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Memorials and Commemorative Works Outside Washington, DC: Background, Federal Role, and Options for Congress

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Memorials and Commemorative Works Outside Washington, DC: Background, Federal Role, and Options for Congress

Congress frequently faces questions about whether and how to commemorate people and events that have influenced the nation's history. Congress often has chosen to do so by establishing national memorials or by conferring a national designation on existing state, local, or private memorials. The National Park Service (NPS) defines *national memorials* within the National Park System as "primarily commemorative" works that need not be at sites historically associated with their subjects. The Commemorative Works Act (CWA; 40 U.S.C. §§8901-8910) was enacted to govern the establishment process for memorials located in the District of Columbia (Washington, DC) or its environs that are under the jurisdiction of the NPS or the General Services Administration. The CWA includes provisions related to memorial location, design, construction, and perpetual maintenance. Memorials in Washington, DC, include those with the word *national* in the name and those that are essentially national memorials but do not bear that title.

For memorials outside the District of Columbia, no specific law or set of regulations governs their establishment. Congress has established a number of federally administered national memorials throughout the nation, most often as units of the National Park System but also under management of other federal agencies. Various nonfederal entities undertaking commemorative efforts also have petitioned Congress for assistance or statutory recognition, and some individual memorial organizers have titled their works as national memorials without congressional recognition. To clarify options for Congress when considering commemoration of individuals, groups, and events through memorials, this report discusses several types of congressional involvement in memorials outside the District of Columbia. For purposes of the report, these are characterized as

- high federal involvement (e.g., congressional establishment of a national memorial under federal agency administration);
- medium federal involvement (e.g., congressional authorization for a memorial to be located on federal property or to receive federal funds);
- low federal involvement (e.g., statutory recognition without additional federal support); and
- no federal involvement (e.g., a self-declared national memorial).

The report provides examples of memorials of each type and discusses some options for Congress, with regard to both individual memorial designations and consideration of whether to systematize criteria for memorials outside Washington, DC, similar to the CWA's provisions for District of Columbia memorials. Because this report focuses specifically on memorials outside the District of Columbia, please see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus, for discussion of memorials governed by the CWA in Washington, DC, and its environs.

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Introduction

Virtually all societies attempt to remember and memorialize individuals, groups, and events as part of the preservation of shared rhetoric and history.¹ In the United States, there are hundreds, and possibly thousands, of memorials to various individuals, groups, and events.² These commemorative works may “engage the population in maintaining memory on a daily basis” in a way that “no documents or records can.”³

Decisions about which people, groups, or events to memorialize are made by many different entities, including Congress, federal agencies, state and local governments, and private citizens, among others. For example, for memorials on federal land in the District of Columbia, the Commemorative Works Act (CWA) requires that Congress provide authorization for a new memorial.⁴ In other areas, various laws, regulations, and policies may provide for different groups and governments to decide what should be commemorated and how.⁵ Once a decision to commemorate is made, decisionmakers face issues related to the location and cost of a memorial.

The choice of a memorial’s location is significant. Memorials are arguably most meaningful when they are located in a place with a relationship to the individual, group, or event being commemorated.⁶ In 2002, for example, a representative from the National Park Service (NPS) testified before Congress about the importance of place:

No memorial designed for placement in Washington, D.C. could capture the emotion and awe of visitors to the USS Arizona Memorial, lying where it was sunk in Pearl Harbor. The Oklahoma City National Memorial would not have nearly the power it has if it had been constructed anywhere else but at the site of the Murrah Building. The memorial landscapes of Gettysburg or Antietam National Battlefields still haunt visitors who contemplate what occurred there nearly 150 years ago. Indeed, people from all over the world continue to be drawn to these hallowed grounds to reflect on the historical events that took place at the sites or, perhaps, to pay their respects to those who lost their lives there.⁷

This report considers the extent of federal involvement in memorials located outside the District of Columbia (Washington, DC). A distinction is drawn between memorials located within and

¹ Carole Blair, Greg Dickinson, and Brian L. Ott, “Introduction: Rhetoric/Memory/Place,” in *Places of Public Memory*, ed. Greg Dickinson, Carole Blair, and Brian L. Ott (Tuscaloosa, AL: University of Alabama Press, 2010), pp. 1-54.

² Erika Doss, *Memorial Mania: Public Feeling in America* (Chicago: University of Chicago Press, 2010), p. 19.

³ Elizabeth J. Burling, “Policy Strategies for Monuments and Memorials” (master’s thesis, University of Pennsylvania, 2005), p. 1.

⁴ 40 U.S.C. §§8901-8910.

⁵ For example, at the federal level, the U.S. Department of Veterans Affairs (VA) has policies that govern memorials in national cemeteries (VA, National Cemetery Administration, *Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries*, December 2007, at http://www.cem.va.gov/docs/New_Memorials_Guidelines.pdf). At the state level, Tennessee has a policy on memorials and monuments at the state capitol complex. See State of Tennessee, Office of the State Architect, “Policy and Procedure Number _____, Capitol Complex Memorials and Monuments,” at https://www.tn.gov/content/dam/tn/statearchitect/documents/OSAPolicy_MonumentsMemorials_20141215.pdf. At the local level, many cities have memorial policies. For example, see City of Norwich Connecticut, “City of Norwich Policy Regarding Monuments on City Property,” at <https://www.norwichct.org/DocumentCenter/View/2699>.

⁶ Elizabeth J. Burling, “Policy Strategies for Monuments and Memorials,” p. 13.

