737. Authorization of appropriations

An amount equal to not more than one cent for each inhabitant of the continental United States as determined by the last preceding decennial census may be appropriated each year in the District of Columbia Appropriation Act for the National Capital Planning Commission to use for the payment of its expenses and for the acquisition of land the Commission may acquire under section 8731 of this title for the purposes named, including compensation for the land, surveys, ascertainment of title, condemnation

proceedings, and necessary conveyancing. The appropriated amounts shall be paid from the revenues of the District of Columbia and the general amounts of the Treasury in the same proportion as other expenses of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 8737.

CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

- Sec. 8901. Purposes.
8902. Definitions and nonapplication.
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8905. Site and design approval.
8906. Criteria for issuance of construction permit.
8907. Temporary site designation.
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8909. Administrative.

§ 8901. Purposes

The purposes of this chapter are—

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

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

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

(4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—

(A) are appropriately designed, constructed, and located; and

(B) reflect a consensus of the lasting national significance of the subjects involved.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108–126, title II, §203(a), Nov. 17, 2003, 117 Stat. 1349.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 8901.

AMENDMENTS

2003—Par. (2). Pub. L. 108–126 substituted “Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;” for “Columbia;”.

1 Section catchline amended by Pub. L. 108–126 without corresponding amendment of analysis.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-126, title II, §205, Nov. 17, 2003, 117 Stat. 1353, provided that: “Except for the provision in the amendment made by section 202(b) [amending section 8902 of this title] prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title [see Short Title of 2003 Amendment note set out under section 101 of this title] shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title [Nov. 17, 2003].”

FINDINGS

Pub. L. 108-126, title II, §202(a), Nov. 17, 2003, 117 Stat. 1349, provided that: “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; and

“(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.”

§ 8902. Definitions and nonapplication

(a) DEFINITIONS.—In this chapter:

(1) COMMEMORATIVE WORK.—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.

(2) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—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 869/86501 B, and dated June 24, 2003.

(3) RESERVE.—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 (2).

(4) SPONSOR.—The term “sponsor” means a public agency, or 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.

(b) NONAPPLICATION.—This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108-126, title II, §203(b), Nov. 17, 2003, 117 Stat. 1350.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8902(a)	40:1002.	Pub. L. 99-652, §2, Nov. 14, 1986, 100 Stat. 3650; Pub. L. 103-321, §2(a), Aug. 26, 1994, 108 Stat. 1793.
8902(b)	40:1010(e).	Pub. L. 99-652, §10(e), Nov. 14, 1986, 100 Stat. 3654.

In subsection (a), the text of 40:1002(a) and (b) is omitted as unnecessary because the complete names of the Secretary of the Interior and the Administrator of General Services are used the first time the terms appear in a section.

In subsection (a)(3), the words “notwithstanding any other provision of law” are omitted as unnecessary. The words “Administrator of General Services” are substituted for “General Services Administration” because of section 101(b) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 379), which is restated as section 302(a) of the revised title.

In subsection (b), the words “January 3, 1985” are substituted for “the commencement of the Ninety-ninth Congress” for clarity.

REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(4), is classified to section 501 of Title 26, Internal Revenue Code.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-126 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “In this chapter, the following definitions apply:

“(1) COMMEMORATIVE WORK.—The term ‘commemorative work’—

“(A) 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; but

“(B) does not include an item described in subclause (A) that is located within the interior of a structure or a structure which is primarily used for other purposes.

“(2) PERSON.—The term ‘person’ means—

“(A) a public agency; and

“(B) an individual, group or organization—

“(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of the Code (26 U.S.C. 501(a)); and

“(ii) authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

“(3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term ‘the District of Columbia and its environs’ means land and property located in Areas I and II as depicted on the map numbered 869/86581, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.”

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.

