

## **JOINT TASK FORCE ON MEMORIALS**

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## Joint Task Force On Memorials Report

### I. Introduction

The memorials and museums that define Washington's Monumental Core express America's connections to its past and its direction for the future. These cultural and commemorative public spaces are the physical reminders of our collective past and repositories for our most precious artifacts. However, the very success of these national attractions threatens to overwhelm the historic open space of the city's Monumental Core. If past development trends persist, we can expect an additional 50 new memorials and perhaps a dozen new museums by the middle of this century. Even if only a portion of these is built on or near the National Mall, we risk losing Washington's remarkable openness and expansive public spaces that are themselves reminders of American democracy.

In response to the threat of memorial "overload" in the Monumental Core, in 1996 the National Capital Planning Commission formed a Memorials Task Force to closely examine the planning issues related to commemoration in the National Capital. Preserving the qualities of the Core—those qualities that distinguish it and the Mall as the nation's "village green"—and ensuring that those characteristics are not lost as new memorial proposals advance, were of paramount importance as the NCPC task force began its work. Task force members sought ways to avoid overburdening the Monumental Core with additional memorials and to preserve the settings of existing memorials and the revered open spaces that have made Washington one of the most admired capital cities in the world.

At about the time NCPC was setting up its task force; the agency was completing a major planning study of the Monumental Core. The resulting vision entitled, *Extending the Legacy: Planning America's Capital for the 21<sup>st</sup> Century*, offers bold ideas for strengthening the Core as the symbolic and economic center of the Nation's Capital. One of Legacy's principal goals is to identify and promote new memorial and museum sites outside the traditional Monumental Core; by establishing the Memorials Task Force, NCPC created a mechanism to assist the *Legacy* planning effort. *Legacy* helps preserve the National Mall by creating opportunities for new museums, memorials and other public buildings in all quadrants of the city. A basic premise of the plan is that well-designed and strategically located museums and memorials can spark local and private economic investment and enrich and enliven Washington communities.

On June 28, 1996, the Memorials Task Force held its first joint meeting with the National Capital Memorial Commission (NCMC). The task force posed several questions about the memorial review process and the Commemorative Works Act of 1986 (CWA). Among them were:

- Should the boundaries of *Areas I and II* in the CWA be changed?
- How can the review and approval bodies encourage memorial sponsors to locate outside the central Mall area and in *Area II*?

- Should a moratorium be placed on new memorials in *Area I*—restrictions that go beyond those already in place, for the Mall between 3<sup>rd</sup> and 14<sup>th</sup> Streets, which are contained in the *Comprehensive Plan for the National Capital*?

Following that meeting, NCPC's Memorials Task Force met over several months reviewing the suggestions from the joint meeting with NCMC and discussing alternative ways to address memorial issues. This effort resulted in a September 4, 1997 NCPC draft resolution, calling for the establishment of a “No Build” zone within the Core—an area where no new memorial sites would be permitted. NCPC then invited the Commission of Fine Arts (CFA) and NCMC to join in a further exploration of the concept. It was soon apparent to all participants that the three commissions needed to jointly define a shared vision, establish common policies, and speak with one authoritative voice on the review and approval process for commemorative works in the National Capital. Beginning in October 1997 and continuing up to today representatives of the three Commissions have worked as the Joint Task Force on Memorials (JTFM).

The JTFM has accomplished much since its inception. It developed a new Commemorative Zone Policy that was subsequently adopted by NCPC, CFA, and NCMC in January 2000. The Task Force also prepared amendments to the Commemorative Works Act that were passed by the Senate in July 2000. Finally, it successfully sought federal funds to study memorials and museums in the Nation's Capital and completed a well-received master plan containing new ideas for accommodating memorials and museums outside the Mall area in the District of Columbia and in portions of Arlington County, Virginia, just across the Potomac River.

The JTFM has heard from a broad array of individuals and organizations involved in the siting of memorials and museums in the Nation's Capital. It held public meetings and invited experts from around the country to share their ideas on how best to accommodate new memorials and museums. It met with Congressional representatives, including Delegate Eleanor Holmes Norton and Representative Tom Davis, Senate and House committee staff and members, representatives from Mayor Anthony Williams' office, District of Columbia and Arlington County planning officials, District council members and staff, civic organizations, and private citizens. It has regularly informed each of them of the Task Force's work.

