

**PROGRAMMATIC AGREEMENT AMONG
ARLINGTON NATIONAL CEMETERY,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE REMOVAL OF THE CONFEDERATE MEMORIAL
FROM ARLINGTON NATIONAL CEMETERY
ARLINGTON COUNTY, VIRGINIA**

WHEREAS, this Programmatic Agreement (hereinafter the “PA”) is made as of this 14th day of December 2023 by and among Arlington National Cemetery (hereinafter the “ANC”), the Virginia State Historic Preservation Officer (hereinafter the “SHPO”), and the Advisory Council on Historic Preservation (hereinafter the “ACHP”), pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 United States Code (USC) § 306108, and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800, section 800.14(b)(3); and

WHEREAS, the Confederate Memorial is located within Section 16 of ANC, Arlington County, Virginia, and the ANC plans to remove, store, and may choose to transfer or relocate the bronze elements of the Confederate Memorial, in accordance with the Commission on the Naming of Items of the DoD that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (hereinafter the “Naming Commission”) in section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (hereinafter the “Undertaking”); (Department of Historic Resources [hereinafter the “DHR”] Project Review No. 2022-0201); and

WHEREAS, the cornerstone for the Confederate Memorial was laid during a ceremony on the afternoon of November 12, 1912. Primary sources indicate that, as part of the ceremony, a memorabilia box was placed beneath the cornerstone. The box contained 39 different items related to the history of the memorial; the organizations involved in its creation; and stamps, coins, newspapers, and other related ephemera; and

WHEREAS, pursuant to 36 CFR § 800.4(a), ANC has defined the Undertaking’s Area of Potential Effects (hereinafter the “APE”) as the geographic area that would be affected by removal both directly and indirectly, as shown in the Attachment A of this PA; and

WHEREAS, ANC, in consultation with the SHPO, the ACHP, and the other Consulting Parties, has conducted efforts to identify historic properties located within the APE for the Undertaking, as documented in the Attachment B of this PA; and

WHEREAS, ANC, in consultation with the SHPO, the ACHP, and the other Consulting Parties, has determined that the APE includes the Arlington National Cemetery Historic District (DHR Identification No. 000-0042), the Arlington House Historic District (DHR Identification No. 000-0001), and the Fort Myer Historic District, a National Historic Landmark (DHR Identification No. 000-004), which are all listed in the National Register of Historic Places (hereinafter the “NRHP”); and

WHEREAS, ANC has determined that the Confederate Memorial (DHR Identification No. 000-1235/000-0042-0029) is a contributing resource to the Arlington National Cemetery Historic District and is individually eligible for the National Register of Historic Places under Criteria A and C (as identified in the *Phase II Intensive Level Survey of the Confederate Memorial 000-1235*) and SHPO concurred on 29 August 2023; and

WHEREAS, the ANC, in consultation with the SHPO, the ACHP, and the other Consulting Parties, has determined that the Undertaking will have an adverse effect on the Confederate Memorial, the Arlington National Cemetery Historic District, and the Arlington House Historic District and SHPO concurred on 20 November 2023; and

WHEREAS, the Naming Commission directed the Department of the Army to remove the statue atop and the bronze elements of the Confederate Memorial at ANC and therefore ANC has no authority to consider no action or avoidance of the Undertaking; and

WHEREAS, the ANC has notified the ACHP of the potential for the Undertaking to have adverse effects to historic properties and has provided the ACHP an opportunity to participate in consultation on the PA with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) in a letter dated 22 June 2023; and

WHEREAS, the ANC is the lead agency for the Undertaking for purposes of Section 106 compliance pursuant to 36 C.F.R. § 800.2(a)(2); and

WHEREAS, the Virginia SHPO, which is the Department of Historic Resources (DHR) is the lead SHPO, in accordance with 36 CFR §§ 800.3(c), as the Memorial is physically located within the Commonwealth of Virginia; and

WHEREAS, ANC, in accordance with 36 CFR § 800.2(c)(3), has identified and invited Arlington County to participate in consultation on this Undertaking as the local government and to sign this PA as a concurring party in accordance with 36 CFR § 800.6(c)(3) and Arlington County has not agreed/declined; and

WHEREAS, ANC, in accordance with 36 CFR § 800.2(c)(5) has identified and invited the following federal and state agencies to participate in consultation on this Undertaking: Commission of Fine Arts, National Capital Planning Commission, National Park Service, George Washington Parkway, National Park Service National Historic Landmark Program, Advisory Committee on Arlington National Cemetery, Environmental Protection Agency, Region 3, U.S. Army Center for Military History, Alabama SHPO, Arkansas SHPO, Florida SHPO, Georgia SHPO, Kentucky SHPO, Louisiana SHPO, Maryland SHPO, Mississippi SHPO, Missouri SHPO, North Carolina SHPO, South Carolina SHPO, Tennessee SHPO, Texas SHPO, Virginia Department of Environmental Quality, and the Virginia Military Institute (hereinafter the “VMI”); and

WHEREAS, the Commission of Fine Arts, National Capital Planning Commission, National Park Service George Washington Memorial Parkway, and Environmental Protection Agency,

Region 3, Missouri SHPO, South Carolina SHPO and VMI have agreed to participate in consultation on this Undertaking; and

WHEREAS, ANC, in accordance with 36 CFR § 800.2(c)(5) has identified and invited the following organizations and individuals to participate in consultation on this Undertaking: American Alliance of Museums, American Battlefield Trust, American Historical Association, American Institute for Conservation, American Jewish Historical Society, American Society of Landscape Architects, Americans for the Arts Public Arts Network, Anti-Defamation League, Arlington Historical Society, Arlington House Family Circle, Association for Preservation Technology International, Beaufort Plowboys SCV Camp 2128, Black Heritage Museum of Arlington, Buffalo Soldiers Florida Inc., Center for Jewish History, Charleston Athenaeum Press, Defend Arlington, Discovery Institute, Ernest Blevins, Fort Brooke Commissioner, Friends of Joint Base Myer-Henderson Hall, Judah P. Benjamin Camp 2210 SCV, Guardians of American History, Heritage Protection of North Alabama, Jewish War Veterans of the USA, Judith Ezekiel, Metropolitan Washington Council of Governments, Monument Lab, Monumental Task Committee, National Association for Interpretation, National Association for the Advancement of Colored People Arlington Branch, National Council on Public History, National Museum of American Jewish Military History, National Trust for Historic Preservation, New Jersey Flaggers, Organization of American Historians, Paul Ezekiel, Preservation Virginia, President Woodrow Wilson House, relatives of Moses Ezekiel, Save Southern Heritage Florida, Smithsonian's National Museum of African American History and Culture, Smithsonian's National Museum of American History, Society for History in the Federal Government, Society for the Preservation of Jewish Civil War History, Sons of the Confederacy, Sons of Confederate Veterans, Sons of Confederate Veterans Maryland Division, Sons of Confederate Veterans N.B. Forest Camp #3, Sons of Confederate Veterans Tennessee Division, Sons of Confederate Veterans Virginia Division, Sons of Union Veterans of the Civil War, Southern Legal Resource Center, Southern Poverty Law Center, Ted Ehmann, United Daughters of the Confederacy, U.S. Army Center of Military History, Veterans Defending Arlington, Virginia Museum of History & Culture, The Virginia Historical Society, the Virginia Council, Weitzman National Museum of American Jewish History, and Woodrow Wilson Presidential Library and Museum; and

WHEREAS, the following organizations and individuals have accepted the invitation to participate in consultation on this Undertaking: American Battlefield Trust, American Historical Association, American Institute for Conservation, Americans for the Arts Public Arts Network, Arlington Historical Society, Arlington House Family Circle, Beaufort Plowboys SCV Camp 2128, Buffalo Soldiers Florida Inc., Charleston Athenaeum Press, Defend Arlington, Discovery Institute, Ernest Blevins, Fort Brooke Commissioner, Friends of Judah P. Benjamin Camp 2210 SCV, Guardians of American History, Heritage Protection of North Alabama, Jewish War Veterans of the USA, Judith Ezekiel, Metropolitan Washington Council of Governments, Monumental Task Committee, National Trust for Historic Preservation, New Jersey Flaggers, Organization of American Historians, Paul Ezekiel, Preservation Virginia, Save Southern Heritage Florida, Society for the Preservation of Jewish Civil War History, Sons of Confederate Veterans, Sons of the Confederacy, Sons of Confederate Veterans Maryland Division, Sons of Confederate Veterans N.B. Forest Camp #3, Sons of Confederate Veterans Tennessee Division, Sons of Confederate Veterans Virginia Division, Sons of Union Veterans of the Civil War,

Southern Legal Resource Center, Southern Poverty Law Center, Ted Ehmann, United Daughters of the Confederacy, U.S. Army Center of Military History, Veterans Defending Arlington, the Virginia Council; and

WHEREAS, ANC, in accordance with 36 CFR § 800.2(c)(2)(ii), has invited the following federally recognized Indian tribes, to participate in consultation on this Undertaking: Catawba Indian Nation of South Carolina, Delaware Nation (Oklahoma), Pamunkey Indian Tribe, Monacan Indian Nation, Nansemond Indian Nation, Rappahannock Indian Tribe, Upper Mattaponi Indian Tribe; and

