


## Appendices

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## **Appendix 1: Enabling Legislation**

Department of Defense Appropriations Act, 2000

H.R.2561

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

TITLE VIII

GENERAL PROVISIONS

SEC. 8162. DWIGHT D. EISENHOWER MEMORIAL. (a) FINDINGS. Congress finds that—

(1) the people of the United States feel a deep debt of gratitude to Dwight D. Eisenhower, who served as Supreme Commander of the Allied Forces in Europe in World War II and subsequently as 34th President of the United States; and

(2) an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States.

(b) COMMISSION. There is established a commission to be known as the 'Dwight D. Eisenhower Memorial Commission' (referred to in this section as the 'Commission').

(c) MEMBERSHIP. The Commission shall be composed of—

(1) four persons appointed by the President, not more than two of whom may be members of the same political party;

(2) four Members of the Senate appointed by the President Pro Tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate, of which not more than two appointees may be members of the same political party; and

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives, of which not more than two appointees may be members of the same political party.

(d) CHAIR AND VICE CHAIR. The members of the Commission shall select a Chair and Vice Chair of the Commission. The Chair and Vice Chair shall not be members of the same political party.

(e) VACANCIES. Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.

(1) INITIAL MEETING. Not later than 45 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS. The Commission shall meet at the call of the Chair.

(g) QUORUM. A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(h) NO COMPENSATION. A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(i) DUTIES. The Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, design, construction, and location.

(j) POWERS. The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) accept gifts to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial; and

(3) hold hearings, enter into contracts for personal services and otherwise, and do such other things as are necessary to carry out this section.

(k) REPORTS. The Commission shall—

(1) report the plans under subsection (j), together with recommendations, to the President and the Congress at the earliest practicable date; and

(2) in the interim, make annual reports on its progress to the President and the Congress.

(l) APPLICABILITY OF OTHER LAWS. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(m) APPROPRIATION OF FUNDS. In addition to amounts provided elsewhere in this Act, there is appropriated to the Commission \$300,000, to remain available until expended.

Public Law No: 107-67 (November 12, 2001)

Appropriations Bill FY2002, Treasury, Postal Service

H.R.2590

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

#### TITLE IV - INDEPENDENT AGENCIES

##### General Services Administration

##### POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses, \$143,139,000, of which \$25,887,000 shall remain available until expended.

#### CONFERENCE REPORT to accompany H.R. 2590

Committee Report - H.R.107-253

##### GSA - Policy and Operations

The conferees agree to provide \$143,139,000 instead of \$137,947,000 as proposed by the House and \$145,749,000 as proposed by the Senate. The conferees have included \$9,982,000 for the Federal computer incident response capability, \$3,822,000 for activities associated with the Lorton complex, \$8,582,000 for activities associated with Governor's Island, \$758,000 for non-pay inflation, an additional \$432,000 for the anticipated pay adjustment, \$250,000 for the virtual archive storage terminal, \$1,000,000 for digital learning technologies, \$750,000 for the government services rural outreach initiative, \$1,700,000 for a grant to the Oklahoma Centennial Commission, and \$1,750,000 for a one-time grant to the Dwight D. Eisenhower Memorial Commission.



Public Law No: 107-117 (January 10, 2002)

Department of Defense Appropriations Act, 2002

H.R. 3338

Making appropriations for the Department of Defense for the fiscal year ending  
September 30, 2002, and for other purposes.

TITLE VIII

GENERAL PROVISIONS

SEC. 8120. (a) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

- (1) by redesignating subsection (u) as subsection (o); and
- (2) by adding after subsection (l) the following:

“(m) AUTHORITY TO ESTABLISH MEMORIAL—

“(1) IN GENERAL.— The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

“(2) 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.).”

(b) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

- (1) in subsection (j)(2), by striking ‘accept gifts’ and inserting ‘solicit and accept contributions’; and
- (2) by inserting after subsection (m) (as added by subsection (a)(2)) the following:

“(n) MEMORIAL FUND.—

“(1) ESTABLISHMENT.— There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (j)(2).