This report summarizes the work of the Joint Task Force on Memorials. It describes the accomplishments of the Task Force and presents recommendations for improving the process of erecting memorials and museums.

## II. Major Task Force Accomplishments

### A. Proposed Commemorative Zone Policy

Following NCPC's September 1997 draft "No Build" resolution, members of the JTFM refined the proposed new policies which outlined new limitations on the location of memorials in the Nation's Capital, where new memorials should go, and how commemorative works could be encouraged to locate throughout the city. The task force prepared a revised commemorative zone policy in April 1998.

The task force established a panel of nationally recognized design and planning experts to bring fresh perspectives, bold ideas, and creative approaches to the development of the Memorials and Museums Master Plan. Architects Michael Graves, David Childs, and Witold Rybczynski, among others, served as consulting experts. A complete list of these panel members is attached to this report. The experts convened on two occasions in Washington—in May 1999 and in January 2000—and during these meetings had an opportunity to tour the existing commemorative works in the Monumental Core and visit a number of future candidate sites outside of the traditional Core. The panel provided valuable guidance to the task force. Panel members urged the task force to approach memorials as public spaces rather than as simply commemorative objects. They stressed the need to clearly relate the master plan's design and planning principles to those expressed in the *Legacy*. And importantly, they strongly affirmed the task force's Commemorative Zone Policy and endorsed both the concept and specific boundaries of the *Reserve* as an area in which no further memorials would be built.

NCPC authorized the circulation of the draft policy statement and map for public review and comment on May 7, 1998. A Federal Register Notice and press release on the proposed policy and map were issued on September 8, 1999. A public meeting, with afternoon and evening sessions, to present the policy statement and map was held on September 29, 1999 at the Martin Luther King, Jr. Library in the District of Columbia. Approximately 75 people attended the two sessions and 22 people provided public testimony. A 60-day comment period on the policy concluded on November 8, 1999.

The public's comments on the JTFM's September 8, 1999 draft policy statement and map were wide-ranging. A summary of each response can be found in the staff's November 18, 1999 Summary of Public Comments on Draft Policy Statement and Map. Although the general response to the draft policy and map was overwhelmingly favorable (47 respondents in favor and only 4 opposed), there were five areas of suggested changes. These were:

1. Include in the policy a statement calling for the establishment of an advisory board comprised of such persons as leading planning and design professionals, architects, cultural historians, writers, and social commentators, as well as at-large citizens that would lend their expertise to the NCMC, CFA, and NCPC during their respective reviews of new memorial proposals.
2. Change the "grandfather" provision in the draft policy to make the World War II Memorial subject to the *Reserve* restrictions.

3. Enlarge the boundaries of the *Reserve* to include, variously, the recreation lands north of the Lincoln Memorial, all of West Potomac Park, and all of East Potomac Park.
4. Change the names of *Area A* and *Area B* (*the terms used to describe Areas I and II in the recommended policy*) to more neutral terms.
5. Revise the language to more clearly define the boundaries of *Area I*.

The JTFM reviewed the public comments on its draft policy on November 10, November 22, and December 9, 1999 and revised the policy to incorporate several of the suggestions. The final policy was adopted by NCMC, CFA, and NCPC in January 2000. The new policy does several things:

- Preserves the integrity of the Monumental Core and its open space, recreation lands, and scenic qualities by limiting memorials in the close-in portions of the Core.
- Encourages memorials to locate throughout the city as a way of enhancing neighborhoods and supporting local revitalization efforts.
- Supports proposals in *Legacy* which call for emphasizing the city's waterfronts and the important North, South and East Capitol Street axes.

The policy establishes three new commemorative zones—the *Reserve*, *Area I*, and *Area II*—that closely mirror what is presently delineated in the Commemorative Works Act. The major change is the creation of a new zone called the *Reserve*. This precinct is an extension of the current prohibition on memorials that exists in the Comprehensive Plan for the Mall area between 3<sup>rd</sup> and 14<sup>th</sup> Streets. (*Although the adopted map contains the area surrounding the U.S. Capitol, because the area is under the jurisdiction of the Architect of the Capitol, it is not covered by the new policy.*)

#### The Reserve

The boundaries of the *Reserve* are shown in red on the attached map. This area, the commemorative core of the Nation's Capital, is formed by the central east-west axis extending between the U.S. Capitol and the Lincoln Memorial and the central north-south axis running between the White House and the Jefferson Memorial. Its irregular boundaries include the U.S. Capitol Reflecting Pool, the Mall lands bounded by Madison and Jefferson Drives from 3<sup>rd</sup> to 14<sup>th</sup> Streets, the Jefferson Memorial area, the Washington Monument Grounds, the Ellipse, White House Grounds, and Lafayette Park; west of 17<sup>th</sup> Street, the *Reserve* comprises the area bordering the Reflecting Pool, the Lincoln Memorial and adjacent open space, and the area of the Franklin Delano Roosevelt Memorial.