⁷ Testimony of P. Daniel Smith, special assistant to the director, National Park Service, Department of the Interior, U.S. Congress, House Committee on Resources, Subcommittee on National Parks, Recreation, and Public Lands, *H.R. 2982 and H.R. 3380*, 107th Cong., 2nd sess., March 19, 2002 (Washington: GPO, 2002), p. 26, at <https://www.gpo.gov/fdsys/pkg/CHRG-107hhr78261/pdf/CHRG-107hhr78261.pdf>.

outside of Washington, DC, because of the exclusive role the CWA gives Congress to authorize new memorials on federal land in the District of Columbia, and the role of federal agencies—primarily NPS and the General Services Administration (GSA)—in maintaining District-based memorials once dedicated. Other CRS reports provide further discussion of memorials within the District of Columbia.⁸

What Is a National Memorial?

Congress has designated certain memorials throughout the country as *national memorials*. No statute defines this term or reserves it for congressional use, and nonfederal entities sometimes also have styled commemorative works as “national memorials.”⁹ Some congressionally designated memorials (e.g., the World War II Memorial in Washington, DC) do not include the word “national” in the title, even though they may have national commemorative significance. The National Park Service, which administers many congressionally established memorials as units of the National Park System, categorizes such units as “national memorials” whether or not the word “national” is present in the title. According to NPS, the term is “most often used for areas that are primarily commemorative,” but the objects of commemoration “need not be sites or structures historically associated with their subjects.”¹⁰ For example, Abraham Lincoln’s home in Springfield, IL, is a national historic site, but the Lincoln Memorial in Washington, DC, is a national memorial.

Federal Role in Establishing and Maintaining Memorials Outside of Washington, DC

No systematic law or set of regulations governs the establishment of memorials outside Washington, DC.¹¹ While many such works are established without federal involvement, Congress also has established or recognized numerous memorials nationwide, and some have been designated by the executive branch. For purposes of this report, federal involvement in memorials outside the District of Columbia may be classified as “high,” “medium,” “low,” or “none.” (Figure 1).

1. Memorials with “high” federal involvement typically are located on federal land; receive federal funds for design, construction, and maintenance; and are managed

⁸ For more information on memorials in the District of Columbia, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus; CRS Report R43743, *Monuments and Memorials Authorized and Completed Under the Commemorative Works Act in the District of Columbia*, by Jacob R. Straus; CRS Report R43744, *Monuments and Memorials Authorized Under the Commemorative Works Act in the District of Columbia: Current Development of In-Progress and Lapsed Works*, by Jacob R. Straus; and CRS Report R43241, *Monuments and Memorials in the District of Columbia: Analysis and Options for Proposed Exemptions to the Commemorative Works Act*, by Jacob R. Straus.

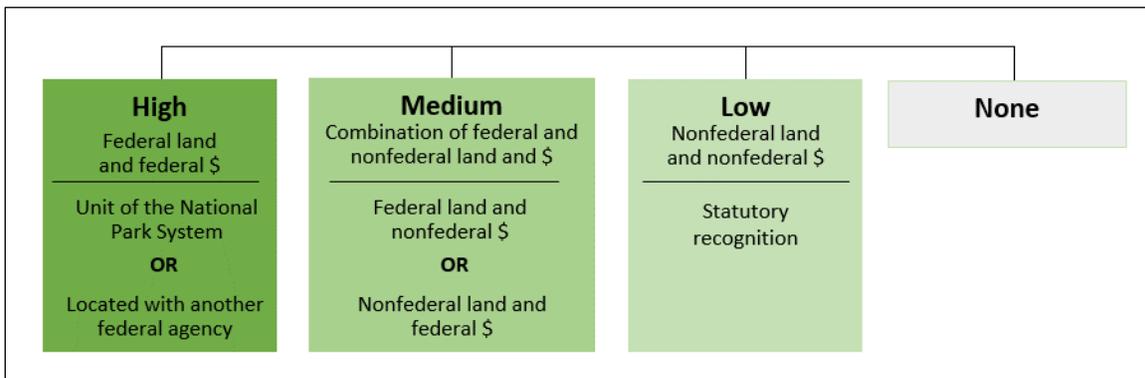
⁹ For example, the George Washington Masonic National Memorial in Alexandria, VA, is privately established and maintained.

¹⁰ U.S. Department of the Interior, National Park Service, *The National Parks: Index 2012-2016*, p. 10, at <https://www.nps.gov/aboutus/upload/NPIndex2012-2016.pdf#page=10> (hereinafter, *National Parks Index*). A national memorial is distinct from a national monument. National monuments are governed by the Antiquities Act of 1906, which “authorized the President to declare by public proclamation landmarks, structures, and other objects of historic or scientific interest situated on lands owned or controlled by the government to be national monuments.” For more information on national monuments and the Antiquities Act, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent.

¹¹ Management of individual memorials may be governed by laws, regulations, and policies pertaining to the specific memorial or the agency that manages it.

- by federal agencies. These include memorials established by Congress as units of the National Park System or under the administration of another agency.¹²
2. Memorials with “medium” federal involvement typically either are located on federal land but do not receive federal funding, or are located on nonfederal land but receive assistance from a federal agency. Examples include a number of memorials designated as NPS affiliated areas, which remain under nonfederal management but receive assistance from NPS.¹³
 3. Memorials with “low” federal involvement are those for which Congress provides statutory recognition, but which are not located on federal land or affiliated with a federal agency, and do not receive federal funds.
 4. Memorials with no federal involvement are those that receive no federal recognition, are located on nonfederal land, and for which nonfederal resources were used to design and build the memorial.

Figure 1. Federal Involvement in Memorials Outside Washington, DC



Source: CRS.