“(2) USE OF FUND.— The fund shall be used for the expenses of establishing the memorial.

“(3) INTEREST.— The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.”

(c) In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$2,600,000, to remain available until expended is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$2,600,000 to the Dwight D. Eisenhower Memorial Commission for direct administrative support.

**Appendix 2:**  
**Commemorative Works Act of 1986**

## 9. Commemorative Works Act

100 STAT. 3650

PUBLIC LAW 99-652—NOV. 14, 1986

Public Law 99 652  
99th Congress

An Act

Nov. 14, 1986  
[H.R. 4378]

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

Public buildings  
And grounds.  
40 USC 1001.

SECTION 1. The purposes of this Act are as follows:

- (a) to preserve the integrity of the comprehensive design of the T. F. 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, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event or other significant element of 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 an individual, group or organization 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.

(b) AREA II.—Commemorative works of subjects of lasting historical significance may be located in Area II, subject to the following conditions:

(1) A military commemorative work may be established in Area II 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 permitted in Area II.

(2) A commemorative work commemorating an individual or group of individuals, other than a military commemorative work as described in subsection (b)(1) of this section, shall not be permitted in Area II until at least twenty-five years after the death of the individual or the last surviving member of the group.

(3) A commemorative work other than a work referred to in paragraph (1) or (2) may be constructed in Area II only to commemorate a subject of lasting historical significance.

#### 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 commencing construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the commemorative work. Such consultation shall include consideration of potential sites in the District of Columbia and its environs.

(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 and the Secretary or Administrator (as appropriate) 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 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 contracts for construction and drawings 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.

#### 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, he may designate such a site on lands administered by him 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.

40 USC 1010.

#### 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 five-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 promulgate appropriate regulations to carry out this Act. The regulations shall be published in the Federal Register within one hundred and twenty days after the enactment of this Act.

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

Regulations,  
Federal  
Register,  
publication.

Approved November 14, 1986.

LEGISLATIVE HISTORY—H.R. 4378:  
HOUSE REPORTS: No. 99-574 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 99-421 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 132 (1986):  
May 5, considered and passed House.  
Sept. 10, considered and passed Senate, amended.  
Sept. 29, House concurred in Senate amendments with amendments.  
Oct. 16, Senate concurred in House amendments.

**Appendix 3:**  
**Commemorative Works**  
**Clarification and Revision Act of 2003**



*One Hundred Eighth Congress  
of the  
United States of America  
AT THE FIRST SESSION*

Begun and held at the City of Washington on Tuesday,  
the seventh day of January, two thousand and three  
An Act

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

**TITLE II--COMMEMORATIVE WORKS**

**SEC. 201. SHORT TITLE.**

This title may be cited as the 'Commemorative Works Clarification and Revision  
Act of 2003'.

**SEC. 202. ESTABLISHMENT OF RESERVE.**

(a) Findings- Congress finds that--

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

(b) RESERVE- Section 8908 of title 40, United States Code, is amended by adding at the end the following:

'(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.'

**SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.**

(a) PURPOSES- Section 8901(2) of title 40, United States Code, is amended by striking 'Columbia;' and inserting 'Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia.'

(b) DEFINITIONS- Section 8902 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

'(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.'

(c) AUTHORIZATION- Section 8903 of title 40, United States Code, is amended--  
(1) in subsection (b) --

(A) by striking `work commemorating a lesser conflict' and inserting `work solely commemorating a limited military engagement'; and

(B) by striking `the event' and inserting `such war or conflict';

(2) in subsection (d) --

(A) by striking `CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION' and inserting `CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION' ;

(B) by striking `House Administration' and inserting `Resources'; and

(C) by inserting `Advisory' before `Commission'; and

(3) by striking subsection (e) and inserting the following:

`(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.'

