

CRS Report for Congress

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Memorials: Creating National, State, and Local Memorials

Zina L. Watkins
Information Research Specialists
Knowledge Services Group

Summary

This report provides information on the mandatory steps to building a memorial on federal property in the District of Columbia. It also provides information on creating memorials in Arlington National Cemetery, within the Department of Veterans Affairs National Cemetery System, and in state veterans' cemeteries. In addition, it discusses public and private initiatives at the state and local levels to create memorials including successful local fund-raising efforts. This report will be updated annually.

24 Steps to Erecting a Memorial in Washington, DC¹

Listed below are the requisite steps that must be met in order to build a memorial or monument on federal property in the District of Columbia.

1. Memorial sponsor for a proposed memorial first seeks the assistance of the National Capital Memorial Advisory Commission (NCMAC)² to review the requirements and process established by the Commemorative Works Act of 1986 (CWA, P.L. 99-652).
2. Memorial sponsor seeks out a Representative or Senator who is willing to draft and introduce legislation to authorize the establishment of a memorial.

¹ Information compiled from material received from the Office of Lands, Resources, and Planning, National Capital Region, U.S. National Park Service, April 21, 2006.

² National Capital Planning Commission, the Commission on Fine Arts, and the National Capital Memorial Commission are the three federal agencies responsible for the location and design of new commemorative works on federal land. Since 1997, the agencies have worked together as the Joint Task Force on Memorials. In their initial report, the Joint Task Force recommended to Congress that the Commemorative Works Act be amended to change the name of the National Capital Memorial Commission to the National Capital Memorial Advisory Commission. The request was granted in P.L. 99-652.

3. Staff members from the NCMAC, the Member of Congress sponsoring the bill, and the authorizing committees³ draft legislation that conforms to the provisions of the CWA.
4. A Member of Congress introduces a bill in the House or Senate authorizing the memorial and designating the sponsor as the entity responsible for its erection at no initial cost to the federal government.
5. The NCAMC is contacted for technical advice leading to consideration of its views on a proposed bill under Section 3(d) of the Commemorative Works Act.
6. Chairmen of the authorizing subcommittees solicit views of the NCMAC, may hold hearings on proposed authorizing legislation, and take action on a bill before sending it to full House and Senate for a vote.
7. Congress passes the bill into law and the President signs it.
8. Memorial sponsor organizes the structure of the entity that will establish the memorial and begins planning for fund-raising efforts.
9. If requested by the sponsor, the Secretary of the Interior or the Administrator of General Services Administration (GSA), depending on whose land is involved, seeks the advice of NCMAC to determine whether the memorial warrants placement in Area I.⁴ Secretary or Administrator, if requested, notifies Congress of a determination that the subject is of preeminent and lasting historical significance (CWA Section 6 (a)), so that Congress can consider passage of legislation authorizing an Area I location.
10. Memorial sponsor works with staff of NCMAC to identify potential sites and prepare alternative site study and accompanying preliminary environmental analysis.
11. Memorial sponsor submits alternative site study and accompanying preliminary environmental analysis to National Park Service (NPS) or GSA for approval of preferred site. After consultation with NCMAC, NPS or GSA approves a site on behalf of the Secretary of the Interior or the Administrator of GSA, depending on whose land is affected.
12. NPS or GSA submits approved site to the National Capital Planning Commission (NCPC); the Commission of Fine Arts (CFA); and the State Historic Preservation Officer (SHPO).
13. After site approval by the NCPC and CFA, and comment by SHPO, the design process begins.
14. Memorial sponsor selects (1) a designer, or (2) a coordinator for design competition if a competition is to be held.
15. Memorial sponsor selects preferred design concept and meets with NPS or GSA to discuss issues that design may present. After possible refinements, sponsor submits the design concept and accompanying environmental assessment to the NPS or GSA for approval.

³ Prior to the 104th Congress, the committees of jurisdiction were the House Committee on House Administration and the Senate Committee on Energy and Natural Resources. During the 104th Congress, House jurisdiction was transferred to the Committee on Resources. For details, see CRS Report 98-662, *Commemorative Legislation: Evolution and Process*, by Stephen W. Stathis.

⁴ Area I is the area primarily around the National Mall, the White House, and along the Tidal Basin and the Potomac River to Roosevelt Island. See Figure 1, “Monument or Memorial Siting: Areas 1 and 2,” in CRS Report 98-662, *Commemorative Legislation: Evolution and Process*, for details.