High Federal Involvement: Federal Agency Management

In some instances, Congress authorizes a memorial to be created on federal land and administered by a federal agency. Such memorials have been established primarily as units of the National Park System, but also may be located within the jurisdiction of other agencies. Some of these memorials include multiple facilities such as a visitor center or kiosk in addition to the primary commemorative work. Congress also regularly enacts legislation to place plaques, markers, and similar works at federal sites, or to name federal sites in memory of individuals, groups, or events.¹⁴

¹² NPS categorizes 18 units outside the Washington, DC area as national memorials (along with 11 additional national memorials in Washington, DC). See NPS, “National Park System,” at <https://www.nps.gov/aboutus/national-park-system.htm>.

¹³ NPS defines *affiliated areas* as locations that “preserve significant properties outside the National Park System ... [and that] draw on technical or financial aid from the National Park Service” (*National Parks Index*, p. 118). Lists of memorials in the National Park System and NPS affiliated areas can be found in **Table 1** and **Table 2**.

¹⁴ For example, P.L. 115-91, §1087, directed the Secretary of the Army to authorize construction of a memorial marker to the crew of the Apollo I mission at Arlington National Cemetery. Congress also regularly enacts legislation to name U.S. post offices in honor of deceased individuals. For example, P.L. 115-162 designated a post office in Atchison, KS, as the “Amelia Earhart Post Office Building,” in memory of the well-known aviator, who was born in that city.

In addition to congressional designations, executive-branch officials also have designated some commemorative works on federal land. Some agencies’ regulations and policies allow for agency officials to authorize the placement of plaques, markers, and similar works on agency property, and to name structures or features in memory of a person, group, or event. For example, U.S. Army regulations allow for Army officials to approve memorials to certain distinguished individuals, including deceased Army uniformed and civilian personnel with records of outstanding and honorable service, under specified criteria.¹⁵

Memorials Within the National Park System

To establish a national memorial as a unit of the National Park System, an act of Congress is required.¹⁶ For example, in the 107th Congress, P.L. 107-226 established the Flight 93 National Memorial in Pennsylvania to “honor the passengers and crew of United Airlines Flight 93 of September 11, 2001.”¹⁷ For a discussion of the process for creating a new NPS unit and associated issues, see CRS Report RS20158, *National Park System: Establishing New Units*.

Table 1 lists national memorials outside the District of Columbia that are National Park System units. The table entries are organized alphabetically by state and the descriptions are adapted from the *National Parks Index*. Although two of the memorials do not include the word “national” in their names, NPS categorizes them all as national memorials.¹⁸

Table 1. National Park System: National Memorial Units Outside the District of Columbia

Memorial Name	Location	NPS Description
Coronado National Memorial	Hereford, AZ	In a natural setting on the Mexican border, the memorial commemorates the first organized expedition into the southwest led by Francisco Vasquez de Coronado in 1540 and affirms the ties that bind the United States to Mexico and Spain.
Arkansas Post National Memorial	Gillett, AR	The park commemorates key events that occurred on site and nearby: the first semipermanent European settlement in the Lower Mississippi Valley (1686); a Revolutionary War skirmish (1783); the first territorial capital of Arkansas (1819-1821); and the Civil War Battle of Arkansas Post (1863).
Port Chicago Naval Magazine National Memorial	Danville, CA	This memorial, located at the Concord Naval Weapons Station near Concord, CA, recognizes the critical role Port Chicago played in World War II by serving as the main facility for the Pacific Theater. It also commemorates the explosion that occurred at the Port Chicago Naval Magazine on July 17, 1944, which resulted in the largest domestic loss of life during World War II. ^a

¹⁵ U.S. Army, Army Regulation 1-33, *The Army Memorial Program*, at https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN6303_AR1-33_FINAL.pdf.

¹⁶ For more information, see CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

¹⁷ P.L. 107-226, 116 Stat. 1345, September 24, 2002.

¹⁸ NPS, “National Park System,” at <https://www.nps.gov/aboutus/national-park-system.htm>. The two memorials that do not include the word “national” are Perry’s Victory and International Peace Memorial (OH) and Arlington House, the Robert E. Lee Memorial (VA), located within the fence of Arlington National Cemetery but owned by NPS.