The JTFM considers the *Reserve* to be a completed urban work of art, a place where citizens can join in celebration, contemplation and the exercise of their rights of free speech. No new memorial sites should be allowed within it. However, the new policy does not prohibit any memorials that received approval by all three approval bodies to locate on sites within the *Reserve* prior to January 1, 2000.

## Area I

The JTFM's *Area I* generally conforms to the boundary of what today is labeled *Area I* in the Commemorative Works Act. It is shown in yellow on the attached map. The components comprising *Area I* are the Federal Triangle, predominately federal enclaves in Southwest Washington, the remaining portions of West Potomac Park not included in the *Reserve*, parklands along the District shoreline between the Lincoln Memorial and the mouth of Rock Creek, Theodore Roosevelt Island, and shoreline areas in Virginia, including the area of the Iwo Jima Memorial.

*Area I* includes existing memorials that must be protected; open spaces and cultural and waterfront areas bordering the central cross axes; and valuable recreational fields. *Area I* is important because of its proximity to the *Reserve* and the role it plays in establishing the setting for the central portion of the Core. It contains some of the nation's most valued memorials and museums.

A memorial can be located in *Area I* if it meets eligibility requirements established in the Commemorative Works Act, receives all required approvals, and is located on one of the *Area I* sites identified in the Memorials and Museums Master Plan. (*Under the final Memorials and Museums Master Plan, only those Area I sites contained in the plan will be considered for new memorials by the federal approval bodies.*) As with new memorials in the *Reserve*, those *Area I* memorials receiving site approval prior to January 1, 2000 are not subject to the new policy.

## Area II

Finally, the draft policy encourages memorial sponsors to locate on sites in *Area II*, which is the green area on the attached map. *Area II* includes all NPS and GSA lands in the District of Columbia and close-in Arlington County outside the *Reserve* and *Area I*. Placing new memorials in *Area II*, such as along Special Streets and gateways, within squares and circles that reinforce the L'Enfant and McMillan Plans, and in association with federal facilities is viewed as a way of providing a civic, economic, and cultural boost to District and Arlington communities outside the Monumental Core. The policy for *Area II* is intended to reinforce *Legacy*, strengthen key civic gateways, and provide links to areas east of the Anacostia River.

In discussions with District Council members in 1999, there was a clear desire to direct future memorials and museums to new areas in *Area II*. This also included North Capitol, South Capitol and East Capitol Streets and areas along the Potomac and Anacostia River waterfronts. The Task Force agreed to include in its proposed policy a recommendation that the federal government consider providing some sort of financial assistance to memorial sponsors who locate on select sites in *Area II* that further important federal and local planning objectives.

## B. Amendments to the Commemorative Works Act

During much of 1998, the JTFM considered possible amendments to the Commemorative Works Act to clarify certain procedural aspects of the memorial approval process or correct technically inaccurate or outdated portions of the Act. The task force's recommended changes address:

- The definition of *commemorative works*
- Criteria for distinguishing between *Area I* and *Area II* commemorative works
- The expiration period for legislation authorizing *Area I* memorials
- Limitations on extending a memorial's legislative authority beyond the standard seven-year period
- Financial incentives for memorials locating outside the Monumental Core area
- The waiting period for war memorials
- "Interest bearing" accounts for maintenance funds
- A new CWA map containing the JTFM's three new memorial zones
- A ban on the visible recognition of donors in new memorials
- References in the CWA to the JTFM's Memorials and Museums Master Plan
- Factors guiding approval bodies in their consideration of memorial site and design proposals

Following internal Task Force discussions, NCMC was requested to work with Congressional staff to draft proposed language amending the CWA, incorporating virtually all of the suggested changes developed by the Task Force during its discussions. This language was subsequently included in S 311 (attached), which was introduced in the Senate in early 2000. In July 2000, the Senate passed S 311. Title II of the bill, the Commemorative Works Clarification and Revision Act of 2000, contained the JTFM's recommended amendments to the CWA. The House of Representatives, however, failed to pass corresponding CWA legislation, so S 311 did not become law.