16. NPS or GSA reviews design concept and, upon concurrence, submits it to NCPC, CFA, and SHPO.
17. Memorial sponsor, in close coordination with NPS or GSA, refines the design concept on the basis of agency comments, and submits preliminary design to NPS which, upon approval, will submit to NCPC, CFA, and SHPO.
18. Memorial sponsor, in close coordination with the NPS, refines preliminary design, based on agency comments and submits final design to land holding agency who, upon approval, will submit to NCPC, CFA, and SHPO.
19. Memorial design team completes final drawings and specifications in close coordination with the NPS or GSA.
20. Memorial sponsor completes fund-raising.
21. Memorial sponsor submits to NPS or GSA final drawings and specifications, cost estimate, and evidence of funds on hand, plus 10% cash payment of design and construction costs for maintenance to NPS for final approval by the Secretary of the Interior or Administrator of GSA.
22. NPS or GSA issues a construction permit on behalf of the Secretary of the Interior or Administrator of GSA.
23. Memorial sponsor begins construction and preparation of operation, maintenance, and preservation plans for the memorial.
24. After completion, memorial is dedicated and transferred to the NPS or GSA for management with accompanying operation, maintenance, and preservation plans.

For additional information on procedures related to the creation of memorials in the District of Columbia, see CRS Report 98-662, *Commemorative Legislation: Evolution and Procedures*; CRS Report RL31390, *Legislative History of the World War II Memorial and World War II Commemorative Legislation*; and CRS Report RL32983, *Dr. Martin Luther King, Jr.: Commemorative Works and Other Honors Authorized by Congress*.

Memorials at the State and Local Levels

The federal government does not provide direct funding for memorials at the local and state levels; furthermore, there is no unified standard process for constructing memorials across the 50 states. These memorials are often established through state legislation, and funded with a combination of state funds and private donations. Usually a nonprofit organization is formed to serve as a planning and fund-raising committee. (For information on how to start a nonprofit organization, see CRS Report 96-264, *Frequently Asked Questions About Tax-Exempt Organizations*.) Often a competition is held to select the design of the memorial. Funds are raised through a variety of means including solicitation of private and corporate donations, the sale of commemorative souvenirs, and community activities such as raffles and garage sales. Numerous state and local veterans' memorials have been established by the combined effort of state and local governments, and private nonprofit organizations, some comprised of local veterans' groups, to honor the memory of local heroes. Nonmilitary memorials are established through the same processes.

Memorials in Arlington National Cemetery

Memorials erected in Arlington National Cemetery require a joint concurrent resolution by Congress as noted in 32 *C.F.R.* § 553.22 (1).⁵ In the past, memorials have been created to honor the crew of the Space Shuttle *Challenger* in June 1986⁶, the Space Shuttle Columbia in February 2004, and the victims of the Pan American flight 103 explosion, which took place over Lockerbie, Scotland, in November 1995.⁷ However, if the plan includes burying remains in a mass grave, then it would not require congressional legislation.⁸

Memorials in the Department of Veterans Affairs National Cemetery System

The National Cemetery Administration's (NCA) Advisory Committee on Cemeteries and Memorials is responsible for the building of suitable memorials within a national cemetery administered by the Department of Veterans Affairs (VA), by authority of P.L. 93-43 (see Sections 1001, 1002, and 1007 for details). Information on the NCA's Advisory Committee on Cemeteries and Memorials is available at the VA's website [<http://www.cem.va.gov/advisory.htm>].

Memorials in State Veterans' Cemeteries

Many states have established state veterans' cemeteries. Eligibility is similar to the VA national cemeteries but may include residency requirements. State veterans' cemeteries may have been established or improved with funds through VA's State Cemetery Grants Program but are run solely by the states. Cemeteries in each state should be contacted directly regarding the necessary procedures for building a memorial within their cemetery system. Information on individual state cemeteries is available on the Internet at [<http://www.cem.va.gov/lsvc.htm>] and on the VA's State Cemetery Grants Program at [<http://www.cem.va.gov/svc.htm>].

Sources of Additional Information

Gabor, Andrea. "Even Our Most Loved Monuments Had a Trial by Fire." *Smithsonian*, May 1997, pp. 97-98, 100, 102, 104, 106.