Memorial Name	Location	NPS Description
De Soto National Memorial	Bradenton, FL	The park commemorates the landing of Spanish explorer Hernando de Soto in Florida in 1539 and the first extensive organized exploration by Europeans of what is now the southern United States.
Fort Caroline National Memorial	Jacksonville, FL	Two centuries of French and Spanish colonial rivalry in North America began [at this site] with the establishment of a French Huguenot settlement, 1564-1565.
Pearl Harbor National Memorial ^b	Honolulu, HI	This site commemorates the attack on Pearl Harbor on December 7, 1941, by the Imperial Japanese Navy Air Service and subsequent events that killed over 2,400 Americans and sank 12 U.S. ships including the USS <i>Arizona</i> .
Lincoln Boyhood National Memorial	Lincoln City, IN	Abraham Lincoln lived on this southern Indiana farm from 1816 to 1830. During that time, he grew from a 7-year-old boy to a 21-year-old man. His mother, Nancy Hanks Lincoln, is buried here.
Federal Hall National Memorial	New York, NY	This building is on the site of the original Federal Hall where the 1735 trial of John Peter Zenger, involving freedom of the press, was held. Here the Stamp Act Congress convened, 1765; Congress under the Articles of Confederation met, 1785-1789; the first U.S. Congress met, 1789; Washington took the oath as first U.S. president and the Bill of Rights was adopted, 1789.
General Grant National Memorial	New York, NY	This memorial to Ulysses S. Grant, the Union commander who brought the Civil War to an end, includes the tombs of General and Mrs. Grant. As President of the United States (1869-1877), Grant signed the act establishing the first national park, Yellowstone, on March 1, 1872.
Hamilton Grange National Memorial	New York, NY	The Grange, named after his grandfather's estate in Scotland, was the home of Alexander Hamilton, American statesman and first Secretary of the Treasury.
Wright Brothers National Memorial	Manteo, NC	The first sustained flight in a heavier-than-air machine was made here by Wilbur and Orville Wright on December 17, 1903.
Perry's Victory and International Peace Memorial	Put-in-Bay, OH	Commodore Oliver H. Perry won the greatest naval battle of the War of 1812 on Lake Erie. The memorial—the world's most massive Doric column—was built in 1912-1915 “to inculcate the lessons of international peace by arbitration and disarmament.”
Flight 93 National Memorial	Somerset, PA	On the morning of September 11, 2001, Flight 93 departed Newark, NJ, for San Francisco, CA. At 9:36 a.m. the plane abruptly turned southeast toward Washington, DC. It was seen flying low and erratically before crashing just after 10 a.m. in Somerset County, PA—less than 20 minutes from Washington. All 33 passengers, 7 crew members, and the 4 hijackers were killed. The memorial honors the courageous actions of passengers and crew to thwart an attack on the nation's capital.
Johnstown Flood National Memorial	South Fork, PA	A total of 2,209 people died in the Johnstown Flood of 1889, caused by a break in the South Fork Dam. Clara Barton successfully led the Red Cross in its first disaster relief effort.

Memorial Name	Location	NPS Description
Thaddeus Kosciuszko National Memorial	Philadelphia, PA	The life and work of this Polish patriot and hero of the American Revolution are commemorated at 301 Pine Street, Philadelphia.
Roger Williams National Memorial	Providence, RI	This memorial is a landscaped urban park on the site of the founding of Providence by Roger Williams in 1636. Williams guaranteed religious freedom to all faiths.
Mount Rushmore National Memorial	Keystone, SD	Colossal heads of Presidents George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt were sculpted by Gutzon Borglum on the face of a granite mountain.
Chamizal National Memorial	El Paso, TX	The memorial commemorates the peaceful settlement of a century-old boundary dispute between the United States and Mexico. This commemoration and multicultural understanding are enhanced through the arts in the memorial's 500-seat theater, outdoor stage, and three art galleries.
Arlington House, The Robert E. Lee Memorial	McLean, VA	This antebellum home of the Custis and Lee families overlooks the Potomac River and Washington, DC.

Source: NPS, *The National Parks: Index 2012-2016*, at <https://www.nps.gov/aboutus/upload/NPIndex2012-2016.pdf>; and P.L. 116-9.

Notes: The list of memorials in the table is organized alphabetically by state. Unit descriptions are from the *National Parks Index*. The table does not include former national memorials that have been redesignated as other types of NPS units. For example, P.L. 115-128 redesignated the former Jefferson National Expansion Memorial in St. Louis, MO, as the Gateway Arch National Park.

- a. The Port Chicago Naval Magazine National Memorial, California, is located at Military Ocean Terminal Concord, which is an Army site. It is administered by NPS with limited public access. Pursuant to P.L. 102-562 (October 28, 1992), the Secretary of the Interior provides limited public access to the memorial through a cooperative agreement with the Department of Defense.
- b. Pearl Harbor National Memorial, formerly part of the World War II Valor in the Pacific National Monument, was established as a stand-alone unit of the National Park System in 2019 by P.L. 116-9.

Although legislation is required to establish a memorial as an NPS unit, agency management policies allow for the NPS director to approve commemorative names and the placement of commemorative works within park units if specified criteria are met, including that there be a “compelling justification” for associating the memorialized person or event with the park in question, and a specified time lapse between the commemoration and the person’s death or the event’s occurrence.¹⁹

Other Federal Agency Memorials

Both Congress and executive-branch officials also have established memorials on property administered by agencies other than NPS, such as the Department of Defense and others. These memorials typically are managed by the administering agency as part of its overall management of a larger site. For example, in 2015, Congress designated the Medicine Creek Treaty National Memorial, which is managed by the U.S. Fish and Wildlife Service (FWS), as part of the Billy Frank Jr. Nisqually National Wildlife Refuge in the state of Washington.²⁰ In 2000, Congress

¹⁹ NPS, *Management Policies 2006*, §9.6.1, p. 140, at https://www.nps.gov/policy/MP_2006.pdf.

²⁰ P.L. 114-101, §3, 129 Stat. 2203, December 18, 2015.

directed the Secretary of the Interior to designate the Battle of Midway National Memorial in the Midway Atoll National Wildlife Refuge, also administered by FWS.²¹

Table 2. Selected National Memorials Established by Congress on Federal Lands Outside the National Park System

Memorial Name	Citation	Location	Agency
Battle of Midway National Memorial	P.L. 106-113, div. B, §1000(a)(3) [title I, §126], 113 Stat. 1535, 1501A-164, November 29, 1999	Midway Atoll NWR	U.S. Fish & Wildlife Service
Medicine Creek Treaty National Memorial	P.L. 114-101, 129 Stat. 2203, December 18, 2015	Billy Frank Jr. Nisqually NWR (WA)	U.S. Fish & Wildlife Service
Richard L. Kohnstamm Memorial Area	P.L. 111-11, title I, §1202(b), 123 Stat. 1009, March 30, 2009	Mt. Hood Wilderness (OR)	U.S. Forest Service
World War II Memorial	P.L. 106-398, §1 [div. B, title XXVIII, §2886], 114 Stat. 1654, 1654A-441, October 30, 2000; and P.L. 107-107, div. B, title XXVIII, §2868, 115 Stat. 1334, December 28, 2001	Guam	Department of Defense

Source: CRS.