WHEREAS, the Rappahannock Tribe and the Monacan Indian Nation have indicated that they do not want to participate in consultation on this Undertaking and the other tribes invited have not responded; and

WHEREAS, ANC has engaged Consulting Parties through a series of virtual meetings (20 September 2023 and 18 October 2023), and has provided studies of the potential effects of the Undertaking to historic properties to the SHPO, ACHP and the other Consulting Parties, and

WHEREAS, ANC, in accordance with 36 CFR § 800.2(d)(3), used the agency's procedures for public involvement under NEPA and NHPA to inform the public of the Undertaking and solicit their views on its effect on historic properties for Section 106; and

WHEREAS, ANC has sought and considered the views of the public on this Undertaking, in accordance with 36 CFR § 800.2(d), as evidenced by posting a notification of the Undertaking with opportunity to comment in the Federal Register (1 August 2023), Washington Post (4 August 2023), Arlington Connection (9 August 2023), and on the Arlington National Cemetery's web page, and ANC held a virtual public meeting on 23 August 2023 to solicit comments. In total, ANC received 11,847 comments forms, letters, emails and oral comments during the pre-scoping, scoping, Section 106 process, and EA review process, which have been considered during the development of the environmental assessment (EA) and PA; and

WHEREAS, ANC has determined that the full extent of effects resulting from this Undertaking cannot be fully determined prior to the obligation of funds and therefore proposes to develop this project-specific PA to implement the Section 106 process for the Undertaking in accordance with 36 CFR § 800.14(b)(3); and

WHEREAS, the Naming Commission recommended removal of the bronze elements of the Confederate Memorial from ANC, that recommendation became a statutory requirement, and the Secretary of Defense directed military installations to carry out the Naming Commission's recommendations no later than January 1, 2024; and

WHEREAS, ANC is directing the U.S. Army Corps of Engineers (USACE) Mandatory Center of Expertise for the Curation and Management of Archaeological Collections (MCX CMAC), St. Louis District (MVS) to serve as the construction agent to perform the construction management of the Undertaking; and

WHEREAS, the final disposition of the Confederate Memorial bronze elements has not been determined and requires further consultation, and therefore the full extent of effects on historic properties outside the Undertaking's APE (stated in Attachment A) cannot be fully determined until the plans for the final disposition of the Confederate Memorial bronze elements are completed as set forth herein; and

WHEREAS, in accordance with 36 CFR §800.14(b)(3), the ANC determined that the development of a PA rather than a Memorandum of Agreement, was warranted for this Undertaking to allow for a phased approach to the assessment of effects and to resolve and mitigate identified adverse effects in conjunction with the implementation of projects associated with the Undertaking; and

WHEREAS, ANC must abide by the requirements laid out in *Army Regulation 200-1: Environmental Protection and Enhancement* and Army NHPA Policy Memorandum *Coordination of National Historic Preservation Act Compliance Agreements* (dated 25 March 2022) stating that prior to signing by SHPO and ACHP all final NHPA compliance agreements shall be coordinated with the Army Deputy Federal Preservation Officer in order to obtain Headquarters Department of the Army endorsement by the Army Federal Preservation Officer and NHPA compliance agreements that have not obtained HQDA endorsement are not authorized for signature, as documented in the Attachment C of this PA; and

WHEREAS, the Secretary of Defense directed military installations to carry out the Naming Commission's recommendations no later than January 1, 2024, the disassembly and removal of bronze elements will occur after execution of this PA, and no later than 31 December 2023.

NOW, THEREFORE, the ANC, the SHPO, and the ACHP agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The ANC shall ensure that the following stipulations are implemented:

I. DISPOSITION OF THE CONFEDERATE MEMORIAL BRONZE ELEMENTS

- A. ANC shall be responsible for ensuring the development of the final disposition plan for the Confederate Memorial.
- B. Within sixty (60) days of the execution of this PA, ANC shall begin to consult with the SHPO, ACHP, and other Consulting Parties regarding the development of a plan for the final disposition of the Confederate Memorial. The parties shall consider a full array of disposition options, which may include loan/transfer out of Army or federal ownership, storage, display, and interpretation options. The full range of appropriate disposition options will be developed through consultation, as outlined here in Stipulation I.
- C. The ANC will develop consultation protocols, in coordination with ACHP and SHPO, to serve as the guiding protocol for all consulting parties for the remaining duration of the Section 106 consultation.
- D. Whether or not the final disposition of the memorial be within the Department of Defense (DoD) or a non-DoD Recipient, the disposition plan shall include the following elements:
 - a. Requirements for bronze storage, treatment, and potential reassembly, depending on the final disposition location, and whether the bronze elements are to be displayed or stored; and
 - b. Requirements for transportation and relocation, including protections for bronze elements while transferring from the storage facility to the final disposition location; and
 - c. If the disposition involves display of all or part of the memorial; requirements for interpretation at the final disposition location; and
 - d. If the final disposition plan includes transfer of the memorial to a third party for display, reassembly or reconstruction, ANC shall require that the recipient prepare a relocation plan to include the following:
 - i. The Recipient to comply with the *Secretary of the Interior's Standards for Rehabilitation (Treatment Standards)*.
 - ii. The Recipient to nominate the memorial for listing in the National Register of Historic Places.
 - iii. The Recipient to include on the design team a Historical Architect, an Architectural Historian, Preservationist, Bronze Specialist, or Conservator who meet the Secretary of the Interior's (SOI) *Historic Preservation Professional*

Qualification Standards in their respective disciplines (62 FR 33708, Federal Register Vol. 62, No. 119 dated 20 June 1997). The SOI-Qualified team member(s) will assist throughout the design process, including providing subject matter expert analysis, as needed, for inclusion in the proposed final relocation plan.

- iv. The Recipient's team shall submit at least one (1) draft final relocation plan to ANC for review prior to submitting the final plan at the end of the concept design development process.
 - v. Following the review period, ANC shall compile a written response to all timely comments and provide the response to all Parties.
- E. The final disposition of the bronze elements of the Confederate Memorial must comply with relevant sections of Title 10 Statute (10 U.S.C. 2572(d)(2)(A)) (see Attachment D) and the 6 Oct 2023 DoD guidance on the Disposition of DoD Assets that Commemorate the Confederate States of America Memorandum from USD LaPlante (see Attachment E).
- F. Pursuant to the USD LaPlante memo, the Confederate Memorial shall be treated as a Group 2 asset. For the purposes of this PA, however, the Confederate Memorial elements are to remain Group 2 assets, even if the memorial components are unable to be donated. They will not be reclassified as Group 3 assets, which are transferred to the DLA for destruction.
- G. The ANC shall submit to the SHPO, ACHP, and Consulting Parties for review and comment the draft disposition plan, which shall clearly describe the plan and include narratives, photographs, drawings, and maps sufficient to convey the details of the proposed disposition.
- H. The Parties who wish to shall provide comments in written form within thirty (30) calendar days of receipt of submission of the plan. The ANC will consider and take into account all comments provided. If the Parties do not respond within the designated time period, ANC may move forward with the plans as proposed.
- I. Final resolution of the plan shall be made in accordance with 36 CFR 800
- J. If the Parties cannot come to agreement on the final disposition plan terms and conditions within two (2) years of the execution of this PA, then ANC shall offer to the Commonwealth of Virginia the right of first refusal for transfer of the bronze elements and associated components, provided that the Commonwealth of Virginia has a relocation plan consistent with this Stipulation.
- K. If the Commonwealth of Virginia does not have a relocation plan consistent with this Stipulation, or if ANC determines that the final disposition plan is no longer viable, then ANC will determine the final disposition for the Confederate Memorial bronze elements.

II. HABS DOCUMENTATION

- A. In 2022-2023, ANC contracted the Historic American Buildings Survey (HABS) to document the Confederate Memorial in ANC's Section 16 to HABS Standards, as described below.
- B. The documentation was prepared by a person or persons meeting the Secretary of the Interior's *Professional Qualification Standards* for architectural historian, as set forth in 48 FR 44716 (September 29, 1983).
- C. The documentation included the following:
 - a. Existing condition documented in digital photographs;
 - b. Documentation undertaken using photogrammetry to create orthographic images;
 - c. Elevations created from orthographic images plotted onto HABS standard media;
 - i. North elevation;
 - ii. East elevation;
 - iii. South elevation;
 - iv. West elevation.
 - d. One full-size set of the measured drawings, plotted on vellum;
 - e. One 8 ½" x 11" set of the measured drawings, plotted on bond;
 - f. One set of the orthographic image files and copies of the digital photographic files, on appropriate medium;
 - g. Photographic architectural documentation, consisting of digital images (minimum size 45 megapixels). The photographic documentation was accomplished with approximately 12 exterior views and included:
 - i. Digital photographs of the Memorial's exterior and setting;
 - ii. Index and key to photographs;
 - iii. One 8' x 10" inkjet print of all photographic views, identified and numbered.
 - h. Within one year after the termination of the HABS Confederate Memorial project, or as determined by current Library transmittal schedules, all original records produced

by HABS will be transmitted to the HABS/HAER/HABS collection at the Library of Congress.

