

# National Capital Memorial Advisory Commission Bylaws and Operating Procedures

(UPDATED 10-05-2021)

## OFFICIAL DESIGNATION

The official designation of this commission is the National Capital Memorial Advisory Commission (Commission).

## AUTHORITY

The Commission is established by authority of Public Law 91-383, as superseded by 40 U.S.C. Chapter 89 et. seq, the Commemorative Works Act of 1986 (Public Law 99-652, November 14, 1986, as amended) (the CWA). The Commission is an advisory body composed solely of Federal and elected officials which meets for the purpose of exchanging views, information or advice relating to the management or implementation of Federal programs established pursuant to public law, and, under the terms of the Unfunded Mandates Reform Act, is exempt from the Federal Advisory Committee Act.

## OBJECTIVES AND SCOPE OF ACTIVITIES

The Commission shall consult with Committees of Congress and advise the Secretary of the Interior (Secretary) and the Administrator of General Services (Administrator) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate. At the request of the Mayor of the District of Columbia (DC), the Commission may review applications for commemorative works to be established on public property under the jurisdiction of DC.

## DESCRIPTION OF DUTIES

The Commission:

- Prepares and recommends to the Secretary and the Administrator broad criteria, guidelines, and policies and procedures for memorializing persons and events on Federal lands in the District of Columbia and its environs through the media of monuments, memorials, statues and other commemorative works.
- Examines each memorial proposal for adequacy and appropriateness and makes recommendations to Congress with respect to subject matter in conformance with the CWA.
- Examines each memorial proposal for adequacy and appropriateness, and makes recommendations to the Secretary or the Administrator with respect to site location on Federal land subject to the CWA in the District of Columbia and its environs.

## National Capital Memorial Advisory Commission Bylaws and Operating Procedures

- Examines each memorial proposal seeking a site within Area I for appropriateness, and makes recommendations to the Secretary or the Administrator with respect to preeminent and lasting historical significance to the Nation.
- Consults on matters of design with persons authorized to establish memorials on Federal land subject to the CWA in the District of Columbia and its environs.
- Reviews any DC-referred application that involves placing a commemorative work in a reservation or other public park or plaza space that is under DC jurisdiction. Once the review is completed, the Commission Secretary will summarize all Commission comments and concerns in an official letter for the Chairman's signature. The letter, after circulation and approval by Commission members, will be sent to the DC Office of Planning and the memorial sponsor.
- In exceptional cases, the Chairman may elect to have the Commission review any DC-referred applications that would place a commemorative work in the public right-of-way (front yard) of a building.
- Serves as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

### REPORTING REQUIREMENTS

Pursuant to the CWA, the Commission meets at least twice a year on matters relating to the establishment of memorials in the District of Columbia and environs and may, as necessary, advise the Secretary and the Administrator and consult Committees of Congress regarding such legislative proposals and issues of site and design as may be reviewed at these meetings.

### SUPPORT & ESTIMATED ANNUAL OPERATING COST

Support for the Commission is provided by the National Park Service, U.S. Department of the Interior, and includes the approximate cost of 1/12- work-year of staff support and securing the services of a court reporter and transcripts for at least two meetings per year.

### ADMINISTRATION

The Commission is chaired by the Director of the National Park Service, or the Director's designee. The Chairman:

- Provides staff support to the Commission, calls all of the Commission's meetings, and prepares and approves all meeting agendas. The Chairman attends all meeting and Subcommittee meetings, and adjourns meetings when adjournment is determined to be in the public interest.
- Establishes priorities, identifies issues which must be addressed, determines the level and types of staff and financial support required, appoints a Secretary to the Commission, and

National Capital Memorial Advisory Commission  
Bylaws and Operating Procedures

serves as the focal point for the Commission's membership and for public outreach regarding the Commission's activities. The Chairman serves as the government's agent for all matters related to the Commission's activities.

- May assemble advisory panels of independent subject matter experts to provide opinions for the Commission's consideration on specific matters such as, but not limited to, historic significance of persons or events proposed to be commemorated.
- May establish Subcommittees for the purpose of examining and preparing reports to the Commission on any issue relevant to the Commission's purpose. The Chairman or his designee will attend all Subcommittee meetings.
- May respond on behalf of the Commission with a letter of acknowledgement and a statement of no objection to any DC-referred commemorative work application that does not merit full Commission review.

#### NUMBER AND FREQUENCY OF MEETINGS

The Commission will meet at least twice annually. Meetings will be called by the Chairman as required.

#### DURATION AND TERMINATION

In view of the objectives, scope and purposes of the Commission, it will continue unless superseded by an Act of Congress. The Commission may be terminated by Act of Congress.

#### MEMBERSHIP

- The Commission shall be composed of eight ex officio members, as follows:
  - Director, National Park Service
  - Commissioner, Public Buildings Service, General Services Administration
  - Mayor of the District of Columbia
  - Chairman, Commission of Fine Arts
  - Chairman, National Capital Planning Commission
  - Architect of the Capitol
  - Chairman, American Battle Monuments Commission
  - Secretary, Department of Defense.
- The Executive Director, Advisory Council on Historic Preservation, may appoint a nonvoting observer to advise the Commission.
- No Commission member, or member of any Subcommittee or advisory panel convened to study any Commission matter, shall participate in any matter in which the member has a financial interest.

National Capital Memorial Advisory Commission  
Bylaws and Operating Procedures

- Members of the Commission, Subcommittee members and advisory panel participants shall receive no pay, allowances, or benefits by reason of their service on or for the Commission.