§ 8903. Congressional authorization of commemorative works

(a) IN GENERAL.—Commemorative works—

(1) may be established on federal lands referred to in section 8901(4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) **MILITARY COMMEMORATIVE WORKS.**—A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work solely commemorating a limited military engagement or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of such war or conflict.

(c) **WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.**—A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may 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) **CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.**—In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Advisory Commission.

(e) **EXPIRATION OF LEGISLATIVE AUTHORITY.**—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 of the Interior or the Administrator of General Services (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 commemorative work 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 additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1228; Pub. L. 108–126, title II, §203(c), Nov. 17, 2003, 117 Stat. 1350; Pub. L. 111–11, title VII, §7116(e)(1), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8903(a)	40:1003(a).	Pub. L. 99–652, §3, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 100–202, §101(f) [title II, §3], Dec. 22, 1987, 101 Stat. 1329–196; Pub. L. 100–230, §3, Jan. 5, 1988, 101 Stat. 1564; Pub. L. 103–321, §2(b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–186, title II, §221(18), Aug. 20, 1996, 110 Stat. 1750.
8903(b)	40:1003(b).	
8903(c)	40:1003(c).	
8903(d)	40:1003(d).	
8903(e)	40:1010(b).	Pub. L. 99–652, §10(b), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 102–216, §1, Dec. 11, 1991, 105 Stat. 1666.

In subsection (a)(1), the words “in the District of Columbia and its environs” are omitted as unnecessary.

In subsection (d), the words “House Administration” are substituted for “House Oversight” because the name of the Committee was changed in the 106th Congress. See Rule X(1)(i) of the Rules of the House of Representatives.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111–11, which directed insertion of “Natural” before “Resources”, was executed by making the insertion before “Resources of the House”, to reflect the probable intent of Congress.

2003—Subsec. (b). Pub. L. 108–126, §203(c)(1), substituted “work solely commemorating a limited military engagement” for “work commemorating a lesser conflict” and “such war or conflict” for “the event”.

Subsec. (d). Pub. L. 108–126, §203(c)(2), substituted “Memorial Advisory Commission” for “Memorial Commission” in heading, and in text substituted “Resources” for “House Administration” and inserted “Advisory” before “Commission”.

Subsec. (e). Pub. L. 108–126, §203(c)(3), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Legislative authority for a commemorative work expires at the end of the seven-year period beginning on the date the authority is enacted unless the Secretary of the Interior or Administrator of General Services, as appropriate, has issued a construction permit for the commemorative work during that period.”

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.

COMMEMORATIVE WORKS

Adams Memorial.—Pub. L. 107–62, Nov. 5, 2001, 115 Stat. 411; Pub. L. 107–315, Dec. 2, 2002, 116 Stat. 2763; Pub. L. 108–7, div. F, title I, §142, Feb. 20, 2003, 117 Stat. 244; Pub. L. 111–169, §1, May 24, 2010, 124 Stat. 1192.

African-Americans Civil War Union Memorial.—Pub. L. 102–412, Oct. 14, 1992, 106 Stat. 2104.

Air Force Memorial.—Pub. L. 103–163, Dec. 2, 1993, 107 Stat. 1973; Pub. L. 106–302, Oct. 13, 2000, 114 Stat. 1062; Pub. L. 107–107, div. B, title XXVIII, §2863(a)–(e), Dec. 28, 2001, 115 Stat. 1330–1332.

American Armored Force Memorial.—Pub. L. 99–620, Nov. 6, 1986, 100 Stat. 3493.

Benjamin Banneker Memorial.—Pub. L. 105–355, title V, §512, Nov. 6, 1998, 112 Stat. 3266.