- D. The ANC shall provide digital copies of the 2022-2023 HABS documentation to the SHPO for review and comment prior to removal.
- E. Within eighteen (18) months of the execution of this PA, the ANC shall have HABS complete the following additional documentation:
 - a. A HABS outline report for the ANC Confederate Memorial, to include history and description focused on the development, design, construction, and usage of the memorial at ANC;
 - b. Digital photographs of the Memorial's exterior, setting and historic views, if available;
 - c. Detail images of the sculptural elements, if available;
 - d. Index and key to photographs;
 - e. Select existing drawings if available. Drawings may be photographed or reproduced via high-resolution scan on HABS/HAER/HALS title block (with accompanying copyright release form, if needed). Photographic copies of original drawings are also acceptable.
 - f. Copies of any historical photographs of the Confederate Memorial, if available;
 - g. A site plan, locating the Memorial within its setting in Section 16.
- F. The ANC shall submit the draft documentation to the SHPO and National Park Service (NPS) for review and comment. If the SHPO and NPS do not provide comments within thirty (30) days after receiving the documentation, the ANC may move forward. If the SHPO or NPS provides comments to the documentation within the thirty (30)-day review period, the ANC will consider the comments and resubmit a final draft of the materials to the SHPO and NPS.
- G. The ANC shall submit one (1) archival hardcopy and one (1) electronic copy on disc each of the final documentation, prepared to HABS standards, to NPS and the SHPO. The HABS shall submit one (1) hard and one (1) electronic non-archival copy of the final documentation to the Library of Congress.

III. DOCUMENTATION DURING DISASSEMBLY

- A. The current condition of the statue will be documented by ANC prior to any disassembly activities. This condition assessment, with photographic and narrative documentation of the statue, will record areas that have sustained weathering, loss of coatings, oxidation, or

other damage. Additional documentation will be undertaken during and after the disassembly, during and after transportation, and of the storage location with the crates in situ.

- B. During disassembly activities, ANC will document the disassembly process. This comprehensive documentation will contribute to the continued preservation and potential reassembly of the memorial and will serve as the historical record of the activities. This will include the creation of measured drawings (elevations, plans, architectural details, and construction elements), history, a work plan, an after-action disassembly and removal report that includes a step-by-step narrative of the disassembly process, photography, and videography to produce a comprehensive, interdisciplinary record of the structure as it currently exists within Section 16 and the ANC landscape.

IV. PERFORMANCE STANDARDS FOR BRONZE ELEMENT REMOVAL AND STORAGE

- A. An Army Conservator shall be on-site whenever the Contractor handles the bronze elements. The Conservator shall meet the Secretary of the Interior's "Professional Qualifications Standards" (36 CFR Part 61), Federal Register Volume 62, Number 119 (Friday, June 20, 1997), FR Doc No: 97-16168 for Conservation and/or Historic Preservation. The Conservator shall also be a current Fellow or Professional Associate of the American Institute of Conservation (AIC). The Conservator shall have the ability to have USACE stop the Contractor's work at any time. The Conservator shall review all submittals, work plans, reports, documentation, deconstruction methods, rigging methods, crating methods, and methods for loading crates for transport.
- B. The ANC shall provide one (1) SHPO representative access to the construction site throughout the bronze element removal and crating process. The SHPO representative will be required to meet all construction site safety requirements (mandated by ANC, USACE, and/or the Contractor), including requirements for OSHA-compliant personal protective equipment (PPE).
- C. The ANC shall ensure that the disassembly and removal contract managed by USACE shall require the selected contractor to meet the following minimum qualifications and staffing:
 - a. The Contractor shall be experienced in the cleaning and repair of outdoor bronze statuary. The Contractor shall demonstrate specialized experience in memorial deconstruction, removal, and relocation.
 - b. A minimum of five (5) years of experience in the demolition, deconstruction, transportation, and storage of historical structures and monuments.
 - c. A minimum of five (5) years of experience in the conservation and restoration of historic outdoor bronze memorials.

- d. The Contractor shall have a minimum of five (5) years of experience in the rigging, lifting, hoisting, and loading of historical objects. The Contractor shall be capable of performing the lifting, hoisting, material handling, cranes, and rigging work. If utilized, provide Operators, Signal Persons, and Riggers meeting the requirements in EM 385-1-1, Section 15. B for Riggers and Section 16. B for Crane Operators and Signal Persons.
- e. Due to the extreme historical importance of ANC and the materials being treated, the Contractor's team must include either a Conservator, with specialized experience working with bronze statuary, or a Bronze Specialist. The Contractor's Conservator/Bronze Specialist must show in-depth experience in all the required disciplines of metal conservation, deconstruction, storage, and documentation. If the firm does not have a qualified Conservator/Bronze Specialist on staff, then they must include a Conservator/Bronze Specialist on their team to assist with the condition assessment, documentation, final conservation treatment report, and to provide technical expertise to ensure the deconstruction and storage of the bronze statue are completed the standards of this PA. A Conservator/Bronze Specialist does not have to perform deconstruction work, but it is acceptable for the Conservator/Bronze Specialist to also be part of the deconstruction team. The Conservator/Bronze specialist will provide recommendations for the protection and preservation of the bronze elements. The Conservator/Bronze Specialist will provide guidance on the unique physical characteristics of bronze and how they relate to disassembly, lifting, rigging, storage, and transportation. They will assist in assessing the condition of each piece and creating a piece-by-piece removal strategy in the field in real time to ensure that all pieces are handled within the constraints of what the physical material can withstand given the observable condition of each piece. This work will include an assessment of each connection point and guidance with regards to the best means and methods for loosening each individual connection.
 - i. Conservator qualifications: The Conservator must have a minimum of three (3) years of experience performing conservation on historical bronze statues of similar size and complexity. The Conservator must meet the Secretary of the Interior's "Professional Qualifications Standards" (36 CFR Part 61), Federal Register Volume 62, Number 119 (Friday, June 20, 1997), FR Doc No: 97-16168 for Conservation and/or Historic Preservation. The Conservator shall also and be a current Fellow or Professional Associate of the American Institute of Conservation (AIC).
 - ii. Bronze Specialist qualifications: The Bronze Specialist must have a minimum of three (3) years of experience performing bronze maintenance and repair on historical bronze statues of similar size and complexity. The Bronze Specialist shall demonstrate expertise through a combination of education and experience. Education should include a graduate degree in Fine Arts or a closely related field of study. The Specialist must demonstrate experience with fabrication and repair of bronze sculpture.

- f. Due to the extreme historical importance of ANC and the materials being treated, the Contractor's team must include a preservation professional who meets the Secretary of the Interior *Professional Qualifications Standards*, in accordance with the National Historic Preservation Act (NHPA) Section 112 and the Section 106 regulations, at §800.2(a)(1). This could be a Historical Architect or Architectural Historian who meets the Secretary of the Interior's (SOI) *Historic Preservation Professional Qualification Standards* in their respective disciplines (62 FR 33708, Federal Register Vol. 62, No. 119 dated 20 June 1997). The SOI-Qualified preservation professional will document the existing condition of the bronze monument, as well as documentation of each individual piece as it is removed from the monument and placed into crates for transport. They will log the weight of each piece, as it is determined by the on-board scale on the crane, take detailed photographs and measurements of each piece, note the overall condition of each piece and report any observable concerns, track the identifying numbers assigned to each piece, and compile a piece-by-piece report capturing all the observable physical data, which will be catalogued by unique ID number for each statue component. In addition, to cataloguing and documentation, they will be on site to ensure that all deconstruction activities, recommendations from the Conservator/Bronze Specialist, and the Contractor's means and methods comply with all applicable preservation standards, regulations, and guidelines.
- D. The ANC shall ensure that the contract requires the Contractor to submit to ANC a Draft Work Plan and Final Work Plan.
 - a. The Work Plan shall detail the plan for the careful disassembly/deconstruction, relocation, tagging, packaging, transportation, storage, and documentation of the bronze memorial. The work plan shall define the methodologies and approach the Contractor proposes to take for all phases of the removal and will include a project schedule and work breakdown structure that identifies all of the activities that make up the project. The work plan will identify the Contractor's proposed team members, their qualifications, and their respective disciplines.
 - b. Due to the historic nature of the memorial, the contract shall require the Contractor to submit a Final Work Plan that utilizes current professional standards and guidelines including, but not limited to:
 - i. Secretary of the Interior, "Standards and Guidelines for Archaeology and Historic Preservation," as published in the Federal Register on July 12, 1995.
 - ii. Secretary of the Interior, "The Secretary of the Interior's Standards for the Treatment of Historic Properties," as published by the U.S. Department of the Interior in 2017.
 - iii. National Park Service Preservation Tech Note, "Conserving Outdoor Bronze Sculpture," as published by the National Park Service in 1989.