⁵ See also Appendix A to Part 553 — Specifications for Tributes in Arlington National Cemetery.

⁶ Information on the *Challenger* Memorial can be found on the Web at [<http://www.mdw.army.mil/content/anmviewer.asp?a=41>]. The *Challenger* exploded just after takeoff on Jan. 28, 1986, off the coast of Cape Canaveral, Florida.

⁷ Information on the Lockerbie Memorial Cairn at Arlington National Cemetery is available on the Internet at [<http://www.arlingtoncemetery.com/cairn.htm>]. Pan Am flight 103 exploded over Lockerbie, Scotland, on Dec. 21, 1988, as the result of a terrorist act.

⁸ Information on group burials at Arlington National Cemetery is available on the Internet at [<http://www.mdw.army.mil/content/anmviewer.asp?a=35>]. Congressional offices seeking additional guidance on creating a memorial should contact the Office of the Superintendent, Arlington National Cemetery, at (703) 695-3175.

Kohler, Sue A. *Commission on Fine Arts: A Brief History, 1910-1995*. Washington: Commission on Fine Arts, 1996.

National Capital Planning Commission. *The Federal Capital Improvements Program (FCIP) Fiscal Years 2006-2011*. Washington: The Commission, 2005. Available on the Internet, *FCIP Fiscal Years 2006-2011*, at [http://www.ncpc.gov/publications_press/fcip/FCIP06_11.pdf].

National Capital Planning Commission. *Vietnam Veterans Memorial Visitors Center*, Commission Actions. August 3, 2006. [<http://www.ncpc.gov/actions.html>].

Reps, John W. *Monumental Washington: The Planning and Development of the Capital Center*. Princeton, NJ: Princeton University Press, 1967.

Smithsonian Institution. *Site Announced for Smithsonian's National Museum of African American History and Culture*. News Release. January 30, 2006. [http://nmaahc.si.edu/pdfs/NMAAHC_site_release.pdf]

Selected Addresses and Websites

U.S. Government

Commission on Fine Arts (CFA)
401 F Street, NW, Suite 312
Washington, DC 20001-2728
Tel: (202) 504-2200; Fax: (202) 504-2195
E-mail: staff@cfa.gov
[<http://www.cfa.gov>]

The CFA was established in 1910, by P.L. 61-181, as a permanent entity to advise the government on matters pertaining to the arts including the location of statues, memorials, and fountains erected by the federal government in the nation's capital. Seven members are appointed by the President to serve a four-year term each on the commission.

National Capital Planning Commission (NCPC)
401 Ninth Street, NW, Suite 500
Washington, DC 20576
Tel: (202) 482-7200; Fax: (202) 482-7272
E-mail: info@ncpc.gov
[<http://www.ncpc.gov/index.html>]

The NCPC provides overall planning guidance for federal land and buildings in the National Capital Region, which includes the District of Columbia. The Commission seeks to protect and beautify the historical and cultural resources of the District through its planning policies and procedures.

National Cemetery Administration (NCA)
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Tel: (800) 827-1000
[<http://www.cem.va.gov/index.htm>]

The NCA is responsible for the 119 national cemeteries in 39 states (and Puerto Rico) as well as 33 soldiers' lots and monument sites, and for the building of suitable memorials within the VA's national cemetery system.

National Park Service
National Capital Region
Office of Lands, Resources, & Planning
1100 Ohio Drive, SW
Washington, DC 20242
Tel: (202) 619-7097
[<http://www.nps.gov/ncro>]

Under the Commemorative Works Act of 1986, P. L. 99-652, this is the office that coordinates memorial proposals, draft legislation, sites and designs for memorials within the District of Columbia, and major projects by state and local governments on park land.

State and Local

The following Websites provide examples of successful state or local efforts to establish memorials.

Baltimore Police Memorial
[<http://www.baltimorepolicememorial.org>]

Maine Korean War Memorial
[http://www.koreanwar.org/html/memorials/maine_mem.htm]

Maryland Vietnam Veterans Memorial
[<http://www.serve.com/mdvva/memorial/page2.htm>]

Philadelphia Vietnam Veterans Memorial
[<http://grunt.space.swri.edu/philmem.htm>]

Washington State World War II Memorial
[<http://www.leg.wa.gov/legis/vetmemrl/ww2mem.htm>]