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:

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DEC 20 2012

Honorable Doc Hastings, Chairman,
House of Representatives
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

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 H.R. 6291, the proposed "Vietnam Veterans Memorial Donor Acknowledgement Act of 2012," a bill to amend the authorizing legislation for the Vietnam Veterans Memorial to allow for the recognition of donors at the Vietnam Veterans Memorial Center. 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.

Congressman Don Young, sponsor of H.R. 6291, provided a statement to the Commission. John Dibble, Chairman of the Board of Directors of the Vietnam Veterans Memorial Fund, appeared to speak in support of the proposal.

Commission members were advised that National Park Service (NPS) policy allows donor recognition to occur in park facilities under very specific guidelines, but because the Vietnam Veterans Memorial Act requires the Memorial Center to be established in accordance with the Commemorative Works Act which precludes donor recognition, the donor recognition is not permitted.

All members recognized that the CWA prohibition on donor recognition was intended to preclude outdoor donor displays, and that the underground Memorial Center would not be considered a memorial if not for the provision in the Vietnam Veterans Memorial Act directing that the Memorial Center "shall be considered a commemorative work." Because that direction requires the Memorial Center to be treated as a memorial, and the CWA explicitly prohibits donor recognition at any memorial, the Commission determined that the Memorial Center had to be treated as a memorial in this regard and should not be exempt from the requirement precluding donor recognition.

Some members commented on a perceived unfairness of the CWA requiring sponsors to raise funds to complete the memorials and precluding sponsors from recognizing major donors, many of which are corporations which typically would only donate funds if that donation is recognized on the site of the memorial. Other members felt that fundraising challenges would be best addressed by sponsors scaling back the scope of the memorial to be achievable within more modest fundraising targets.

Several members stated donor recognition should never occur in the outdoor space of a memorial.

The Commission recognized that it may be appropriate to explore further the CWA prohibition of donor recognition in any form, location, attachment or duration, to determine if any flexibility could be recommended for this underground structure and whether it would be appropriate to allow some form of indoor, time-limited donor recognition at existing and future memorials built above-ground and outdoors.

The Commission also identified that the approvals process proposed by H.R. 6291 for a donor recognition at the Memorial Center was unrealistic. The Commission recommended against the design of an approvals process through legislation, but if Congress felt it would be necessary to do so, such a process should match the design approvals process set in place by the CWA.

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 Rob Bishop, Chairman
House of Representatives Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
1324 Longworth House Office Building
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Honorable Raul M. Grijalva, Ranking Minority Member
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Honorable Don Young
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