- iv. *Metals in America's Historic Buildings: Uses and Preservation Treatments.*
Margot Gayle, David W. Look, AIA, and John G. Waite, AIA, 1992.

c. At a minimum, the Work Plan shall include:

- i. Site preparation around the memorial for disassembly work, to include site security, human safety, site protection, memorial access (e.g., scaffolding/lift/other),
- ii. Staff members designated as the Project Manager, Historic Architect, Bronze Conservator/Specialist, Safety Representative, Competent Persons for Rigging and Scaffolding, including their qualifications,
- iii. Procedures for inadvertent discovery of historic properties,
- iv. Memorial disassembly plan (including method of disassembly and removal of each element from the memorial to the packaging) with as little damage to the memorial and the site,
- v. Protection of nearby gravesites by placing temporary protective decking over the four closest gravesites (for example, steel plates) for protection during fieldwork and from heavy equipment,
- vi. Protection of landscaping by placing temporary steel decking along the access route into Section 16 to limit impact from heavy equipment and installing temporary fencing around nearby trees to protect from incidental damage,
- vii. Documentation of all phases of the disassembly of the memorial (e.g., photographs, videos, drawings, narratives, etc.),
- viii. Cataloging and photography of each element before and during packaging,
- ix. Design and construction of packaging appropriate for the safe transportation and possible long-term storage of the memorial,
- x. Quality Assurance (QA)/Quality Control (QC) Plan,
- xi. Making repairs to the granite or bronze elements should damage occur; repairs or restoration of any damage will be executed by the Conservator/Bronze Specialist and Contractor, in consultation with the Army Conservator. All repairs should meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68, 1995). The Contractor should prioritize preservation of original materials. If repairs are required, the repairs and new materials should match the old in design, color, texture, composition, and materials.
- xii. Project schedule from NTP,

- xiii. Work breakdown structure,
 - xiv. Method of transportation to the storage location, including mode of transportation, security measures, Department of Transportation requirements (if needed), and route,
 - xv. Placement of packaging at storage location, including site security, and
 - xvi. Identification of Contractor personnel including individual qualifications.
 - xvii. Other submittals, such as Rigging and Scaffolding Plans, Security, Environmental Protection Plan, Landscape/Site Protection Plan, Historic Materials Protection Plan, Safety Plan, etc.
- d. The Work Plan will include a disassembly plan, to include identification of character-defining features and indicate prospective locations and methods of cutting for disassembly and lifting points. Size and weight of each bronze panel need to be taken into consideration, along with method of transport. Per the contract, the Contractor shall plan for the transportation, including the protection and storage, of each piece. Disassembly shall not compromise the structural stability or the structural integrity of the remaining portion of the statue at any time during the process. Also, per the contract, the Contractor will be fully responsible for any temporary shoring and/or bracing or other means determined appropriate to protect the existing portions of the statue from instability or structural damage. The packing units used for transportation should also be sufficiently designed for short or long-term storage at the designated facility.
- E. The ANC shall ensure the disassembly and removal contract requires the Contractor to deconstruct bronze elements of the Memorial in a manner to minimize damage.
- a. The Contractor shall disassemble the bronze statue into its elements, photographing each bronze element and cataloging them for storage and possible reassembly at a future date.
 - b. The Contractor shall carefully disassemble bronze work at seams, where possible. Connections at the structural frame should be unscrewed or cut as needed. As much as possible, cuts should be made at discreet locations to minimize disruption to sculptural elements.
 - c. The Contractor shall carefully disassemble the structural frame, cutting or unscrewing elements to allow for reassembly. The frame, hardware and any other miscellaneous statue components are also considered historic. These items should also be documented, salvaged, crated, and catalogued. The priority for preservation and protection are as follows:
 - i. Bronze sculpture

- ii. Internal framing
 - iii. Hardware and miscellaneous memorial components
 - iv. In the event that one of these elements must be cut or modified, precedence should be given to protection of items higher on the list (e.g., bronze sculpture elements).
 - d. The Contractor shall protect the bronze surfaces and the exposed patina on the surface of the bronze throughout all steps of the Undertaking, including mobilization, disassembly, crating, and transportation.
- F. The ANC shall ensure the disassembly and removal contract requires the Contractor to preserve the granite base and memorial foundations.
- a. Granite elements and foundation shall remain unmodified and undamaged. The Contractor shall protect the stone during disassembly to prevent damage such as spalls, scratches, or cracks.
 - b. If damage occurs, keep broken elements together for repair. Costs associated with such repairs will not be borne by the Government.
 - c. If unexpected historic properties are encountered, the Contractor must comply with the requirements in Stipulation VI.
- G. The ANC shall ensure the disassembly and removal contract requires the Contractor to:
- a. Ensure that the pieces are crated, transported, and stored in a manner that does not present undue risk of damage or deterioration.
 - b. Crating:
 - i. After disassembly and prior to crating, the Contractor shall clean bronze work to remove loose dirt and debris prior to crating. If cleaning with water, ensure all elements are dry prior to crating and storage. The Contractor shall not use chemical cleaners for general soiling removal. The bronze elements will be cleaned using non-abrasive means (e.g., soft dry brushes, soft cotton cloths) prior to being crated for potential long-term storage. Permanent labels will be affixed to the reverse side of each bronze element via stamps, etching, or permanent marker.
 - ii. Crates must be designed for storage of up to two (2) years from the execution of this PA. All bronze elements must be kept clean, dry, free of corrosion and debris. Crates will be weathertight but ventilated to prevent a build-up of moisture around the statue materials inside the crates. Crates will be constructed of plywood of $\frac{3}{4}$ " or greater (with $\frac{3}{8}$ being the preferred minimum thickness used for museum crating). To reduce the possibility of damage due to off-gassing, the

crates will be lined with a stable, inert, water resistant, chemical resistant, and acid-free liner (e.g., polyethylene sheeting, or similar product). Acceptable packing and cushioning materials would be stable, inert, water resistant, chemical resistant, and acid-free (e.g., cross-linked, closed cell Polyethylene (PE) foam, or similar product), and meet current professional conservation standards for long-term storage of historic objects (i.e., best practices and standards established by the American Institute for Conservation (AIC) and the Association for Preservation Technology Institute (APTI)). A higher-grade high-density polyethylene (HDPE) sheet material (e.g., Tyvek, or similar product) may be used as an immediate barrier between where the crate or cushion materials would otherwise come into contact with the statue component surfaces. The exterior of each crate shall be labeled, and a paper inventory using archival paper and sheet protectors will be included inside each crate documenting the elements within that crate.

- iii. The Contractor shall maintain a digital master inventory of all bronze elements, including condition photos and measurements. This inventory shall be provided to the Government, and a printed and electronic copy will be transferred with the crated memorial components.

c. Transportation:

- i. The Contractor shall place all elements into appropriate packages sufficient for their safe transportation to and storage at the designated location. The Contractor shall crate all bronze materials for storage, building or purchasing specialty crates and internal supports, as needed. Individual bronze pieces may need internal support to prevent warping during transportation and storage. The Contractor shall be responsible for protecting each element from damage during transport.
- ii. To prevent tipping in transport, the top-heavy crates shall be equipped with A-frame outriggers that provide sufficient stability to allow the crated bronze piece to be transported in a standing position.
- iii. All crates shall be secured to the flatbed of the truck before transportation.
- iv. Transportation and unloading of the pieces will be provided by a rigging and transportation company that meets the minimum qualifications and staffing requirements noted earlier in this section under Stipulation IV(E).
- v. After the pieces are removed from the monument and crated, the Contractor will load the crates onto flatbed trailers staged on the road (formerly Jackson Circle) surrounding ANC's Section 16.
- vi. The Contractor shall be responsible for providing a transportation plan that evaluates whether trucks will exceed standard highway heights or require a wide-

load permit for transport. All necessary permits will be obtained at least 10 days prior to transportation.

- vii. The Contractor shall provide appropriate equipment for unloading the crates at the storage facility.
- d. ANC shall ensure the following in regard to storage:
- i. After all bronze components are crated, packed, documented, and loaded for transport, in ANC's Section 16, the Contractor shall transport the crated elements to a federally owned storage facility within 200 miles of ANC.
 - ii. ANC shall comply with a letter of instruction from the federally-owned storage facility that provides no cost storage for a period of up to five (5) years.
 - iii. The facility shall provide indoor, weather-protected storage for the crated memorial components.
 - iv. The facility shall have controlled access, perimeter security, as well as random checks of the installation and building.
 - v. During the storage of the object, crates will be placed on skids or pallets to prevent them from resting directly on the floor or ground.
 - vi. The ANC will perform yearly inspections of the Memorial while it is in storage and provide the SHPO an annual update by December 31 of each year. In these inspections, sorbent materials will be checked, documented, and replaced if necessary. The Memorial will be cleaned using non-abrasive means and have new wax applied, if necessary. Packing materials will be checked for condition and replaced if necessary. Photographs and notes will be compiled to prepare a yearly condition report, which will be submitted to the SHPO, and record maintained at ANC. If damage is noted during the yearly inspection, the ANC will take appropriate conservation measures in consultation with a qualified bronze conservator.