In addition to those changes included in S 311, additional suggestions arose during the public review of the draft master plan. These involved modifying the composition and role of NCMC, increasing public participation in the CWA process, and establishing clear criteria for designating *Area I* and *Area II* memorials.

NCMC adopted several of these suggestions, incorporating a number in its ongoing administrative processes, during the course of the task force's work. For example, NCMC expanded its mailing list to include additional civic groups and professional organizations that were thought to have an interest in NCMC's activities. In order to encourage early participation in the process and to broaden NCMC's technical expertise, NCMC invited the Advisory Council on Historic Preservation to participate in its meetings. NPS also modified its guide for prospective memorial sponsors, *24 Steps to Erecting a Memorial in Washington, D.C.*, to clarify the process that a memorial sponsor has to go through. The Park Service is already using the draft master plan as a guide in directing prospective memorial sponsors to suitable locations around the city.

Many of the individuals who commented on the draft Memorials and Museums Master Plan suggested that the Task Force include more specific proposals for changing the CWA process in the final document. The JTFM, after considerable discussion, decided to include in the final master plan only general references to possible additional CWA process changes. More definitive statements, if any, would be reserved for the JTFM's final report.

### C. Memorials and Museums Master Plan

Shortly after it was established, the NCPC Memorials Task Force determined that a study of memorials and museums—more detailed than any previous study would be necessary. Subsequent to a request in the summer of 1997 that funds be included in NCPC's budget to prepare such a study, Congress included funds in NCPC's Fiscal Year 1999 and 2000 budgets to complete a Monuments/Memorials and Museums Master Plan. The effort relied primarily on NCPC staff to provide planning, design, and technical services to support, guide, and direct the effort. In addition, several well-respected outside consultants were retained to provide assistance. In fall 1999, Leo A. Daly, in association with EDAW, Economic Research Associates, and Gorove/Slade Associates, was selected to assist NCPC and the JTFM in preparing the plan. David Dillon (Writer/Editor), Carter-Cosgrove (Graphic Design), and Michael McCann Associates (Renderer) were also retained to prepare the plan's Executive Summary.

A public workshop on the master plan was held on June 8, 2000 in the GSA Regional Office Building Auditorium in Southwest Washington. Separate stations were set up, manned by staff and consultants, where the public could receive more detailed information on specific aspects of the master plan. Twice during the workshop, Margaret Vanderhye, the Chairman of the JTFM, and staff made formal presentations on the plan. Opportunities for general questions and answers were provided at the end of each presentation.

Approximately 75 people attended the two sessions. Comments ranged from “there should be more design competitions for new memorials” to suggestions for specific museum sites (e.g. Auditor's Building for the National Museum of Women's History).

Following the public meeting, and after a little more than a year of research and deliberations, a draft Memorials and Museums Master Plan was released for public comment (December 2000). The final master plan will be released in fall 2001 (copy attached).

The Memorials and Museums Master Plan complements the new Commemorative Zone Policy and the JTFM's recommended amendments to the CWA. It recognizes the longstanding tradition in the National Capital for commemoration—one that task force believes should be sustained. So, in addition to placing greater restrictions on memorials and museums within the Mall area, the master plan ensures that future generations of Americans will have an abundant supply of preeminent sites for future memorials and museums in locations close to and beyond the Mall. The plan's urban design framework does this in a manner that is sympathetic to and reinforces historic and current plans, natural features, and local goals and initiatives. The plan is to be used as a framework to guide the location and development of future memorials and museums in the Nation's Capital for the next 50 years.



The final plan identifies 100 recommended sites for future memorials and/or museums. Most of these are on National Park Service lands; the other sites are under the control of the General Services Administration, the District of Columbia government, the Washington Metropolitan Area Transit Authority, other federal authorities, or private property owners. The master plan includes general guidelines, criteria, and policies for where and how memorials and/or museums should be accommodated on these sites. Twenty “Prime Sites” are included among the plan’s 100 candidate sites. These 20 sites are recommended to be reserved for subjects of exceptionally high importance because of their symbolic importance, visual prominence, scenic beauty, or relationships to other national landmarks, such as the U.S. Capitol or White House. The Prime Sites are distributed throughout the city and many can serve as catalysts for local neighborhood revitalization.