(d) NATIONAL CAPITAL MEMORIAL. ADVISORY COMMISSION- Section 8904 of title 40, United States Code, is amended--

- (1) in the heading, by inserting `Advisory' before `**Commission**';
- (2) in subsection (a), by striking `There is a National' and all that follows through `consists of' and inserting the following: `There is established the National Capital Memorial Advisory Commission, which shall be composed of',
- (3) in subsection (c)--
  - (A) by inserting `Advisory' before `Commission shall'; and
  - (B) by striking `Services' and inserting `Services (as appropriate)'; and

and

- (4) in subsection (d) by inserting `Advisory' before `Commission'.

(e) SITE AND DESIGN APPROVAL- Section 8905 of title 40, United States Code, is amended--

- (1) in subsection (a)--
  - (A) by striking `person' each place it appears and inserting `sponsor'; and
  - (B) in paragraph (1)--
    - (i) by inserting `Advisory' before `Commission'; and
    - (ii) by striking `designs' and inserting `design concepts'; and
- (2) in subsection (b)--
  - (A) by striking `Secretary, and Administrator' and inserting `and the Secretary or Administrator (as appropriate)'; and
  - (B) in paragraph (2)(B), by striking, `open space and existing public use,' and inserting `open space, existing public use, and cultural and natural resources'.

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT- Section 8906 of title 40, United States Code, is amended--

- (1) in subsection (a)(3) and (a)(4) by striking `person' and inserting `sponsor'; and
- (2) by striking subsection (b) and inserting the following:

`(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.”.

(g) AREAS I AND II- Section 8908(a) of title 40, United States Code, is amended--

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

(2) by striking “numbered 869/86581, and dated May 1, 1986” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003”.

## SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905(b) of title 40, United States Code (as amended by section 203(c)), is amended by adding at the end the following:

“(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).

“(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.”

## **SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.**

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 title 40, United States Code), nothing in 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.

## **SEC. 206. NATIONAL PARK SERVICE REPORTS.**

Within 6 months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

- (1) To relocate, as soon as practicable after the date of enactment of this Act, the National Park Service's stable and maintenance facilities that are within the Reserve (as defined in section 8902 of title 40, United States Code).
- (2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.
- (3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.
- (4) To make other appropriate changes, if any, to protect the character of the Reserve.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

*END*





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

SEP 12 2002

Honorable Richard B. Cheney  
President of the Senate  
United States Senate  
Washington, D.C. 20510

Dear Mr. President

Public Law 106-79, Section 8162, as amended by Public Law 107-117, Section 8120, authorized the Dwight D. Eisenhower Memorial Commission to establish a memorial to Dwight D. Eisenhower in the District of Columbia pursuant to the Commemorative Works Act, 40 U.S.C. §§ 1001-1010 (1994 & Supp. I 1995).

The Dwight D. Eisenhower Memorial Commission has requested that the memorial project be able to consider locations in Area I, the area comprising the central Monumental Core of the District of Columbia and its environs, which is defined in section 1002(e) of the Commemorative Works Act by a referenced map. Section 1006(a) of that Act provides that the Secretary of the Interior, after consultation with the National Capital Memorial Commission, may recommend locating a commemorative work in Area I only if the Secretary determines that the subject of the memorial is of preeminent historical and lasting significance to the Nation. If a determination of preeminence and lasting significance is made, this section further provides that the Secretary shall notify the Congress and recommend that the memorial be located in Area I.

Following its public meeting on March 1, 2002, the National Capital Memorial Commission advised me that Dwight D. Eisenhower, the Supreme Commander of the Allied Forces in Europe (1942-1945), the first Commander of the North Atlantic Treaty Organization's (NATO) military forces in Europe, and the 34th President of the United States, has made extraordinary contributions in a lifetime of public service to his country and has had a profound effect on all Americans which will continue through history.

The Secretary has considered the advice and finds the subject to be of preeminent historical and lasting significance to the Nation. The Dwight D. Eisenhower Memorial Commission should be granted the authority to consider locations within Area I as potential sites for the memorial to Dwight D. Eisenhower.