COMMEMORATIVE WORKS—CONTINUED

Black Revolutionary War Patriots Memorial.—Pub. L. 99-500, §101(h) [title I, §118], Oct. 18, 1986, 100 Stat. 1783-242, 1783-266, and Pub. L. 99-591, §101(h) [title I, §118], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-558, Oct. 27, 1986, 100 Stat. 3144; Pub. L. 99-590, title VIII, §§801, 802, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 100-265, Mar. 25, 1988, 102 Stat. 39; Pub. L. 103-321, §1(a)(1), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104-333, div. I, title V, §506, Nov. 12, 1996, 110 Stat. 4155; Pub. L. 105-345, §1, Nov. 2, 1998, 112 Stat. 3205; Pub. L. 106-442, Nov. 6, 2000, 114 Stat. 1926.

Brigadier General Francis Marion Commemorative Work.—Pub. L. 110-229, title III, §331, May 8, 2008, 122 Stat. 781.

Disabled Veterans' LIFE Memorial.—Pub. L. 106-348, Oct. 24, 2000, 114 Stat. 1358; Pub. L. 109-396, title II, §201, Dec. 15, 2006, 120 Stat. 2713; Pub. L. 110-106, §1, Oct. 25, 2007, 121 Stat. 1022.

Dwight D. Eisenhower Memorial.—Pub. L. 106-79, title VIII, §8162, Oct. 25, 1999, 113 Stat. 1274; Pub. L. 107-117, div. A, title VIII, §8120(a), (b), Jan. 10, 2002, 115 Stat. 2273, 2274; Pub. L. 109-220, May 5, 2006, 120 Stat. 335; Pub. L. 110-229, title III, §332, May 8, 2008, 122 Stat. 782; Pub. L. 112-74, div. E, title III, Dec. 23, 2011, 125 Stat. 1036.

Francis Scott Key Memorial.—Pub. L. 99-531, Oct. 27, 1986, 100 Stat. 3022.

Frederick Douglass Memorial and Gardens.—Pub. L. 106-479, Nov. 9, 2000, 114 Stat. 2184.

George Mason Memorial.—Pub. L. 101-358, Aug. 10, 1990, 104 Stat. 419; Pub. L. 102-277, Apr. 28, 1992, 106 Stat. 127; Pub. L. 105-182, §1, June 19, 1998, 112 Stat. 516.

Japanese American Patriotism in World War II Memorial.—Pub. L. 102-502, Oct. 24, 1992, 106 Stat. 3273; Pub. L. 104-333, div. I, title V, §514, Nov. 12, 1996, 110 Stat. 4165.

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

Lincoln Memorial, "I Have a Dream Speech" Commemorative Plaque.—Pub. L. 106-365, Oct. 27, 2000, 114 Stat. 1409; Pub. L. 108-352, §4, Oct. 21, 2004, 118 Stat. 1395.

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

Martin Luther King, Jr., Memorial.—Pub. L. 104-333, div. I, title V, §508, Nov. 12, 1996, 110 Stat. 4157; Pub. L. 105-201, §1, July 16, 1998, 112 Stat. 675; Pub. L. 106-176, title I, §108, Mar. 10, 2000, 114 Stat. 26; Pub. L. 108-125, §1, Nov. 11, 2003, 117 Stat. 1347; Pub. L. 109-54, title I, §134(c), Aug. 2, 2005, 119 Stat. 527; Pub. L. 110-453, title III, §301, Dec. 2, 2008, 122 Stat. 5034; Pub. L. 111-88, div. A, title I, §129, Oct. 30, 2009, 123 Stat. 2933.

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

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

Tomas G. Masaryk Memorial.—Pub. L. 107-61, Nov. 5, 2001, 115 Stat. 410.

Ukrainian Famine-Genocide Victims Memorial.—Pub. L. 109-340, Oct. 13, 2006, 120 Stat. 1864.

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

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

COMMEMORATIVE WORKS—CONTINUED

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

World War II Memorial.—Pub. L. 103-32, May 25, 1993, 107 Stat. 90; Pub. L. 103-422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106-58, title VI, §652, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106-117, title VI, §601(b), Nov. 30, 1999, 113 Stat. 1578; Pub. L. 107-11, May 28, 2001, 115 Stat. 19.