The JTFM recognizes that the 100 sites in the master plan do not constitute the universe of all potential memorial and/or museum locations in the National Capital. Furthermore, memorials and museums often do not necessarily require a dedicated piece of single-purpose land and can work well as part of mixed-use developments, particularly in *Area II*. Nevertheless, with respect to *Area I* sites, under the master plan no other sites, beyond those identified in the final master plan, should be considered for new memorials.

The task force held a public meeting on the Draft Memorials and Museums Master Plan on Thursday, January 11, 2001. Approximately 100 people attended the evening meeting in NCPD’s offices, with twenty-eight people signing up to speak. Groups represented at the meeting included the Committee of 100, the American Society of Landscape Architects, the Capitol Hill Restoration Society, the D.C. Preservation League, the National Capital Revitalization Corporation and at least two ANCs. In addition, several potential memorial or museum sponsors testified.

Following its release in December 2000, the draft master plan received widespread support, and over 70 comments were received on the document from professional and civic organizations, public agencies, and the general public during the 75-day public comment period. The attached staff report, Summary of Major Comments on Memorials and Museums Master Plan, dated March 19, 2001, summarizes the comments. A more detailed summary of each comment and the JTFM’s response can be found in the staff’s May 2001 Summary of 2M Comments (available from NCPD staff). In general, with the exception of specific site suggestions, the major comments addressed:

- The need for early public involvement in the CWA process
- The composition of NCMC
- The need for strategies to preserve key sites designated for future memorials and/or museums
- The importance of greater coordination with local neighborhoods as memorial and museum proposals are developed.

The final master plan has been adjusted to reflect comments received during the public comment period. Some previously proposed recommended sites have been eliminated; others have been added. Important issues of process and public involvement have been thoroughly reviewed and additional suggestions have been included in this final JTFM report to address many of the CWA concerns raised by the public. The Task Force has carefully considered

each comment, and provided a response addressing each concern. The public has provided many helpful comments to improve the final master plan.

In August and September, 2001, member organizations of the JTFM—NCPC, CFA, and NCMC—will be asked to formally endorse the Memorials and Museums Master Plan as their official policy with respect to locating future memorials and museums in the Nation's Capital.

### **III. Additional Task Force Recommendations**

This final JTFM report contains new proposals for improving the process of establishing memorials in the Nation's Capital that relate specifically to the National Capital Memorial Commission. These include ways to clarify the role and operations of NCMC and suggestions for additional steps NCMC might take to further involve the public and other interested bodies in its activities during early stages of its work. These require, in some instances, amendments to the Commemorative Works Act that go beyond those previously recommended by the task force and passed by the Senate in July 2000; others would involve operational or procedural changes that NCMC could implement on its own.

The JTFM recommends that the Administration and Congress amend the CWA to:

- 1. Change the name of the NCMC to the “National Capital Memorial Advisory Commission”**

NCMC's charter notes that it is an advisory group responsible for providing advice to Congress and the Secretary of the Interior and Administrator of General Services on memorial matters. Changing its name to add the term “advisory” to its title would help sponsors and the general public better understand the nature of NCMC's review.

- 2. Include the Advisory Council on Historic Preservation as a non-voting member of the NCMC**

The task force believes that the NCMC would benefit from more input from historic preservation professionals in reaching decisions related to memorials, particularly as they pertain to subject matter and site. In an effort to gain greater preservation input, NCMC has consulted with staff of the Advisory Council on Historic Preservation (ACHP) to discuss new ways the Council could participate in NCMC decision-making activities. ACHP staff has indicated to NCMC that they prefer to be a non-voting member of the NCMC instead of a voting member. This ensures that the Section 106 process, which follows NCMC actions, is not compromised. Regardless of the Council's voting status, including it on NCMC ensures that the Council is afforded an opportunity to participate in NCMC activities at the earliest stages of the memorial-making process, permitting the Council to provide its views directly to the NCMC, if it is so inclined.

**3. Designate the Executive Director of the NCPC and the Secretary of the CFA as members of NCMC rather than the Chairmen**

Changing the NCPC and CFA representation on NCMC from the Chairmen to the Executive Director and Secretary, respectively, would improve NCMC operations and allow more agency flexibility in regard to subsequent NCPC and CFA actions on memorials. This change would also clearly communicate that the position(s) established or presented by the NCPC and/or CFA representatives during NCMC deliberations are staff views, and do not necessarily commit their respective commissions to a particular course of action, or represent the views of the policy makers within their respective parent agencies.