In accordance with section 1006(a) of the Act, notice is hereby given that the Secretary has, through her designee, consulted with the National Capital Memorial Commission, and recommend that the memorial be authorized a location within Area I. Under section 1006(a) of that Act, the Secretary's recommendation to locate this memorial in Area I

Honorable Richard B. Cheney

shall be deemed disapproved unless, not later than 150 days after this notification, the recommendation is approved by law.

No sites have been considered in advance of this recommendation. Enclosed is a draft of a joint resolution to authorize location of this memorial in Area I. We recommend that it be referred to the appropriate Committee for consideration.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution, fixing the standpoint of the Administration's program.

Sincerely,

*Pacy Olsen*  
Assistant Secretary for Fish  
and Wildlife and Parks

Enclosure

Identical letter to be sent to:

Honorable Dennis Hastert  
Speaker of the House of Representatives  
House of Representatives  
Washington, D.C. 20515

**Appendix 5:  
Joint Resolution**

107th CONGRESS  
2d Session  
S. J. RES. 52

Approving the location of the commemorative work in the District of Columbia honoring Dwight D. Eisenhower.

IN THE SENATE OF THE UNITED STATES

November 13, 2002

*Mr. INOUE introduced the following joint resolution; which was read twice and referred to the Committee on Energy and Natural Resources*

JOINT RESOLUTION

Approving the location of the commemorative work in the District of Columbia honoring Dwight D. Eisenhower.

Whereas section 8908 of title 40, United States Code, provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless approved by law not later than 150 days after notification to Congress that the commemorative work should be located in Area I;

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (113 Stat. 1274) established the Dwight D. Eisenhower Memorial Commission to formulate plans for a permanent memorial to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that a memorial to honor Dwight D. Eisenhower should be located in Area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress approves the location for the commemorative work to honor Dwight D. Eisenhower, provided for under section 8162 of the Department of Defense Appropriations Act, 2000 (113 Stat. 1274), within Area I as described in section 8908 of title 40, United States Code.

END



**Appendix 6:**  
**Eisenhower Memorial Commission**  
**Resolution on Living Memorial**

## Dwight D. Eisenhower Memorial

### A Resolution

WHEREAS, the Dwight D. Eisenhower Memorial Commission was authorized and constituted by the President of the United States to develop proposals for an appropriate memorial to Dwight D. Eisenhower, the 34<sup>th</sup> President of the United States; and

WHEREAS, to further its mission, it is necessary for the Commission to establish the general aspects of the Memorial;

#### NOW THEREFORE, BE IT RESOLVED THAT

The Commission has determined that the Memorial should be composed of: (a) a *Physical Memorial* that may consist of, but need not be limited to, a permanent edifice, architecturally significant structure, statue, or other monument, **and** (b) a *Living Memorial* consisting of programmatic elements, including, but not limited to, sponsored historical or policy research, publications, public presentations, commemorations, and programs that will advance and perpetuate the legacy of Dwight D. Eisenhower and his contributions to the United States of America. These combined memorial elements should reflect Eisenhower's lifetime of service to the Nation and public values, and draw, in part, from the report of the Eisenhower Legacy Committee;

The Commission has further determined that the Memorial should be located in a highly accessible and prominent site within Area I of the National Capital, as designated by the National Capital Planning Commission pursuant to the Commemorative Works Act of 1986;

The Commission has further determined that the administration of the Memorial and the preservation of the legacy of Dwight D. Eisenhower, including the oversight of the living Memorial, should be vested in a Dwight D. Eisenhower Memorial Authority, with powers to raise private funds and direct public grants and other revenues towards its ongoing activities and those of existing organizations associated with Dwight D. Eisenhower that will be identified by the Authority as affiliated with the Dwight D. Eisenhower Memorial;

The Commission proposes that the Authority receive appropriations for this Memorial from the Congress for its purposes and be composed of outstanding individuals, who will reflect credit on the Memorial, as may be determined by the Congress and the President.

*Approved by the Dwight D. Eisenhower Memorial Commission March 25, 2004*



# DWIGHT D. EISENHOWER MEMORIAL COMMISSION

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