V. MITIGATION THROUGH INTERPRETATION

- A. ANC shall complete the following required mitigation measures of this stipulation within five (5) years of execution of this PA.
- B. The ANC shall develop, in consultation with the Signatories and other consulting parties, a page for its web site documenting the removal of the Confederate Memorial and interpreting the history of the Confederate Monument. This may be presented in the form of a story map.

- C. The ANC shall develop, in consultation with the Signatories and other consulting parties, manufacture, and install interpretation showing the original location and design of the Confederate Monument at a location determined through consultation with SHPO.
- D. The ANC shall develop, in consultation with the Signatories and other consulting parties, manufacture, and install interpretation showing the use of the Confederate Monument from its dedication in 1914 through to the date of its removal at a location determined through consultation with SHPO.
- E. ANC shall also preserve the Confederate Memorial granite base in situ. Preservation measures shall include:
 - a. The removal contract shall require the contractor to make repairs to the granite elements should damage result from their actions in executing the Undertaking.
 - b. Repairs or restoration of any damage will be executed by the Contractor shall meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68, 1995).
 - c. The Contractor should prioritize preservation of original materials. If repairs are required, the repairs and new materials should match the old in design, color, texture, composition, and materials.
 - d. After the bronze elements are removed from the granite base, the Contractor shall document the condition of the granite elements. Documentation shall include photography and a condition report submittal.
 - e. After the Contractor documents the condition of the granite base, Contractor or Government staff who meet, at a minimum, the Secretary of the Interior's *Historic Preservation Professional Qualifications Standards* (62 FR 33708-33 722) in the appropriate discipline, shall clean the granite base using the gentlest means possible and photographically document the condition after cleaning.
 - f. Within two (2) weeks of the removal of the bronze elements from the granite base, Contractor or Government staff who meet, at a minimum, the Secretary of the Interior's *Historic Preservation Professional Qualifications Standards* (62 FR 33708-33 722) in the appropriate discipline, shall evaluate the condition of the granite base and provide recommendations for short and long-term preservation of the granite.
 - i. In evaluating proposed preservation treatments, ANC shall prioritize preventing intrusion of water and wildlife, and making the base safe for visitors.
 - ii. Within four (4) weeks of the removal of the bronze elements from the granite base, the recommended short-term preservation treatments should be implemented. This shall include preventing water intrusion through open masonry joints.

- iii. Within six (6) months of the removal of the bronze elements from the granite base, the long-term preservation treatments should be implemented.
- g. Within two (2) weeks of the removal of the bronze elements from the granite base, the ANC Safety Program Manager shall inspect the granite base and provide recommendations on whether the base in its current condition presents a potential safety hazard for visitors and staff.
- i. If the Safety Program Manager determines the base presents a potential safety hazard, then the area immediately around the base will be temporarily barricaded while a long-term plan for site interpretation and base preservation can be developed in consultation with the DHR and Concurring Parties, in accordance with the Stipulation I.

VI. POST REVIEW DISCOVERY FOR HISTORIC PROPERTIES OR UNANTICIPATED EFFECTS

A. General

- a. ANC shall ensure that the provisions in this Stipulation shall be included as a stipulation of all Project operations and contracts. Basic procedures and contact information shall be provided to project managers and supervisory contractors for on-site reference.
- b. If previously unidentified, or unanticipated effects, to historic properties are discovered during the Undertaking, all project work shall halt in the immediate area of the finding and the project supervisor shall notify the ANC Chief Engineer and Cultural Resources Manager (CRM) of the discovery. ANC will follow the standard procedures below.
- c. Any disputes over the evaluation or treatment of previously unidentified historic properties shall be resolved in accordance with Stipulation XII ("Dispute Resolution") of this PA.

B. Historic Properties or Unanticipated Effects

- a. If previously unidentified historic properties or unanticipated effects are discovered during the implementation of the Undertaking, the ANC personnel or contractor shall immediately halt the Undertaking in the immediate area of the finding and notify the ANC Chief Engineer and the Cultural Resources Manager (CRM) of the discovery and implement interim measures (e.g., surveillance, concealment) to protect the discovery from looting and vandalism. Discarded headstones and other items

resulting from the routine operation of ANC which may be found shall not be regarded as "historic properties" for the purposes of this PA.

- b. Immediately upon receipt of the notification from the ANC personnel or contractor, the CRM shall:
 - i. inspect the work site to determine the extent of the discovery and ensure that the project manager and contractor supervisors know that construction activities with the potential to affect the historic property in question must be halted as a legal and contractual requirement;
 - ii. clearly mark the area of discovery and establish an appropriate buffer between the discovery and ground disturbing activities or other potential effects, as appropriate;
 - iii. implement additional measures, e.g., surveillance or concealment as appropriate, to protect the discovery from looting and vandalism, as appropriate;
 - iv. have an individual meeting the SOI Professional Standards for the appropriate discipline inspect the work site to determine the extent of the discovery and provide recommendations regarding NRHP eligibility and treatment; and
- c. Within one (1) business day of the discovery, the CRM shall notify the SHPO, ACHP, and Concurring Parties via electronic mail.
- d. Through consultation under the terms of this PA stipulation, ANC will work with the SHPO to determine the appropriate course of action.
- e. Within seven (7) business days of the discovery, the CRM shall develop a notification package for the SHPO, ACHP, and Concurring Parties that includes a description of the undertaking and how it was reviewed in accordance with the Streamline Review Process, photographs of the discovery, the recommendation of NRHP eligibility, and a treatment plan.
 - i. The CRM shall send the notification package via electronic mail to the SHPO, ACHP, and Concurring Parties.
 - ii. Upon receipt of the notification package, the SHPO, ACHP, and Concurring Parties have two (2) business days to provide a response to the CRM on the

NRHP eligibility and treatment plan. If ANC receives no response within two (2) business days, it may move forward

- f. ANC shall take into account the recommendations received on eligibility and treatment of the discovery and carry out any appropriate required actions within five (5) working days of receipt.
- g. The CRM shall provide the SHPO and Concurring Parties with a report on the actions taken within fourteen (14) calendar days of implementation.
- h. Interment activities may proceed in the area of the discovery once the Chief Engineer has determined that the treatment plan is complete.

C. Archaeological Resources

- a. This Undertaking is not expected to involve ground disturbing activities. This stipulation is included as a standard procedural guidance in case of unexpected or unforeseen conditions encountered during mobilization, the removal of the bronze elements from the granite base, and subsequent restoration of the site and landscaping.
- b. Should archaeological resources be unexpectedly encountered during implementation of the Undertaking, the ANC shall require the contractor to immediately halt all work involving subsurface disturbance in the area of the resource and in surrounding areas where additional subsurface features can reasonably be expected to occur. The ANC shall have an archaeologist who meets the Secretary of the Interior's *Professional Qualifications Standards* inspect the work site and determine the general boundary and nature of the archaeological property. The archaeologist shall investigate the resource and provide an assessment of integrity and NRHP eligibility to the ANC. Construction may proceed outside of the site boundary once it has been determined.
- c. The ANC shall then notify the SHPO within forty-eight (48) hours of the discovery. If the archaeological resource is, or has the potential to be, of Native American origin, the ANC shall also notify any federally recognized Indian tribe(s) that might attach religious and cultural significance to the affected property and the SHPO within forty-eight (48) hours of the discovery. The notifications shall describe the ANC's assessment of the NRHP eligibility of the property and the proposed actions to resolve the adverse effects. The SHPO, and federally recognized tribes, as appropriate shall have forty-eight (48) hours from the notification to respond.
- d. If the ANC, in consultation with the SHPO, determines the resource to be eligible for listing in the NRHP Criteria (36 CFR § 60.4), the ANC shall ensure development of a proposed treatment plan to resolve any adverse effects on historic properties. The ANC shall provide the treatment plan to the SHPO and federally-recognized Indian Tribes, for review and comment for a period of five (5) working days. The ANC shall take into account the recommendations received from the SHPO and Indian Tribes

- within the five (5)-day review period regarding the NRHP eligibility of the resource and the proposed treatment plan, and then carry out appropriate actions. Work in the affected area may not proceed until the development and implementation of appropriate data recovery or other recommended mitigation procedures. The ANC shall provide the SHPO and make available to any federally-recognized Indian Tribe(s) that might attach religious and cultural significance to the affected property, and the interested public, a report on the mitigation actions when they are completed.
- e. If the ANC, in consultation with the SHPO, determines the resource to be ineligible for listing the NRHP, work may resume in the affected area.
 - f. The ANC shall be responsible for the long-term curation of any artifacts and records generated as a result of archaeological investigations, monitoring activities, and post review discoveries pursuant to this PA, in consultation with the SHPO. All materials shall be curated at ANC. Curation will follow the procedures established in the Curation of Federally Owned and Administered Archeological Collections (36 CFR Part 79).