Other recommendations involve operational changes that NCMC should consider. The JTFM believes the NCMC should:

**1. Investigate ways of obtaining greater input from historians or other professionals from the Library of Congress, the National Archives, and the Smithsonian Institution in order to draw upon the cultural and historic perspective these groups can bring to the commemoration process.**

**Before proceeding with such an idea, however, the NCMC will approach these three groups to determine their interest in developing a more formal institutional relationship with NCMC, a relationship that would involve consultation on a regular and documented basis but not membership on NCMC.**

Including input from representatives of key historic preservation organizations, interest groups, or educational institutions during the NCMC process would help complement the technical expertise currently provided by NCMC's ex officio members.

**2. Continue to investigate ways to expand opportunities for public comment during the early stages of NCMC's review processes**

As mentioned above, the NCMC has already taken steps to encourage greater public involvement in its processes. Additional opportunities to expand public participation should be pursued as well.

**3. Establish a Vice Chairman position within the NCMC**

Establishment of a Vice Chairman position would help broaden the leadership of NCMC. A Vice Chairman could also assist in coordinating and preparing for upcoming meetings, participate in sessions with outside agencies and organizations, as needed, and preside over the NCMC in the absence of the Chairman.

In addition to the above proposals, the final Memorials and Museums Master Plan includes several new ideas related to establishing new memorials and museums in the District of Columbia and close-in Arlington County. Among these are ideas on how to:

- (1) Ensure that key lands for future commemorative activities are preserved
- (2) Facilitate physical changes to the built environment to enhance the settings for commemorative resources
- (3) Take advantage of opportunities to better link memorials and museums to local efforts aimed at strengthening local communities, and
- (4) Coordinate public and private efforts to achieve the above.

The task force also recommends that procedures be established for resolving disagreements among the review bodies about memorial sites or designs. The review process for the Dr. Martin Luther King, Jr. Memorial offers a good example of how the decision-making bodies can resolve conflicts among themselves. For example, when it became apparent that the project sponsor and the review commissions were having difficulty reaching agreement on the site for the Dr. Martin Luther King, Jr. Memorial, NCPC convened a working group comprised of the affected parties. Following a careful analysis of potential sites, this group reached consensus on a memorial location with eleven design principles to help guide the memorial's conceptual design. In the end, all three review agencies strongly endorsed the memorial's site and design guidelines. Although the task force is not suggesting that this approach should be used in every instance interagency disagreements are involved, it could nevertheless serve as a model when future conflicts arise.

#### **IV. Final Recommended Action**

The Joint Task Force on Memorials recommends that the National Capital Planning Commission, the Commission of Fine Arts, and the National Capital Memorials Commission:

- A. Adopt the Final Memorials and Museums Master Plan (attached)
- B. Reiterate its support for the amendments to the Commemorative Works Act previously developed by the JTFM. These amendments were contained in S. 311 (attached), passed by the United States Senate in July 2000, and
- C. Jointly develop additional amendments to the Commemorative Works Act that would supplement the changes that were previously included in S. 311. These amendments should address the following items:
  1. Changing the name of NCMC to the National Capital Memorial Advisory Commission
  2. Including the Advisory Council on Historic Preservation on NCMC as a non-voting member, and
  3. Designating the Executive Director of the NCPC and the Secretary of the CFA as members of NCMC rather than the Chairmen as the Act currently provides for.

March 19, 2001

## **SUMMARY OF MAJOR COMMENTS ON DRAFT MEMORIALS AND MUSEUMS MASTER PLAN**

*The following is only a listing of the major comments the JTFM received on the draft master plan. Over 70 comments were received, and the JTFM has responded to each. A complete listing of the comments and the Task Force's response is available from NCPC.*

### Comments

#### 1. Site 17, former McMillan Reservoir Sand Filtration Plant site

Several people in the McMillan Park area strongly endorsed the idea of the entire 25-acre Sand Filtration Plant site being reserved for a future memorial or museum. D.C. OP is currently working on developing ideas for the appropriate mix of uses on the site which would include some commercial/retail/residential uses.

#### 2. Site 9, 10<sup>th</sup> Street Overlook or Benjamin Banneker Park

There is a significant amount of interest in retaining Benjamin Banneker Park as the official memorial for Benjamin Banneker. Peggy Seats, from the Benjamin Banneker Memorial Foundation, has asked that the Task Force continue to refer to it as Benjamin Banneker Park and that the principal memorial at this location be associated with ~~Mr.~~ Banneker.