§ 8904. National Capital Memorial Advisory Commission

(a) ESTABLISHMENT AND COMPOSITION.—There is established the National Capital Memorial Advisory Commission, which shall be composed of—

- (1) the Director of the National Park Service;
- (2) the Architect of the Capitol;
- (3) the Chairman of the American Battle Monuments Commission;
- (4) the Chairman of the Commission of Fine Arts;
- (5) the Chairman of the National Capital Planning Commission;
- (6) the Mayor of the District of Columbia;
- (7) the Commissioner of the Public Buildings Service of the General Services Administration; and
- (8) the Secretary of Defense.

(b) CHAIRMAN.—The Director is the Chairman of the National Capital Memorial Advisory Commission.

(c) ADVISORY ROLE.—The National Capital Memorial Advisory Commission shall advise the Secretary of the Interior and the Administrator of General Services (as appropriate) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate.

(d) MEETINGS.—The National Capital Memorial Advisory Commission shall meet at least twice annually.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108-126, title II, §203(d), Nov. 17, 2003, 117 Stat. 1351; Pub. L. 111-11, title VII, §7116(e)(2), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8904(a), (b)	40:1004(a).	Pub. L. 99-652, §4, Nov. 14, 1986, 100 Stat. 3651.
8904(c)	40:1004(b) (1st sentence).	
8904(d)	40:1004(b) (last sentence).	

AMENDMENTS

2009—Subsec. (b). Pub. L. 111-11 inserted "Advisory" before "Commission".

2003—Pub. L. 108-126, §203(d)(1), inserted "Advisory" before "Commission" in section catchline.

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary 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 land the Secretary administers in the District of Columbia.

(b) PLAN.—A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to 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.

(c) RISK AND AGREEMENT TO INDEMNIFY.—A 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 work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1231.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8907(a)	40:1009(a) (1st sentence).	Pub. L. 99-652, §9, Nov. 14, 1986, 100 Stat. 3653; Pub. L. 103-321, §2(f), Aug. 26, 1994, 108 Stat. 1795.
8907(b)	40:1009(a) (2d, last sentences).	
8907(c)	40:1009(b).	

§ 8908. Areas I and II

(a) AVAILABILITY OF MAP.—The Secretary of the Interior or the Administrator of General Services (as appropriate) shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501 B, and dated June 24, 2003.

(b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—

(1) AREA I.—After seeking the advice of the National Capital Memorial Advisory Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of pre-eminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) AREA II.—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1231; Pub. L. 108-126, title II, §§202(b), 203(g), Nov. 17, 2003, 117 Stat. 1349, 1352; Pub. L. 111-11, title VII, §7116(e)(3), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8908(a)	40:1005.	Pub. L. 99-652, §5, Nov. 14, 1986, 100 Stat. 3651.
8908(b)	40:1006.	Pub. L. 99-652, §6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103-321, §2(c), Aug. 26, 1994, 108 Stat. 1794.

In subsection (b)(1), the words “the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate” are substituted for “the committees of Congress specified in section 1003(b) [sic] of this title” for clarity. The reference to section 1003(b) should be to section 1003(d).

REFERENCES IN TEXT

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

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-11 inserted “Advisory” before “Commission” in first sentence and substituted “Natural Resources of the House” for “House Administration of the House” in second sentence.

2003—Subsec. (a). Pub. L. 108-126, §203(g)(2), which directed substitution of “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003” for “numbered 869/86581, and dated May 1, 1986”, was executed by making the substitution for “numbered 869/86501, and dated May 1, 1986” to reflect the probable intent of Congress.

Pub. L. 108-126, §203(g)(1), substituted “Secretary of the Interior or the Administrator of General Services (as appropriate)” for “Secretary of the Interior and Administrator of General Services”.

Subsec. (c). Pub. L. 108-126, §202(b), added subsec. (c).

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108-126, except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of this title), are 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.