VII. MEMORABILIA BOX DISCOVERY PLAN

- A. This Undertaking is not expected to include any modification of or disturbance to the Confederate Memorial granite base. As stated in Stipulations IV and V, the contract for the Undertaking shall include requirements for the Contractor to protect the granite base, including the cornerstone under which the memorabilia box is presumably located. This stipulation is included as standard procedural guidance in case of unexpected or unforeseen conditions encountered during mobilization, the removal of the bronze elements from the granite base, and subsequent restoration of the site and landscaping.
- B. As stated in Stipulation V, the condition of the granite base beneath the Confederate Memorial bronze elements is unknown. Since the granite provides a structural support for the bronze elements, it is presumed that the base consists of multiple solid granite blocks, possibly set on concrete and/or masonry foundations. However, it is possible that the granite block may not be solid, that there may be openings or cavities which could expose the ground beneath the memorial, thereby potentially exposing the memorabilia box or other unanticipated historic properties.
- C. In the event of an unanticipated discovery, such as the discovery of the Confederate Memorial memorabilia box, during the implementation of the Undertaking, all work would cease, and the ANMC Cultural Resources Manager (CRM) would be contacted. The CRM would immediately notify the SHPO and the ACHP. The agency would follow the standard procedures outlined in Stipulation VI.
- D. Immediately upon discovery, the on-site Army Conservator would document, in field notes and digital photography, the memorabilia box in-situ. Photo documentation shall include a scale and color card.

- E. After documenting the memorabilia box in-situ, the Army Conservator, wearing appropriate protective equipment (such as nitrile gloves), would carefully remove the box, stabilize it, and transport it to the on-site ANC object collection.
- F. ANC would provide temporary protective storage in the ANC object collection, under the care of the ANC Curator, while the agency works with the SHPO and the ACHP to determine the appropriate disposition of the memorabilia box. The object collection is held in a climate-controlled, access-controlled space. Archival-quality storage materials and cabinets are available to temporarily house the memorabilia box and/or any potential cultural artifacts.
- G. Once the memorabilia box is safely housed in the object collection facility at ANC, the Army Conservator would again document the current condition of the box, in a field condition report and with digital photography. Photo documentation shall include a scale and color card.
- H. After assessing the condition, the exterior of the box may be cleaned to ensure the box is stable, and prevent the introduction of dirt, debris, insects, etc., into the object collection. Dry cleaning would occur with a HEPA-filter vacuum and soft dry brush. If there is dirt, debris, mold or other growth, wet cleaning will be done by rinsing with distilled water, removing debris with a soft brush, then drying with cotton swabs and clean cotton cloths.
- I. If the memorabilia box appears to still be sealed and in good condition, ANC does not intend to open the box. If the seal of the box is compromised, the Army may insert an endoscope into any openings to get a view of contents and assess materials and conditions.
- J. Once the memorabilia box is safely housed in the object collection facility at ANC, ANC will contact Army Conservators at the Museum Support Center (MSC) at Fort Belvoir, Virginia, to assess the condition of the memorabilia box and/or any potential cultural artifacts. The MSC staff have expertise in the chemical and physical stabilization of Army art and artifacts. This includes staff with expertise in paper and textile conservation, artifact storage, and the creation of custom housing mounts for artifacts. The MSC conservator(s) will provide recommendations for immediate treatment, if necessary, and appropriate storage conditions (e.g., cold storage, humidity control, etc.).

VIII. PROFESSIONAL QUALIFICATIONS

- A. All historical, archaeological, and architectural surveys, studies or treatment actions carried out pursuant to this PA shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's *Historic Preservation Professional Qualifications Standards* (62 FR 33708-33 722) in the appropriate discipline.

IX. PREPARATION AND REVIEW OF DOCUMENTS

- A. All archaeological studies, architectural survey, technical reports, and treatment plans prepared pursuant to the PA shall be consistent with the federal standards entitled *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 29, 1983), the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (September 2017), and the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999) or subsequent revisions or replacements to these documents..
- B. ANC shall provide the SHPO and the ACHP with two (2) copies (one (1) hard copy and one (1) in Adobe Acrobat format (PDF) in digital format) of all final reports prepared pursuant to this PA ANC shall also provide Consulting Parties a copy of any final report (in hard copy or Adobe Acrobat format, as requested) if so requested by that party. Such requests must be received by ANC in writing prior to the completion of the report. Reports shall be comply with the SHPO requirements outlined in [*Guidelines for Conducting Historic Resources Survey in Virginia \(Survey Manual, revised 2017\)*](#), Chapter 11: Preparing Identification and Evaluation Report Pursuant to Local, State, or Federal Laws and Regulations.
 - a. All reports must be printed on acid-free archival paper and bound using plastic comb bindings. In addition, state law requires the use of pH neutral paper in all documents that are considered permanent records of the history of the Commonwealth (Code of Virginia § 42.1-77).
 - b. Digital reports are to be submitted as a single file with all figures and appendices included. This document is to be in Adobe Portable Document Format (PDF). Appendix tables may also be included in Comma Separated Value (CSV) format.

X. TIMEFRAME FOR COMPLETION OF MITIGATION AND REVIEW PROCESS

- A. Unless otherwise specified in this PA, ANC shall complete the required mitigation measures within five (5) years of execution of this PA.
- B. All Parties shall send and accept official notices, comments, requests for additional information and/or documentation, and all other communications required by the PA via email. Any discussions regarding the Undertaking may take place over webinar, conference call, and/or in person at the discretion of ANC with minutes of the meeting distributed via email.
- C. Time designations shall be in calendar days. ANC shall submit to the SHPO, ACHP, and the Consulting Parties drafts of all documentation materials, design plans and/or specifications, interpretive measures, and other items associated with Stipulations I through IX, above, for a thirty (30)-day review and comment period.

- D. The SHPO, the ACHP, and the other Consulting Parties agree to provide comments to ANC on all technical materials, findings, and other documentation arising from this PA within thirty (30) calendar days of receipt unless otherwise specified in this PA.
- E. A lack of comment or failure of the SHPO, the ACHP, or any Consulting Party to provide comments within the thirty (30)-calendar-days review period or period otherwise specified, will be understood to mean that the non-responsive party has no comment and/or concurs with the findings presented, and ANC may proceed with the process as outlined in the PA. Any Party may request additional review time within the 30-day review period by submitting such a request to the Signatories.
- F. ANC shall take into consideration all comments received in writing from the SHPO, the ACHP, and any Consulting Party to this PA within the thirty (30)-calendar-day review period.
- G. All Signatories shall agree to time designation periods requiring less than 30 calendar days on a case-by case basis. If all Signatories do not agree to a shortened review period, then the standard 30-day comment period outlined in Stipulation X(C). will apply. ANC shall notify all Parties of the proposed time frame.
- H. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z) shall apply.

XI. SENSITIVE OR CLASSIFIED INFORMATION

- A. In limited and unique circumstances and in accordance with applicable law, ANC may withhold select project details from review by all Consulting Parties if it determines doing so is necessary to protect mission critical, sensitive, and/or classified information. ANC however, agrees to ensure that all information required for Section 106 evaluation (including, without limitation, sensitive or classified information) is retained in the Undertaking administrative record on file.

XII. DISPUTE RESOLUTION

- A. Should any signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the parties shall consult to resolve the objection. If the ANC determines that such objection cannot be resolved, the ANC will:
 - a. Forward all documentation relevant to the dispute, including the ANC's proposed resolution, to the ACHP. The ANC shall ask the ACHP to provide the ANC with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the ANC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The ANC will then proceed according to its final decision.

- b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the ANC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the ANC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA and provide them and the ACHP with a copy of such written response.

XIII. EFFICIENT COMMUNICATIONS

In accordance with Executive Order 13563 "Improving Regulation and Regulatory Review," and Executive Order 13589 "Promoting Efficient Spending," communications between signatories and concurring parties of this PA, and Consulting Parties discussed herein shall be in electronic form whenever practicable, permitted by law, and consistent with applicable records retention requirements. Unless the Consulting Party specifically requests the materials in another form (i.e., mail/hard copy).

XIV. AMENDMENTS

- A. Any Signatory or Invited Signatory may propose an amendment. The amendment process starts when a Signatory or Invited Signatory notifies the others in writing requesting an amendment. The notification will include the proposed amendment and its reasons. The Signatories and Invited Signatories shall consult to consider any proposed amendment.
- B. An amendment will take effect when signed by all the Signatories and Invited Signatories.
- C. If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation XII will be followed.

XV. TERMINATION

- A. Any signatory or invited signatory may terminate this PA by providing thirty (30) calendar days written notice to the other parties, providing that the parties will consult during the period prior to termination to seek agreement on amendments, per Stipulation XIV above, or other actions that would avoid termination.
- B. Once this PA is terminated and prior to work continuing on the undertaking, ANC must either (a) develop an MOA/PA pursuant to 36 CFR §800.6, or (b) request, take into account, and respond to ACHP comments under 36 CFR § 800. 7 per Stipulation X and XII.
- C. ANC's inability to complete the Undertaking or final disposition plan due to actions outside their control, such as lack of Army project approval, does not constitute justification for termination of this agreement if ANC was abiding by the terms of this PA. In such an event, ANC shall seek to amend the PA per Stipulation XIV.

