

109th CONGRESS
1st Session
S. 1686

To amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center.

IN THE SENATE OF THE UNITED STATES

September 12, 2005

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Constitution Center Operations Act'.

SEC. 2. NAME CLARIFICATION.

Section 3(a) of the Constitution Heritage Act of 1988 (16 U.S.C. 407bb(a)) is amended by striking '(hereafter in this Act referred to as the 'Center')' and inserting '(hereafter in this Act referred to as the 'NCC')'.

SEC. 3. OPERATION OF THE NATIONAL CONSTITUTION CENTER.

Section 4 of the Constitution Heritage Act of 1988 (16 U.S.C. 407cc) is amended by adding at the end the following:

(c) Operation of the NCC-

(1) IN GENERAL- A cooperative agreement entered into under subsection (b) shall--

(A) authorize the NCC to--

(i) operate the NCC;

(ii) provide to visitors to the NCC any activities and services relating to and consistent with any functions of the NCC under section 3(b);

(iii) carry out activities that are appropriate for the operation of the NCC, including charging fees, conducting events, and selling and marketing merchandise, tickets for activities of the NCC, and food to visitors to the NCC; and

(iv) negotiate and enter into any agreements, leases, contracts, or other arrangements with any person, firm, association, organization, corporation, or governmental entity (including the Federal Government and any State and local governments) that are appropriate for carrying out activities at the NCC or that are normally associated with the operation of a facility like the NCC, including an agreement, contract, or other arrangement for janitorial

- service, building maintenance, food service, information technology maintenance, or the operation of a museum store;
 - (B) provide that any revenues from facilities and services of the NCC shall be made available to the NCC, without further appropriation, to offset the expenses of operating the NCC;
 - (C) authorize the NCC to occupy the site and any structures provided under subsection (a)--
 - (i) for a term specified in the cooperative agreement not to exceed 30 years; and
 - (ii) in accordance with any terms and conditions of the cooperative agreement;
 - (D)(i) provide that the NCC shall maintain, during the term of the cooperative agreement and at the expense of the NCC, insurance on the NCC covering such risks, in such amounts, and including such terms and conditions as the Secretary determines to be appropriate; and
 - (ii) provide that any repairs or reconstruction carried out using payments made to the NCC under an insurance policy maintained under clause (i) shall be subject to the approval of the Secretary;
 - (E) provide that the NCC shall maintain the status as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code;
 - (F) provide that the NCC shall make available to the Secretary and the Comptroller General of the United States all books, documents, papers, and records of the NCC that are necessary for an audit;
 - (G) provide that the NCC shall submit to the Secretary or Congress an annual report that--
 - (i) describes the activities of the NCC during the preceding fiscal year;
 - (ii) compares the goals and objectives of the NCC to the actual accomplishments of the NCC during the preceding fiscal year; and
 - (iii) includes a plan for the NCC for the subsequent fiscal year; and
 - (H) include any other terms and conditions that the Secretary determines to be appropriate.
- (2) TERMINATION OF AGREEMENT- The Secretary may terminate the cooperative agreement entered into under paragraph (1) if the Secretary determines that termination is in the best interest of the public.
- (3) EFFECT ON EXISTING AGREEMENT- The agreement between the National Park Service and the NCC numbered CA-4000-00-9018 shall remain in effect until the date on which--
- (A) the agreement is terminated in accordance with the terms of the agreement; or
 - (B) a cooperative agreement is entered into under paragraph (1).
- (4) ADMINISTRATION OF INDEPENDENCE NATIONAL HISTORICAL PARK- Nothing in this subsection affects the authority of the Secretary to enter into a contract or other agreement with any organization or entity that provides for the administration of Independence National Historical Park so long as the agreement does not conflict with the cooperative agreement entered into under paragraph (1).
- (5) EXEMPTION FROM APPLICABLE LAW- An agreement, lease, contract, or other arrangement entered into under paragraph (1) shall not be subject to section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)), section 321 of the Act of June 30, 1939 (40 U.S.C. 303(b)), or section 403 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5952).'

SEC. 4. CONFORMING AMENDMENTS.

- (a) Section 3 of the Constitution Heritage Act of 1988 (16 U.S.C. 407bb) is amended--
 - (1) in the second sentence of subsection (a), by striking 'Center' and inserting 'NCC'; and
 - (2) in subsection (b)--
 - (A) in the subsection heading, by striking 'Center' and inserting 'NCC';
 - (B) in the matter before paragraph (1), by striking 'Center' and inserting 'NCC'; and

- (C) in paragraph (3), by striking `Center's' and inserting `NCC's'.
- (b) Section 4 of the Constitution Heritage Act of 1988 (16 U.S.C. 407cc) is amended--
- (1) in the section heading, by striking `center' and inserting `ncc';
 - (2) in subsection (a), by striking `Center' each place it appears and inserting `NCC'; and
 - (3) in subsection (b)--
 - (A) in the subsection heading, by striking `Center' and inserting `NCC';
 - (B) in the first sentence, by striking `Center' the second place it appears and inserting `NCC'; and
 - (C) in the second sentence, by striking `National Constitution Center' and inserting `NCC'.
- (c) Section 5 of the Constitution Heritage Act of 1988 (16 U.S.C. 407cc) is amended in subsections (c) and (e) by striking `National Constitution Center' each place it appears and inserting `NCC'.

END

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