Note: NWR = National Wildlife Refuge.

Medium Federal Involvement: Federal Lands or Federal Funds

In some instances, Congress has established a memorial on federal land but required it to be financed by a nonfederal entity, or alternatively, has provided federal financial and/or technical assistance to a nonfederal entity for management of a memorial that is not on federal land. NPS has played a large role in supporting these “medium-involvement” commemorative works, but other agencies have participated as well, especially branches of the Department of Defense.²²

Memorials Designated as NPS Affiliated Areas

Congress has designated some sites, including several national memorials, as *affiliated areas* of the National Park Service. These sites are not units of the National Park System and typically remain in nonfederal ownership and management, but receive technical and/or financial assistance from NPS. For example, P.L. 108-199, the Consolidated Appropriations Act, 2004, transferred jurisdiction over the Oklahoma City Bombing Memorial from the NPS to the Oklahoma City National Memorial Foundation and provided that the NPS “is authorized to enter into 1 or more cooperative agreements with the Foundation for the National Park Service to provide interpretive services related to the Memorial.”²³ The Secretary of the Interior also may

²¹ P.L. 106-113, div. B, §1000(a)(3) [title I, §126], 113 Stat. 1535, 1501A-164, November 29, 1999.

²² The NPS role (and that of other federal agencies) has varied depending on the terms of the individual laws establishing each memorial. The discussion found under “Medium Federal Involvement: Federal Lands or Federal Funds” provides some examples.

²³ P.L. 108-199, §544(d), 118 Stat. 348, January 23, 2003; 16 U.S.C. 450ss, note.

designate sites as NPS affiliated areas, but may not provide financial assistance to these sites without an act of Congress.²⁴

Table 3 lists national memorials that are NPS affiliated areas, including the memorial’s name, its location, and a description from the NPS.

Table 3. National Memorials That Are NPS Affiliated Areas

Memorial Name	Citation	Location	NPS Description
Father Marquette National Memorial	P.L. 94-160, 89 Stat. 848, December 20, 1975	St. Ignace, MI	The memorial pays tribute to the life and work of Father Jacques Marquette, French priest and explorer. It is located in Straits State Park near St. Ignace, MI, where Marquette founded a Jesuit mission in 1671 and was buried in 1678.
Oklahoma City National Memorial	P.L. 108-199, 118 Stat. 349, January 23, 2004	Oklahoma City, OK	The bombing of the Alfred P. Murrah Federal Building on April 19, 1995, killed 168 people and injured over 650. The memorial is owned and operated by a private foundation. The National Park Service provides interpretive services on the Outdoor Symbolic Memorial.
Benjamin Franklin National Memorial	P.L. 92-551, October 25, 1972	Philadelphia, PA	In the Rotunda of the Franklin Institute the colossal seated statue of Franklin, by James Earle Fraser, honors the inventor statesman.
Red Hill Patrick Henry National Memorial	P.L. 99-296, 100 Stat. 429, May 12, 1986	Brookneal, VA	The law office and grave of the fiery Virginia legislator and orator are preserved at this small plantation along with a reconstruction of Patrick Henry’s last home, several dependencies, and a museum.

Source: U.S. Department of the Interior, National Park Service, *The National Parks: Index 2012-2016*, at <https://www.nps.gov/aboutus/upload/NPIIndex2012-2016.pdf>.

Notes: The memorials are listed by alphabetical order of the states in which they are located. Descriptions are from the *National Parks Index*.

Other Memorials with Partial Federal Involvement

Outside of the NPS affiliated area designation, Congress has sometimes provided for a federal agency to fund or otherwise assist a nonfederally administered memorial. For example, P.L. 107-117 appropriated \$4.2 million to the Department of Defense to be used by the Secretary of the Navy as a grant to the U.S.S. Alabama Battleship Foundation, “to be available only for the

²⁴ *National Parks Index*, p. 116. A number of NPS affiliated areas have been designated by the Secretary of the Interior, using authorities provided by the Historic Sites Act of 1935 (54 U.S.C. Chapter 3201). Under the act, as amended, such administratively designated sites may not receive federal funding unless Congress specifically authorizes the funding. The only secretarial designation of an NPS affiliated area to date in the 21st century was the 2013 designation of the Wing Luke Museum of the Asian Pacific American Experience in Seattle, WA.

preservation of the former USS *Alabama* (BB-60) as a museum and memorial.” The same law also provided \$4.3 million to the Intrepid Sea-Air-Space Foundation to preserve the former USS *Intrepid* as a museum and memorial.