XVI. ANTI-DEFICIENCY ACT

The Anti-Deficiency Act, 31 USC § 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. The ANC will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the ANC's ability to implement the stipulations of this PA, the ANC shall consult in accordance with the amendment and terminations procedures found at Stipulations XIV and XV of this PA.

XVII. DURATION

This PA will become effective upon the last date of signature and will remain in force for five (5) years after the date of the last signature of a Signatory, unless extended by the signatories in accordance with Stipulation XVII. At any time in the six (6)-month period prior to such date, ANC may request that the Signatories consider an extension of this PA.

XVIII. EXECUTION

The ANC, the SHPO and the ACHP agree to execute this PA in counterparts with a separate signature page for each Signatory, and the exchange of copies of this PA and of signature pages by facsimile or by electronic transmission shall constitute effective execution and delivery of this PA to the parties and may be used in lieu of the original PA for all purposes. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes.

Execution of this PA by the ANC, the SHPO and the ACHP, and implementation of its terms evidence that the ANC has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT AMONG
ARLINGTON NATIONAL CEMETERY, THE
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING THE REMOVAL OF THE CONFEDERATE MEMORIAL
FROM ARLINGTON NATIONAL CEMETERY
ARLINGTON COUNTY, VIRGINIA**

The undersigned Signatory Parties verify that they have full authority to represent and bind their respective agency for the purposes of entering into this PA.

DEPARTMENT OF THE ARMY

DURHAM-
AGUILERA.KAREN.L.1230
By: 610262 Digitally signed by DURHAM-
AGUILERA.KAREN.L.1230610262
Date: 2023.12.14 09:33:33 -05'00' Date: _____
Karen Durham-Aguilera
Executive Director
Army National Military Cemeteries, Arlington National Cemetery

**PROGRAMMATIC AGREEMENT AMONG
ARLINGTON NATIONAL CEMETERY, THE
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING THE REMOVAL OF THE CONFEDERATE MEMORIAL
FROM ARLINGTON NATIONAL CEMETERY
ARLINGTON COUNTY, VIRGINIA**

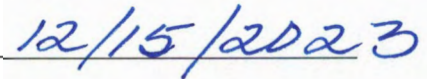
The undersigned Signatory Parties verify that they have full authority to represent and bind their respective agency for the purposes of entering into this PA.

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____



Date: _____



Julie V. Langan
State Historic Preservation Officer
Director
Virginia Department of Historic Resources

**PROGRAMMATIC AGREEMENT AMONG
ARLINGTON NATIONAL CEMETERY, THE
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING THE REMOVAL OF THE CONFEDERATE MEMORIAL
FROM ARLINGTON NATIONAL CEMETERY
ARLINGTON COUNTY, VIRGINIA**

The undersigned Signatory Parties verify that they have full authority to represent and bind their respective agency for the purposes of entering into this PA.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  _____ Date: 12/15/2023
Reid Nelson
Executive Director
Advisory Council on Historic Preservation

ATTACHMENT A:

Area of Potential Effects (APE)

Area of Potential Effects (APE)

Per 36 CFR § 800.4 & § 800.16, on November 2, 2023, ANMC revised the Area of Potential Effects (APE), the full extent of which was determined in consultation with the DHR.

The APE is the geographic area(s) within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. This includes locations where the project may be visible and/or audible.

For this undertaking, the project area is located within the Arlington National Cemetery Historic District (Virginia Department of Historic Resources [VDHR] #000-0042). Most of this work would occur in ANC Section 16, which is approximately 1.22 acres. The work would occur in previously disturbed areas. The project area includes locations where equipment will approach and be placed around the Confederate Memorial during staging, disassembly, removal, and storage operations.

Comments indicated that the public considered the originally proposed APE too small and narrowly focused. The revised APE was expanded to include the entirety of the Arlington National Cemetery Historic District. Support for this APE is provided below:

- The proposed undertaking would directly affect the Arlington National Cemetery Historic District by removing portions of a contributing resource to the NRHP-listed historic district, which is also an individually eligible resource.
- The removal would change the use and design of one entire section of the cemetery, Section 16.
- The ANC Historic District also contains the Memorial Avenue corridor and the Arlington Memorial Bridge, which is a monument to the sacrifices and valor of our nation's military personnel and a symbolic link between north and south.
- The APE does not expand any further out from the ANC Historic District boundaries and the original viewshed APE. The DHR "Guidelines for Defining the Area of Potential Effects (APE)" recommend considering the scale of the construction in relation to the surrounding setting. The revised APE considers the scale of the removal, its impacts to the surrounding historic districts, long-term visual effects, and short-term construction-related effects.

VDHR guidelines recommend that the APE includes:

- all locations where the project will cause ground disturbance;
- all locations from which the project may be visible or audible; and
- all locations where the project may result in changes to land use, public access, traffic patterns, viewsheds, etc.

ANMC determined that the APE should include the ANC Historic District boundaries and the original viewshed APE. This includes all areas that may be directly affected, all areas impacted visually or audibly, and all areas that may result in changes to land use and other similar aspects,

like development, public access, traffic patterns, etc. In addition, ANMC does not plan for ground disturbance.

ANMC determined that other areas of Virginia outside of the proposed APE, plus the Washington Monument Corridor, the entire United States, or any portions of our international community should not be included because the undertaking does not have the potential to cause visible or audible effects in these areas, nor does the undertaking have the potential to change land use or other public use characteristics outside of the Arlington National Cemetery Historic District.