§ 8909. Administrative

(a) MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRUCTION.—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 of the Interior or Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

(b) RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.—On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

(c) REGULATIONS OR STANDARDS.—The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8909(a)	40:1010(a).	Pub. L. 99–652, §10(a), (c), Nov. 14, 1986, 100 Stat. 3654.
8909(b)	40:1010(c).	Pub. L. 99–652, §10(d), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 103–321, §2(g), Aug. 26, 1994, 108 Stat. 1795.
8909(c)	40:1010(d).	

CHAPTER 91—COMMISSION OF FINE ARTS

- Sec.
- 9101. Establishment, composition, and vacancies.
- 9102. Duties.
- 9103. Personnel.
- 9104. Authorization of appropriations.

§ 9101. Establishment, composition, and vacancies

(a) ESTABLISHMENT.—There is a Commission of Fine Arts.

(b) COMPOSITION.—The Commission is composed of seven well-qualified judges of the fine arts, appointed by the President, who serve for four years each or until their successors are appointed and qualified.

(c) VACANCIES.—The President shall fill vacancies on the Commission.

(d) EXPENSES.—Members of the Commission shall be paid actual expenses in traveling to and from the District of Columbia to attend Commission meetings and while attending those meetings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9101(a), (b)	40:104 (1st sentence).	May 17, 1910, ch. 243, §1 (1st, 2d sentences, last sentence words after comma), 36 Stat. 371.
9101(c)	40:104 (2d sentence).	
9101(d)	40:104 (last sentence words after comma).	

In subsection (a), the word “permanent” is omitted as obsolete.

In subsection (d), the words “the District of Columbia” are substituted for “Washington” for consistency in the revised title and with other titles of the United States Code.

§ 9102. Duties

(a) IN GENERAL.—The Commission of Fine Arts shall advise on—

(1) the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia;

(2) the selection of models for statues, fountains, and monuments erected under the authority of the Federal Government;

(3) the selection of artists to carry out clause (2); and

(4) questions of art generally when required to do so by the President or a committee of Congress.

(b) DUTY TO REQUEST ADVICE.—The officers required to decide the questions described in subsection (a)(1)–(3) shall request the Commission to provide the advice.

(c) NONAPPLICATION.—This section does not apply to the Capitol Building and the Library of Congress buildings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9102(a)	40:104 (3d, 6th sentences).	May 17, 1910, ch. 243, §1 (3d–6th sentences), 36 Stat. 371.
9102(b)	40:104 (4th sentence).	
9102(c)	40:104 (5th sentence).	

In subsection (b), the words “in each case” are omitted as unnecessary. The words “request the Commission to provide” are substituted for “call for” for clarity.

In subsection (c), the words “buildings of the Library of Congress” are substituted for “building of the Library of Congress” for clarity because the Library of Congress comprises more than one building.

§ 9103. Personnel

The Commission of Fine Arts has a secretary and other assistance the Commission authorizes. The secretary is the executive officer of the Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9103	40:104 (last sentence words before comma). 40:105.	May 17, 1910, ch. 243, §1 (last sentence words before comma), 36 Stat. 371. June 25, 1910, ch. 384 1 [sic] (8th complete par. on p. 728 (less appropriations)), 36 Stat. 728.

The text of 40:105 (related to officer in charge of public buildings and grounds) is omitted as obsolete.

§ 9104. Authorization of appropriations

Necessary amounts may be appropriated to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9104	40:106.	May 17, 1910, ch. 243, §2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; May 13, 1960, Pub. L. 86–461, 74 Stat. 128.

CHAPTER 93—THEODORE ROOSEVELT ISLAND

- Sec.
- 9301. Maintenance and administration.
- 9302. Consent of Theodore Roosevelt Association required for development.
- 9303. Access to Theodore Roosevelt Island.
- 9304. Source of appropriations.

§ 9301. Maintenance and administration

The Director of the National Park Service shall maintain and administer Theodore Roo-