Congress has also sometimes provided a “medium” level of federal support to a memorial by authorizing its establishment on federal land, but without federal funding. For example, P.L. 115-170 authorized a private organization, Pacific Historic Parks, to establish a commemorative display within a national park unit—the World War II Valor in the Pacific National Monument in Hawaii—to honor soldiers who fought in the Pacific theater.²⁵ The law specified that federal funds could not be used to design, procure, prepare, install, or maintain the commemorative display, although the NPS director is authorized to accept contributions of nonfederal funds and resources for such purposes. Similarly, P.L. 113-66 (§2842) authorized the Secretary of the Navy to allow a memorial to military divers to be established at a suitable location under the Secretary’s jurisdiction; however, the law prohibited the use of federal funds to design, procure, prepare, install, or maintain the memorial. The law required the Secretary to approve the memorial’s final design and to ensure that an “assured” source of nonfederal funding was established for the memorial’s construction and ongoing maintenance. Another example is the National Fallen Firefighters Memorial, which is located on federal land (the National Fire Academy in Emmitsburg, MD)²⁶ but does not receive federal funds for maintenance. It is maintained by the National Fallen Firefighters Foundation, a nonprofit organization.²⁷

National Commemorative Sites

Congress has designated certain places as “national commemorative sites,” in remembrance of important events that have taken place there. For example, P.L. 115-163 established the Kennedy-King National Commemorative Site in Indianapolis, IN, where Robert Kennedy spoke on the day that Reverend Martin Luther King Jr. was assassinated in 1968. Additionally, P.L. 105-277 established the Charleston, Arkansas National Commemorative Site, to recognize the first public school district in the former Confederacy to integrate following the 1954 U.S. Supreme Court decision in *Brown vs. Board of Education*. In the 116th Congress, H.R. 1340 would establish the Quindaro Townsite National Commemorative Site, which is associated with abolitionism in Kansas in the 1850s and with the Underground Railroad. For these national commemorative sites, Congress has authorized some types of federal involvement, such as establishment of a commemorative monument and interpretive exhibit, or cooperative agreements under which the NPS may provide technical assistance in protecting a site’s historic resources or providing educational and interpretive programs. However, the sites are not considered units of the National Park System and are nonfederally owned and administered.

Other variations of federal-nonfederal partnerships have also been established. For example, P.L. 109-163 (§1017) authorized a nonfederal entity, the USS *Oklahoma* Memorial Foundation, to construct a memorial to the USS *Oklahoma* on federal land. Although the foundation was required to fund and execute construction of the memorial, the Secretary of the Interior was given ongoing responsibility for its administration. The Silent Heroes of the Cold War National

²⁵ P.L. 116-9 redesignated the Hawaii portion of this monument as the Pearl Harbor National Memorial.

²⁶ The National Fire Academy is administered by the U.S. Fire Administration and is housed within the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS). For more information on the United States Fire Administration and the National Fire Academy, see CRS Report RS20071, *United States Fire Administration: An Overview*, by Lennard G. Kruger.

²⁷ Email from Judith Whitlow, development program manager, National Fallen Firefighters Foundation, September 27, 2018.

Memorial was dedicated in 2015 by the U.S. Forest Service (FS) at a site in Nevada’s Humboldt-Toiyabe National Forest, administered by FS, but was constructed with private funding.²⁸

Table 4. Selected Non-NPS National Memorials with Partial Federal Involvement

Memorial Name	Citation	Location	Agency	Type of Federal Involvement
Bosque Redondo Memorial	P.L. 106-511, 114 Stat. 2369, November 13, 2000; and P.L. 108-204, §101, 118 Stat. 543, March 2, 2004	Fort Sumner, NM	N/A	Federal funding ^a
Military Divers Memorial	P.L. 113-66, div. B, title XXVIII, §2842, 127 Stat. 1024, December 26, 2013	TBD (Washington, DC or “another suitable location” [§2842(c)(1)])	Department of Defense	Federal land
National Fallen Firefighters Memorial	P.L. 101-347, 104 Stat. 398, August 9, 1990	Emmitsburg, MD	FEMA	Federal land
National Astronaut Memorial	P.L. 102-41, 105 Stat. 242, May 8, 1991	Cape Canaveral, FL	NASA ^b	Federal land
Prisoner of War/Missing in Action National Memorial	P.L. 108-454, title VI, §601, 118 Stat. 3623, December 10, 2004	Riverside National Cemetery, Riverside, CA	VA, National Cemetery Administration ^c	Federal land
Saint Francis Dam Disaster National Memorial	P.L. 116-9, March 12, 2019	Los Angeles, CA	National Forest Service	Federal land ^d
United States National Civil Defense Monument	P.L. 106-103, 113 Stat. 1482, November 13, 1999	Emmitsburg, MD	FEMA	Federal land
USS <i>Alabama</i> Battleship Memorial	P.L. 107-117, 115 Stat. 2230, January 10, 2002	Mobile, AL	Navy	Federal funding
USS <i>Oklahoma</i> Memorial	P.L. 109-163, 119 Stat. 3154, January 6, 2006	Honolulu, HI	National Park Service	Federal administration
White Cross World War I Memorial	P.L. 107-117, div. A, title VIII, §8137, 115 Stat. 2278, January 10, 2002; and P.L. 108-87, title VIII, §8121, 117 Stat. 1100, September 30, 2003	San Bernardino County, CA	National Park Service	Federal funding ^e

²⁸ For more information on the Silent Heroes of the Cold War National Memorial, see U.S. Forest Service, “Cold War Heroes Honored by U.S. Forest Service,” *Forest Service Blogs*, July 21, 2016, at <https://www.fs.fed.us/blogs/cold-war-heroes-honored-us-forest-service>.

Source: CRS analysis of 54 U.S.C. §320301, note.

