United States Department of the Interior

NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION
1100 Ohio Drive, S.W., Room 220
Washington, D.C. 20242

IN REPLY REFER TO:

A20 (NCR-LPD)

DEC 20 2012

Honorable Jeff Bingaman, Chairman,
United States Senate
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to report to you the findings of the National Capital Memorial Advisory Commission (Commission) which met on November 7, 2012, to review S. 3548, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994. The Commission was established under the Commemorative Works Act of 1986 (40 U.S.C. 89, et. seq.)(CWA). This letter is intended to fulfill the requirements of Section 8903(d) of that Act, which states that the Congress shall solicit the views of the Commission in considering legislation authorizing commemorative works within the District of Columbia and its environs.

The Commission received testimony in support of the proposal from Senator Daniel K. Akaka, sponsor of S. 3548, and from Smithsonian Institution Associate Director for Planning Ann Trowbridge, who informed the Commission that the Smithsonian Institution was neutral regarding the proposed legislation.

The Native American Veterans Memorial was authorized in 1994 and directed to be located in the interior of the National Museum of the American Indian. As such, the memorial was not required to conform to the CWA. However, if moved outdoors, the Memorial could be subject to the requirements of the CWA if on parkland administered by the Secretary of the Interior (Secretary). The Commission was informed that it is the position of the National Park Service that the property is administered by that agency and should be subject to the requirements of the CWA. The Commission did not make a determination as to whether the property proposed for the relocation of the memorial would be under jurisdiction of the National Park Service or the Smithsonian Institution.

The Commission recognized that, if the location is to be on lands subject to the CWA, S. 3548 is inconsistent with processes set in place by the CWA to accomplish the placement of memorials in the District of Columbia. The Commission also noted that the area in question would be in a location designated as Area I by the CWA, the Monumental Core of the Nation's Capital in which memorials may not be located without (1) a public review process undertaken by the

Commission and the Secretary to make a determination that the memorial subject is of preeminent and lasting historic significance to the nation, and (2) a separate legislative concurrence by the Congress concurring with that finding of preeminent and lasting historic significance. The Commission determined that this military memorial would be precluded from land subject to the CWA, and the S. 3548 should direct that the memorial be located on military property. The Commission also advised that, if Congress determined the memorial should not be precluded on parkland, S. 3548 should include a requirement that the memorial be established in conformance to provisions of the CWA.

Members of the Commission recognized that it would have no role in the design or placement of the memorial if it retained its authorized location inside the Museum, and would have no role if the memorial were placed outdoors but on land not governed by the CWA. Members representing the National Capital Planning Commission (NCPC) and the Commission of Fine Arts (CFA) also advised that the NCPC and CFA would have review and approval roles for placement and design of the memorial if moved outdoors whether that location would be under the jurisdiction of the NPS or the Smithsonian Institution.

I would be pleased to answer any questions or to provide further information if you so desire. I and my staff are available to assist you and can be reached at (202) 619-7027.

Sincerely,

Peter May, Chairman
National Capital Memorial Advisory Commission

cc:
Honorable Mark Udall, Chairman
United States Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
304 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable John Barrasso, Ranking Minority Member
United States Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
304 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Daniel K. Akaka
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510