#### 3. Greater Coordination with Surrounding Jurisdictions

Both Arlington County and the Maryland-National Capital Park and Planning Commission requested that the federal approval agencies consult closer with them as new memorial proposals are developed for lands within Arlington and Montgomery Counties. They suggest a future relationship with their jurisdictions comparable to the coordination the Task Force has suggested for District of Columbia officials.

#### 4. Treatment of Lands not Currently Covered by the CWA

A few commenters questioned the inclusion of private and non-GSA and NPS lands in the master plan. Their concerns surrounded possible limitations on private property rights or restrictions on future activities on non-CWA lands.

#### 5. Changes to/clarifying the process for establishing memorials in the city (i.e., providing greater public involvement prior to site selection)

Various commenters questioned the existing process and called for early consultation with affected community groups, particularly at the point of initial authorization.

6. Changes to the document to recommend specific strategies to reserve “Prime Sites” and prevent these locations from being depleted prematurely
7. Better defining the Commemorative Works Act’s criteria for Specific Conditions Applicable to Area I and Area II (i.e., what is meant by “preeminent and historical lasting significance to the Nation” versus “lasting historical significance to the American people”)
8. Modifying the draft master plan policies to strengthen them (i.e., removing the conditional language and changing the tone of the policies)
9. Changing the composition of the National Capital Memorial Commission  
  
Adding historians, artists, architects, neighborhood residents, and others to a new reconstituted NCMC. The President and the Mayor would designate the new members.
10. Tour buses and other visitor amenities and how we accommodate them in areas proposed for new commemorative works and cultural facilities

#### Additional Items

##### Addition/Deletion of Candidate Sites

There were a number of new sites that the public suggested. There were also some suggested deletions.

**To authorize the Disabled Veterans LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.  
(Engrossed in Senate)**

S 311

106th CONGRESS  
2d Session  
**S. 311**

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**AN ACT**

To authorize the Disabled Veterans LIFE Memorial Foundation to establish a memorial in the District of Columbia or 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,*

**TITLE I--THE DISABLED VETERANS MEMORIAL**

**SECTION 101. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) IN GENERAL- Notwithstanding section 3(c) of Public Law 99-652, as amended (40 U.S.C. 1003(c)), the Disabled Veterans LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor disabled veterans who have served in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS- The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes, approved November 14, 1986 (40 U.S.C. 1001 et seq.).

**SEC. 102. PAYMENT OF EXPENSES.**

The Disabled Veterans LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by section 1(a). No Federal funds may be used to pay any expense of the establishment of the memorial.

**SEC. 103. DEPOSIT OF EXCESS FUNDS.**

If, upon payment of all expenses of the establishment of the memorial authorized by section 1(a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans LIFE Memorial Foundation shall transmit the amount of the balance to

the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

## **TITLE II--COMMEMORATIVE WORKS ACT AMENDMENTS**

### **SEC. 201. SHORT TITLE**

This title may be cited as the Commemorative Works Clarification and Revision Act of 2000.

### **SEC. 202. REFERENCE TO COMMEMORATIVE WORKS ACT.**

(a) In this title the term Act means the Commemorative Works Act of 1986, as amended (Public Law 99-652; 40 U.S.C. 1001 et seq.).

### **SEC. 203. CLARIFICATIONS AND REVISIONS TO THE ACT.**

(a) Section 1(b) of the Act (40 U.S.C. 1001(b)) is amended by striking the semicolon and inserting and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;

(b) Section 2 of the Act (40 U.S.C. 1002) is amended as follows:

(1) In subsection (c) by striking or a structure which is primarily used for other purposes and inserting that is not a commemorative work as defined by this Act;

(2) In subsection (d) by striking person and inserting sponsor;

(3) In subsection (e) by striking Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986, and insert the Reserve, Area I, and Area II as depicted on the map numbered 869/86501A, and dated March 23, 2000;

(4) By redesignating subsection (e) as subsection (f); and

(5) By adding a new subsection (e) as follows:

*(e) the term Reserve means the great cross-axis of the Mall, which is a substantially completed work of civic art and which generally extends from the U.S. Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map described in subsection (f);*

(c) Section 3 of the Act (40 U.S.C. 1003) is amended as follows:

(1) In subsection (b)--

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

(B) by striking 10 and inserting 25; and

(C) by striking the event. and inserting such war or conflict..