- a. The Bosque Redondo Memorial is located on state-owned land (Fort Sumner Historic Site), but received federal funding for construction. It does not currently receive federal funds to support maintenance or administration. It is funded through the New Mexico Department of Cultural Affairs.
- b. The National Astronaut Memorial, also called the Space Mirror Memorial (<https://www.kennedyspacecenter.com/explore-attractions/all-attractions/space-mirror-memorial>), is located on NASA property that is part of its concession with the Kennedy Space Center's vendor, Delaware North. Phone conversation between the author and Kathleen Murphy, Office of Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, February 1, 2019.
- c. The Department of Veterans Affairs has issued guidelines for the acceptance of memorials to be placed in national cemeteries. Approved in January 2008, the guidelines provides national cemetery administrators with guidance on "the appropriate design, size, and procedures for the acceptance of donation of memorials." For more information on these guidelines, see U.S. Department of Veterans Affairs, National Cemetery Administration, *Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries*, December 2007, at https://www.cem.va.gov/docs/New_Memorials_Guidelines.pdf.
- d. In its cost estimate for H.R. 2156, the Saint Francis Dam Disaster National Memorial Act, which was included in P.L. 116-9 (John D. Dingell, Jr. Conservation, Management, and Recreation Act; §1111), the Congressional Budget Office (CBO) reported that it "expects that the construction of the memorial and any other structures and improvements would be funded by donations." For more information, see Congressional Budget Office, "H.R. 2156, Saint Francis Dam Disaster National Memorial Act," Cost Estimate, October 16, 2018, at <https://www.cbo.gov/publication/54588>.
- e. P.L. 107-117 authorized the Secretary of the Interior to use up to \$10,000 to acquire and install a replica of the original memorial plaque at the White Cross World War I Memorial. At the time of its designation in P.L. 107-117, the memorial was also located on federal land in the Mojave National Preserve, but P.L. 108-87 conveyed the land to a nonfederal entity, Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E.

Low Federal Involvement: Statutory Designation of Nonfederal National Memorials

On numerous occasions, Congress has designated an existing nonfederal memorial as a "national memorial" without any further federal affiliation. These memorials generally do not receive federal funds or support for maintenance or programming. Legislation designating these national memorials often includes explicit language stating that the memorial is not an NPS unit and that federal funds shall not be provided for the memorial. For example, the statute designating the National Distinguished Flying Cross Memorial in Riverside, CA, stated the following:

(c) Effect of Designation.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.²⁹

Table 5 lists statutorily designated national memorials outside of Washington, DC, that are *not* National Park System units, NPS affiliated areas, or associated with other federal agencies. Some of these memorials do not have the word "national" in their name, but are listed in the *U.S. Code* as national memorials.³⁰

²⁹ P.L. 113-132, 128 Stat. 1727, July 25, 2014.

³⁰ A list of national memorials is included at 54 U.S.C. §320301, note. That list includes units of the National Park System, NPS-affiliated areas, and statutorily designated national memorials maintained by nonfederal entities. While many of these entities have the word "national" in their name, some do not.

Table 5. Selected Statutorily Designated National Memorials Outside of Washington, DC, with No Federal Agency Affiliation or Federal Money

Memorial Name	Citation	Location
AIDS Memorial Grove National Memorial	P.L. 104-333, div. I, title V, §116, 110 Stat. 4170, November 12, 1996	San Francisco, CA
David Berger Memorial	P.L. 96-199, title I, §116, 94 Stat. 71, March 5, 1980	Beachwood, OH
Disabled American Veterans Vietnam Veterans National Memorial	P.L. 100-164, 101 Stat. 905, November 13, 1987	Angel Fire, NM
Distinguished Flying Cross National Memorial	P.L. 113-132, 128 Stat. 1727, July 25, 2014	Riverside, CA
Mt. Soledad National Veterans Memorial	P.L. 108-447, div. J, title I, §116, 118 Stat. 3346, December 8, 2004; P.L. 109-272, 120 Stat. 770, August 14, 2006; P.L. 109-364, div. A, title X, §1071(d), 120 Stat. 2401, October 17, 2006; and P.L. 113-291, div. B, title XXVIII, §2852, 128 Stat. 3713, December 19, 2014	La Jolla, CA
National D-Day Memorial	P.L. 104-201, div. A, title X, §1080, 110 Stat. 2670, September 23, 1996	Bedford, VA
National Medal of Honor Sites	P.L. 106-83, 113 Stat. 1293, October 28, 1999	Riverside, CA Indianapolis, IN Mount Pleasant, SC
National Memorial to Fallen Educators	P.L. 115-169, 132 Stat. 1285, April 30, 2018	Emporia, KS
National Veterans Memorial and Museum	P.L. 115-186, 132 Stat. 1487, June 21, 2018	Columbus, OH
U.S.S. Indianapolis Memorial	P.L. 103-160, div. A, title XI, §1165, 107 Stat. 1765, November 30, 1993	Indianapolis, IN

Source: 54 U.S.C. §320301, note.

No Federal Involvement

In some cases, memorials located outside of the District of Columbia have been called “national” memorials without being so designated by Congress. For example, the George Washington Masonic National Memorial in Alexandria, VA,³¹ and the National Memorial for Peace and Justice in Montgomery, AL,³² are privately established and maintained. In cases where nonfederal sponsoring entities have titled works as national memorials without congressional recognition, these works generally do not receive federal funds or support for maintenance or programming. A comprehensive list of such memorials is not currently available.

³¹ For more information on the George Washington Masonic National Memorial, see “The George Washington Masonic National Memorial,” at <https://gwmemorial.org>.

³² For more information on the National Memorial for Peace and Justice, see The National Memorial for Peace and Justice, “Memorial,” at <https://museumandmemorial.eji.org/memorial>.

Conclusions and Selected Options

Federal involvement with memorials outside of Washington, DC, currently takes a wide variety of forms. Congress has established national memorials that are entirely federally funded and managed, often as units of the National Park System. Congress has also provided for more limited types of federal involvement, such as funding assistance to a nonfederally located memorial or hosting of a nonfederally funded memorial on federal land. Also, Congress has provided statutory recognition to numerous nonfederal memorials without any additional federal involvement. Beyond these federally endorsed memorials, a wide variety of other entities have established and maintained memorials throughout the country with no federal connection, including some titled as “national memorials.”

