

**STATEMENT OF PETER MAY, ASSOCIATE REGIONAL DIRECTOR, LANDS, RESOURCES AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 4036, TO AUTHORIZE THE NATIONAL MALL LIBERTY FUND D.C. TO ESTABLISH A MEMORIAL ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA TO HONOR FREE PERSONS AND SLAVES WHO FOUGHT FOR INDEPENDENCE, LIBERTY, AND JUSTICE FOR ALL DURING THE AMERICAN REVOLUTION.**

**September 16, 2010**

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 4036, a bill to authorize the National Mall Liberty Fund D.C. to establish a memorial on federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

The Department supports H.R. 4036 if amended to conform to the principles, processes, and requirements set forth in the Commemorative Works Act, which has successfully guided the process for establishing monuments in the nation's capital since it was enacted in 1986 and as amended since that time. We also recommend that one technical correction be made to a map reference in the bill. The Department testified in support of S. 2738, an identical bill, before the Subcommittee on National Parks, Committee on Energy and Natural Resources, United States Senate, on December 3, 2009.

The bill would authorize the establishment of a memorial on federal land in the District of Columbia to recognize and commemorate the contributions of 5,000 African Americans who served as soldiers and sailors or provided civilian assistance during the American Revolutionary War. The bill prohibits the use of federal funds to establish the memorial, directs that the memorial be established according to the Commemorative Works Act, and repeals two laws for the authorization and site selection of a similar memorial proposal that expired.

In 1986, Congress enacted the Commemorative Works Act to guide the process for establishing memorials in the nation's capital. Since its enactment, the Act has played an important role in ensuring that memorials in the nation's capital are erected on the most appropriate sites and are of a caliber of design that is worthy of their historically significant subjects. The act was amended in 2003 to, among other things, provide for establishment of a Reserve where no additional memorials may be located.

While H.R. 4036 states that the memorial shall be established in accordance with the Commemorative Works Act, the bill contravenes a critical requirement of the Commemorative Works Act by pre-selecting Area I as the site for this memorial.

Area I is located within the Monumental Core of the nation's capital extending around the Capitol Reflecting Pool to the eastern boundary of Arlington National Cemetery and along the Virginia shoreline. Area I excludes the Reserve, the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial. Congress, in the Commemorative Works Act, reserved Area I for subjects determined to be of preeminent and lasting historic significance to the Nation and it established a process for making this determination which has worked well for over 20 years. Through this process, a new memorial may be located in Area I only if the Secretary determines, after consulting with the National Capital Memorial Advisory Commission, which holds public meetings, that the memorial's subject warrants location in Area I and recommends it to Congress. If Congress agrees with the recommendation, it enacts a law within 150 days approving the location. As currently written, H.R. 4036 bypasses this important process.

We would also note that the Department's position regarding adherence to the Commemorative Works Act process for Area I designation is consistent with the position taken by the National Capital Memorial Advisory Commission, which reviewed the matter at its public meeting on April 21, 2010.

Thus, we would recommend H.R. 4036 be amended to strike all references to Area I, including the word "preeminent" in Section 2.

Following the Commemorative Works Act, in the Department's view, would not hinder the Liberty Memorial Foundation in its ability to establish this memorial. In fact, if the foundation obtained an Area I designation through the Commemorative Works Act process, the foundation's 7-year sunset period would be reestablished to begin with the enactment of the Area I designation instead of the initial legislation that would authorize the memorial. This change was made by Congress when it amended the Commemorative Works Act in 2003, and as a result, sponsors no longer need to fear that seeking an Area I designation might cost them their authority to establish the memorial at all.

We also would point out that H.R. 4036 makes no provisions for the disposition of monies raised in excess of funds needed for the establishment of the memorial or to hold in reserve the amount available should the authority to establish the memorial expire before completion. The Department recommends that the bill be amended to clarify the disposition of these funds.

The Department also notes that the bill references the 1986 map, which Congress amended in 2003 when it changed the boundaries of Area I and created the Reserve. The 1986 map is no longer valid. We recommend that the bill be amended to reference the revised map, numbered 869/86501B and dated June 24, 2003.

The Department reiterates our support of the establishment of a memorial in the Nation's Capital that recognizes and commemorates the contributions of African Americans who fought for independence, liberty and justice during the Revolutionary War. We look forward to the opportunity to work with the subcommittee to develop language that would provide for such authorization in a manner consistent with the principles, processes, and requirements set forth by existing authorities.

Mr. Chairman, that concludes my prepared testimony, I would be glad to answer any questions that you or other members of the subcommittee may have.