#### MEETING PROCEDURES - THE COMMISSION

- All meetings of the Commission will be open to the public. The Commission may not hold a public meeting unless five voting members are in attendance.
- The Secretary to the Commission will provide adequate public notice in advance of meetings through notification to stakeholders and a public meeting notice posted on the National Park Service Planning, Environment, and Public Comment (PEPC) webpage which must be published at least 30 calendar days prior to an advisory committee meeting, and includes:

- (1) The name of the Commission,
- (2) The time, date, place, and purpose of the meeting;
- (3) A summary of the agenda, and/or topics to be discussed;
- (4) A statement announcing that the meeting is open to the public; and
- (5) the name and telephone number of an National Park Service official who may be contacted for additional information concerning the meeting.

- Agenda - Items for the agenda may be submitted to the Chairman or the Secretary to the Commission by a Commission member or any person on their own behalf or on behalf of an organization, agency or Member of Congress. The Chairman will approve the agenda for all meeting, distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. The Commission will not take official action on any business matter that is not announced in the Commission's published agenda.

- Public Participation - Members of the public may attend any meeting and may, at the determination of the Chairman, offer oral comment at such meeting. The Chairman may set time limits for oral testimony when necessary. Members of the public may submit written statements or exhibits to the Commission at any time. The Chairman may provide up to 14 calendar days after a meeting for the public to provide written statements to be included in the official record for that meeting. All documents, reports, or other materials prepared for consideration at Commission meetings constitute official government records and will be maintained according to Department of the Interior policies and procedures.

- Votes - The Commission will act by affirmative vote of a majority of the members present on matters put to a vote by the Commission. The Commission will advise by consensus of opinion on matters not put to a vote by the Commission. Members may not give their votes by proxy to another member. The Chairman and each voting and non-voting member may designate an alternate to attend meetings in his or her place. Persons appointed to represent an agency as a permanent or temporary designee are responsible for providing written notice of that designation to the Chairman or Secretary to the Commission.

National Capital Memorial Advisory Commission  
Bylaws and Operating Procedures

- Reports, Transcripts, Minutes and Records - The Secretary to the Commission will prepare meeting reports or minutes which will be certified by the Chairman within 90 days of the meeting and provided to Commission members. Copies of verbatim transcripts will be provided to Congressional and public witnesses and sponsors of authorized memorials present at the meeting to discuss site, design, or other relevant matters with the Commission. Transcripts, minutes and reports will be maintained as the Commission's official records and be made available to the public upon request.
  
- The meeting records will include:
  - (1) The time, date, and place of the advisory committee meeting;
  - (2) A list of the persons participating in the meeting, including Commission members and staff, and members of the public who presented oral or written statements;
  - (3) An accurate description of each matter discussed and the resolution, if any, made by the advisory committee regarding such matter; and
  - (4) Copies of any materials relevant to the meeting which are produced by any Subcommittee established by the Chairman.

#### MEETING PROCEDURES - SUBCOMMITTEES

- Subcommittees may be designated and Subcommittee meeting may be held to undertake preparatory work or administrative work for the Commission.
  
- Preparatory Work. Meetings may be held by two or more Commission members together as a Subcommittee, or as individual members with other persons bringing matters before the Commission, when such meetings are convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a public meeting of the Commission, or to draft position papers for deliberation by the Commission in a public meeting.
  
- Administrative Work. Meetings may be held by two or more Commission members convened solely to discuss administrative matters of the Commission or to receive administrative information from a Federal officer or agency.
  
- Preparatory and Administrative work must be conducted in accordance with all openness requirements applicable to the full Commission (See MEETING PROCEDURES - THE COMMISSION) in any instance in which a Commission member or Subcommittee will:
  - (a) make recommendations on matters discussed directly to a Federal officer or agency, or
  - (b) make recommendations that will be adopted by the Commission without further public deliberation.

National Capital Memorial Advisory Commission  
Bylaws and Operating Procedures

- Preparatory and Administrative work meetings and discussions may take place in any manner the Subcommittee deems appropriate when the Subcommittee's study, recommendation, etc., will be presented at an open Commission meeting with opportunity for public participation.

#### RECORDKEEPING

- Advisory committee records. Official records generated by or for the Commission will be retained for the duration of the Commission. Upon termination of the Commission, the Secretary to the Commission shall process Commission records in accordance with the Federal Records Act (FRA), 44 U.S.C. Chapters 21, 29-33, and regulations issued by the National Archives and Records Administration (NARA) (see 36 CFR parts 1220, 1222, 1228, and 1234).
- On behalf of the Chairman, the Secretary to the Commission is responsible for notifying members of the time and place for each meeting; maintaining records of all meetings, including Subcommittees and advisory panels; maintaining the roll; preparing meeting records including reports on Commission's deliberations, including subcommittee activities; attending to official correspondence; maintaining official Commission records and filing all papers and submissions prepared for or by the Commission, Subcommittees and advisory panels; and preparing and handling all official Commission reports.
- The Bylaws and Operating Procedures of the Commission will be kept on file with official records of the Commission.
- All documents, presentations, reports, correspondence or other materials prepared for consideration at Commission meeting; mailing lists; minutes or transcripts of meeting; reports on Commission deliberations; Commission correspondence; and reports prepared by the Commission or Subcommittees of the Commission or advisory panels convened by the Commission, constitute official government records and are maintained according to Department of the Interior policies and procedures. All such official government records will be made available to the public for review or copying at:

National Park Service  
Region I – National Capital Area  
Office of Lands and Planning  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242