For certain types of commemorations, Congress has taken a more systematized approach. For example, the CWA governs the establishment of memorials on federal lands in the District of Columbia, with provisions for the creation, design, construction, and maintenance of such works.³³ If Congress wished to consider a more systematized approach to the establishment and/or funding of national memorials outside the District of Columbia, there are a number of potential options. For example, Congress could establish a statutory definition of a “national memorial” to guide decisionmaking as new proposals for commemoration arise.³⁴ Congress might consider applying criteria similar to those of the CWA, or to those used by individual agencies for non-CWA memorials, that relate to the types of people and events that may be commemorated, and the amount of time that must pass between an event or individual’s death and the commemoration.³⁵

Congress could potentially limit the number of memorial designations that would be appropriate in a given time period, similar to current limits on the number of commemorative coins the U.S.

³³ For more information on memorials in the District of Columbia, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus; CRS Report R43743, *Monuments and Memorials Authorized and Completed Under the Commemorative Works Act in the District of Columbia*, by Jacob R. Straus; CRS Report R43744, *Monuments and Memorials Authorized Under the Commemorative Works Act in the District of Columbia: Current Development of In-Progress and Lapsed Works*, by Jacob R. Straus; and CRS Report R43241, *Monuments and Memorials in the District of Columbia: Analysis and Options for Proposed Exemptions to the Commemorative Works Act*, by Jacob R. Straus.

³⁴ For example, Congress could consider elements that are common to many nonfederal memorials that have received a national designation. Such memorials have generally had several common themes. They have been (1) completed works; (2) paid for outside of federal appropriations; (3) located on nonfederal land; and (4) maintained by a state government, a local government, or a nonprofit organization. Congress could also consider the definition of a “commemorative work” in the Commemorative Works Act: “any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes” (2 U.S.C. §8902(a)(1)).

³⁵ The CWA (40 U.S.C. §8903) provides separate parameters for authorization of military commemorative works and other commemorative works. Military commemorative works may be authorized “only to commemorate a war or similar major military conflict or a branch of the armed forces,” and may not be authorized until at least 10 years after the officially designated end of the conflict. Other commemorative works may not be authorized until 25 years after an event, the death of an individual, or the death of the last surviving member of a group. As another example, National Park Service policies allow the NPS Director to consider placement of commemorative works (other than those directed by Congress) only if “there is compelling justification for the recognition; ... the commemorative work is the best way to express the association between the park and the ... subject being commemorated; ... the association between the park and the person, group, or event is of exceptional importance; and ... at least five years have elapsed since the death of the person (or the last member of a group), or at least 25 years have elapsed since the event” (NPS *Management Policies 2006*, §9.6.1, at https://www.nps.gov/policy/MP_2006.pdf).

Mint can issue in a year.³⁶ For commemorative coins, committee rules have also required a minimum number of cosponsors before a bill might be considered.³⁷ Creating systematic limitations of this nature for national memorials outside of Washington, DC, could potentially make these designations more valuable (if fewer opportunities for recognition were available) and might allow time to elapse for informed historical judgment before memorials are designated. However, such requirements might also serve to limit the number of contemporary national memorial opportunities and could be seen as reducing Congress’s flexibility to make case-by-case decisions about memorials.

Conversely, Congress might wish to increase the number of memorials that are nationally recognized outside of Washington, DC, such as through the establishment of a program to identify nonfederal memorials deserving of a national designation. Such a program could potentially include provisions similar to those for the U.S. Civil Rights Network established by P.L. 115-104, which require the Secretary of the Interior to review studies and take other steps to identify federal and nonfederal sites related to the African American civil rights movement for potential inclusion in the network. Congress also could potentially consider a program to provide grants to nonfederal entities for constructing and/or maintaining national memorials outside of Washington, DC.³⁸ Such a program could be seen as beneficial in promoting opportunities for public learning and memory, and encouraging suitable maintenance and upkeep of valued commemorative works. Alternatively, it could be opposed (for example, some might claim it would divert federal funds from more highly prioritized uses).

Congress might determine that current practices surrounding the creation of national memorials outside the District of Columbia are effective or that the potential cost of changes outweigh the potential benefits. Congress could thus continue to evaluate requests to designate national memorials outside Washington, DC, on a case-by-case basis.

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³⁶ For commemorative coins, P.L. 104-208, the Commemorative Coin Reform Act, set parameters such as limits to the number of commemorative coins that may be minted. Current law limits the number of commemorative coins the U.S. Mint can issue in a year to two (31 U.S.C. §5112(m)(1)). For more information on commemorative coins, see CRS In Focus IF10262, *Commemorative Coins: An Overview*, by Jacob R. Straus; and CRS Report R44623, *Commemorative Coins: Background, Legislative Process, and Issues for Congress*, by Jacob R. Straus.

³⁷ The Senate Committee on Banking, Housing, and Urban Affairs requires that “at least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.” “Committee on Banking, Housing, and Urban Affairs,” *Congressional Record*, daily edition, vol. 163 (January 24, 2017), p. S343. No such cosponsorship requirement currently exists in the House.

³⁸ Congress has established some grant programs that provide funding for nonfederal entities to preserve sites and memorialize events important to the nation’s history. For example, the American Battlefield Protection Program provides grants to state and local governments and others to acquire battlefields and other sites associated with U.S. wars and to preserve, manage, and interpret these sites (54 U.S.C. §§308101-308103). Information on the program is available at <http://www.nps.gov/abpp/index.htm>.

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