(2) In subsection (c) by striking other than a military commemorative work as described in subsection (b) of this section; and

(3) In subsection (d) by striking House Oversight and inserting Resources.



- (d) Section 4 of the Act (40 U.S.C. 1004) is amended as follows:
- (1) By amending subsection (a) to read as follows:
    - (a) The National Capital Memorial Commission is hereby established and shall include the following members or their designees:
      - (1) Director, National Park Service (who shall serve as Chairman);
      - (2) Architect of the Capitol;
      - (3) Chairman, American Battle Monuments Commission;
      - (4) Chairman, Commission of Fine Arts;
      - (5) Chairman, National Capital Planning Commission;
      - (6) Mayor, District of Columbia;
      - (7) Commissioner, Public Buildings Service, General Services Administration; and
      - (8) Secretary, Department of Defense; and
    - (2) In subsection (b) by striking Administrator and inserting Administrator (as appropriate).
- (e) Section 5 of the Act (40 U.S.C. 1005) is amended--
- (1) By striking Administrator and inserting Administrator (as appropriate) and
  - (2) By striking 869/8501, and dated May 1, 1986 and inserting 869/8501A, and dated March 23, 2000.
- (f) Section 6 of the Act (40 U.S.C. 1006) is amended as follows:
- (1) In subsection (a) by striking 3(b) and inserting 3(d);
  - (2) By redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and
  - (3) By adding a new subsection (a) as follows:
    - (a) Sites for commemorative works shall not be authorized within the Reserve after January 1, 2000.
- (g) Section 7 of the Act (40 U.S.C. 1007) is amended as follows:
- (1) By striking person and inserting sponsor each place it appears;
  - (2) In subsection (a) by striking designs and inserting design concepts;
  - (3) In subsection (b) by striking and Administrator and inserting or Administrator (as appropriate);
  - (4) In subsection (b)(2) by striking open space and existing public use; and inserting open space, existing public use, and cultural and natural resources;
  - (5) In subsection (b)(3) by striking the period at the end and inserting a semicolon; and
  - (6) By adding the following new paragraphs:
    - (4) 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 subsection 2(f);

- (5) The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specified to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act; and
- (6) Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.

(h) Section 8 of the Act (40 U.S.C. 1008) is amended as follows:

(1) In subsections (a)(3) and (a)(4) and in subsection (b) by striking person each place it appears and inserting sponsor.

(2) By amending subsection (b) to read as follows:

(b) In addition to the foregoing criteria, 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 proceeds shall be available for the nonrecurring repair of the sponsors commemorative work 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:

(1) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) 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 2000 shall be credited to a separate account with the National Park Foundation.

(3) Upon request, 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 (1) or (2). 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..

(3) By amending subsection (c) to read as follows:

(b) The sponsor shall be required to submit to the Secretary or the Administrator (as appropriate) an annual report of operations, including financial statements audited by an independent certified

public accountant, paid for by the sponsor authorized to construct the commemorative work.

(i) Section 9 of the Act (40 U.S.C. 1009) is hereby repealed.

(j) Section 10 of the Act (40 U.S.C. 1010) is amended as follows:

(1) By amending subsection (b) to read as follows:

(b) 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 where such addition authority has been granted, unless:

(1) the Secretary or the Administrator (as appropriate) has issued a construction permit for the commemorative work during that period; or

(2) the Secretary or the Administrator, in consultation with the National Capital Memorial Commission, has made a determination that final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts and that 75 percent of the amount estimated to be required to complete the memorial has been raised. If these two conditions have been met, the Secretary or the Administrator may extend the 7-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals will also expire.; and

(2) By adding a new subsection (f) as follows:

(f) The National Capital Planning Commission, in coordination with the Commission of Fine Arts and the National Capital Memorial Commission, shall complete its master plan to guide the location and development of future memorials outside the Reserve for the next 50 years, including evaluation of and guidelines for potential sites.

#### **SEC. 204. PREVIOUSLY APPROVED MEMORIALS**

Nothing in this title shall apply to a memorial whose site was approved, in accordance with the Commemorative Works Act of 1986 (Public Law 99-652; 40 U.S.C. 1001 et seq.), prior to the date of enactment of this title.

Passed the Senate July 10, 2000.

Attest:

Secretary.