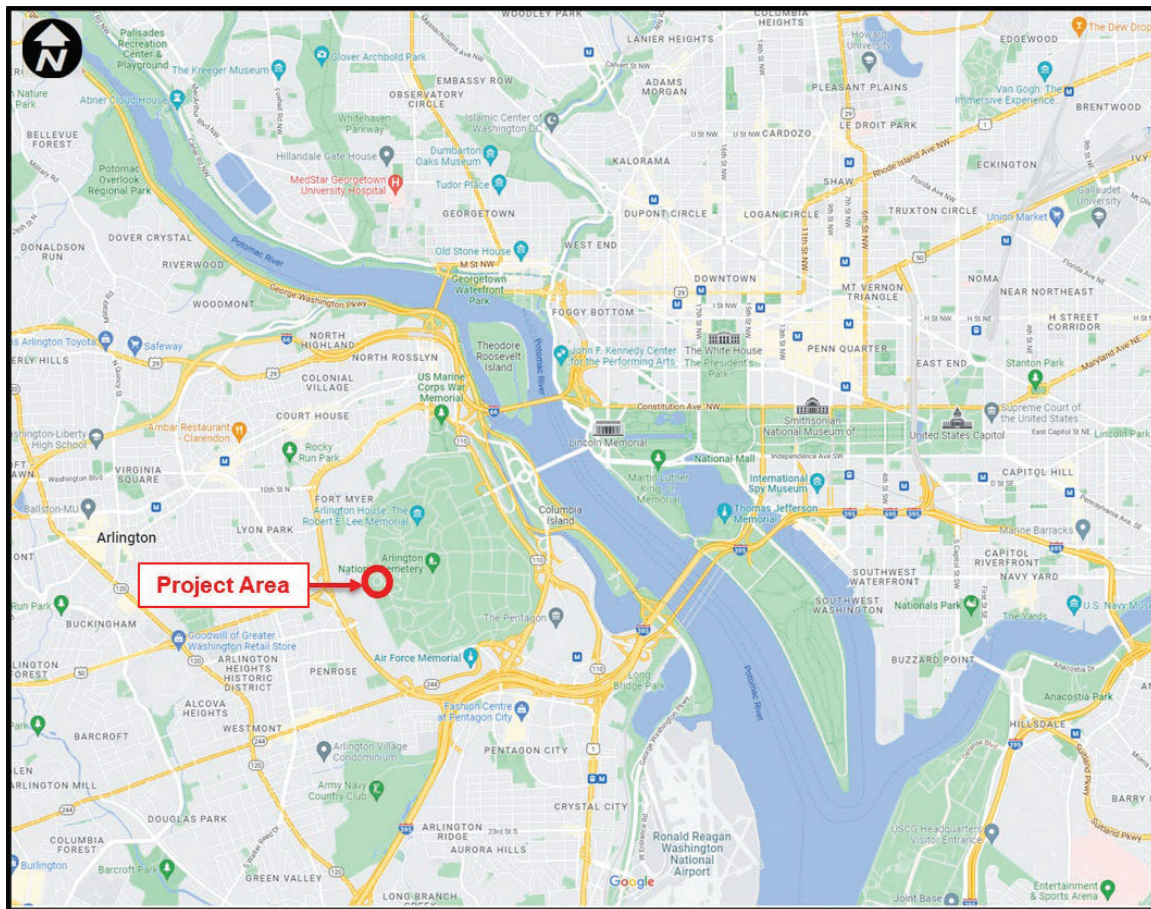


Figure 1. Project location within Arlington National Cemetery, Arlington, VA

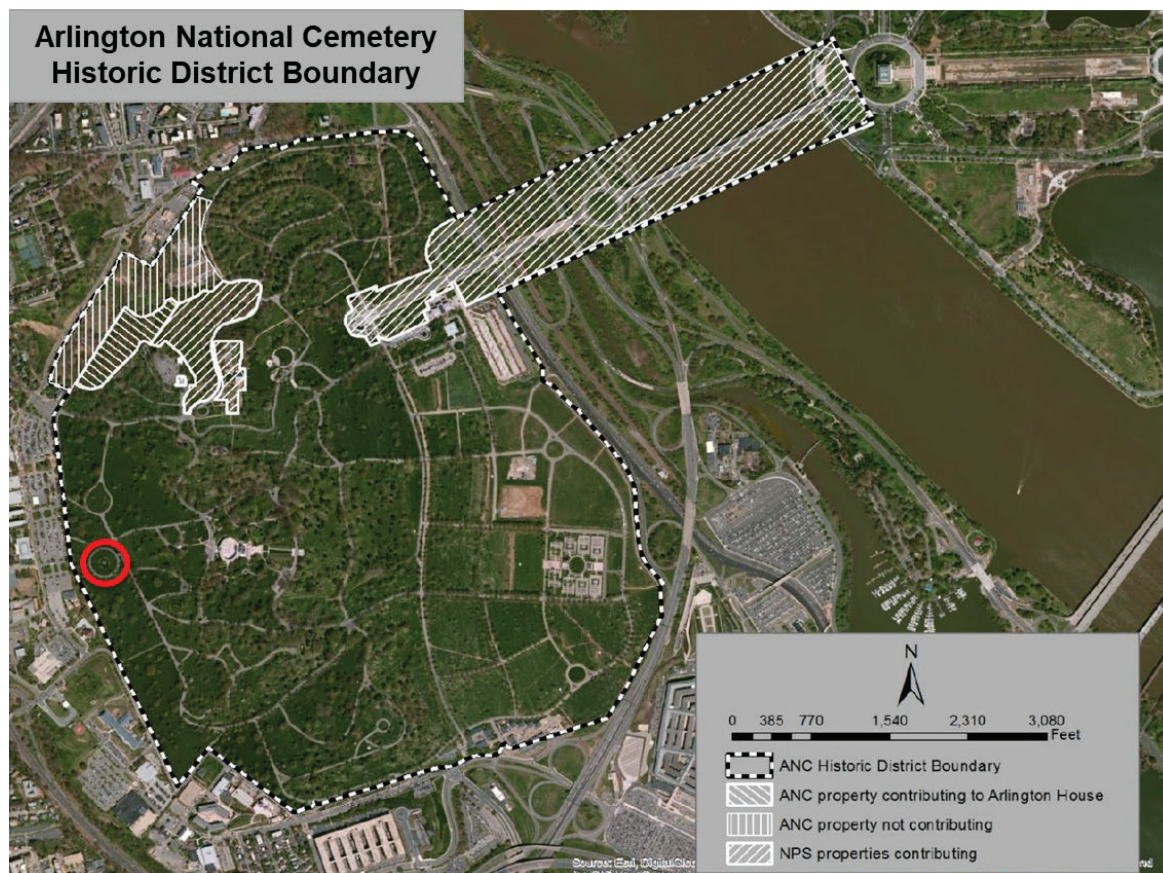


Figure 2. National Register Historic Districts, from ANC's National Register Nomination Form (2014) overlaid on satellite view. Proposed project location circled in red.

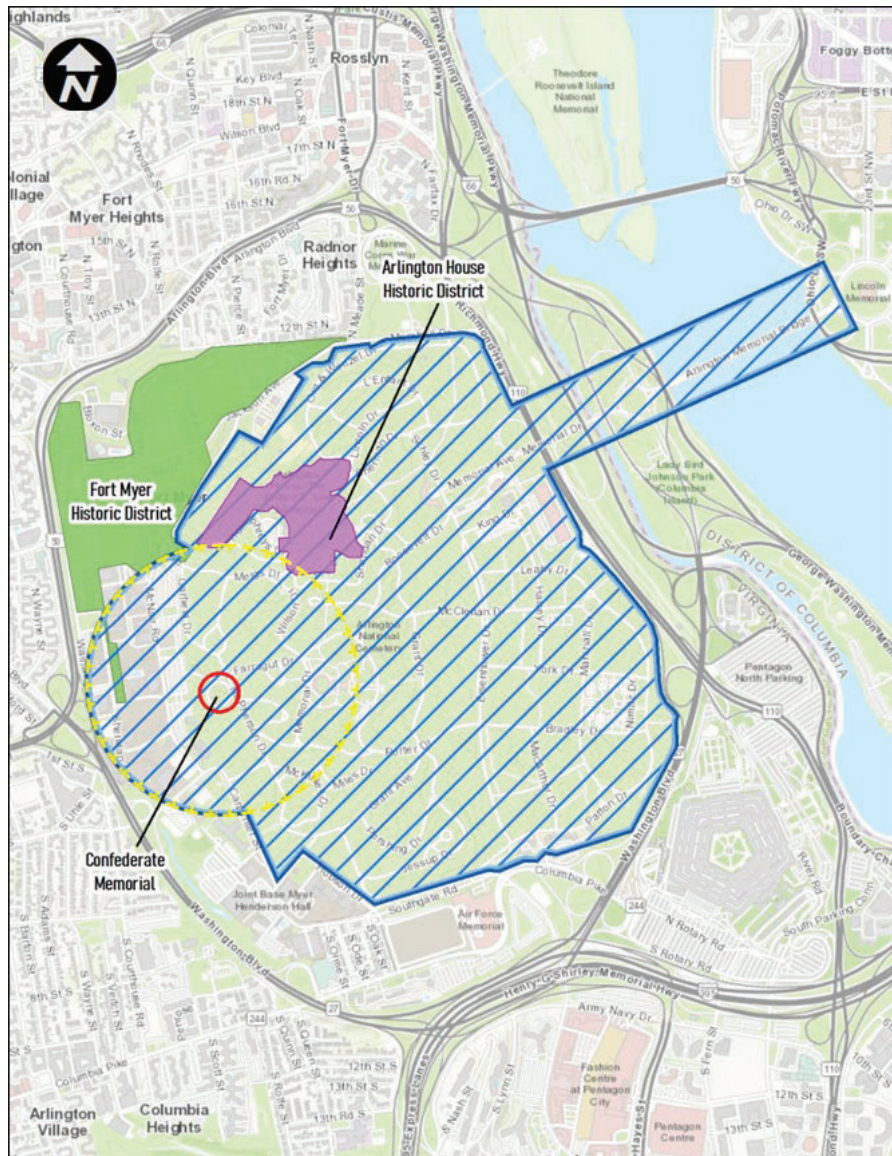


Figure 3. Map View of Revised APE & Project Area.
APE outlined in blue.
Viewshed impacts outlined in yellow.
Proposed project location in red.



Figure 4. Map View of Revised APE & Project Area.
APE outlined in blue.
Viewshed impacts outlined in yellow.
Proposed project location in red.

ATTACHMENT B:

Historic Properties within the APE

Historic Properties Located Within the APE:

Per 36 CFR § 800.4, the following is a list of historic structures and features contributing to the ANC, Fort Myer, and Arlington House historic districts, which are located within / adjacent to the APE. These properties are identified in the 2014 programmatic agreement among ANC, the Virginia SHPO, and the Advisory Council on Historic Preservation (ACHP), ANC's 2014 National Register nomination, and ANC's 2012 DHR Reconnaissance Level Survey.

- Confederate Memorial (DHR #000-1235 / #000-0042-0029)
- Arlington National Cemetery Historic District (DHR #000-0042)
- Boundary walls and gates (DHR #000-0042-0017)
- Grave Markers (DHR #000-0042-0021)
- Battle of the Bulge Memorial (DHR #000-0042-0025)
- Rough Riders Memorial (DHR #000-0042-0040)
- Spanish-American War Memorial (DHR #000-0042-0043)
- Spanish-American War Nurses Memorial (DHR #000-0042-0044)
- U.S.S. Maine Memorial (DHR #000-0042-0047)
- Arlington House Historic District (DHR #000-0001)
- Arlington House Cultural Landscape (CLI #600049)
- Fort Myer Historic District (DHR #000-0004)

Viewshed Impacts:

The Confederate Memorial is visible from the following sites:

- Burial sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, 24, 35, 37, & 46 (ANC)
- Section 13, white Civil War (enlisted) soldiers' primary burial ground historically referred to as the "Field of the Dead" (ANC)
- Custis Family gravesite (ANC)
- U.S.S. Maine Memorial (Mast of the Maine [ANC])
- Spanish-American War Memorial (ANC)
- Spanish-American War Nurses Memorial (ANC)
- Battle of the Bulge Memorial (ANC)

- Rough Riders Memorial (ANC)
- Selfridge Gate (ANC)
- McNair Rd. (Fort Myer)
- Fort Myer Memorial Chapel (Fort Myer)

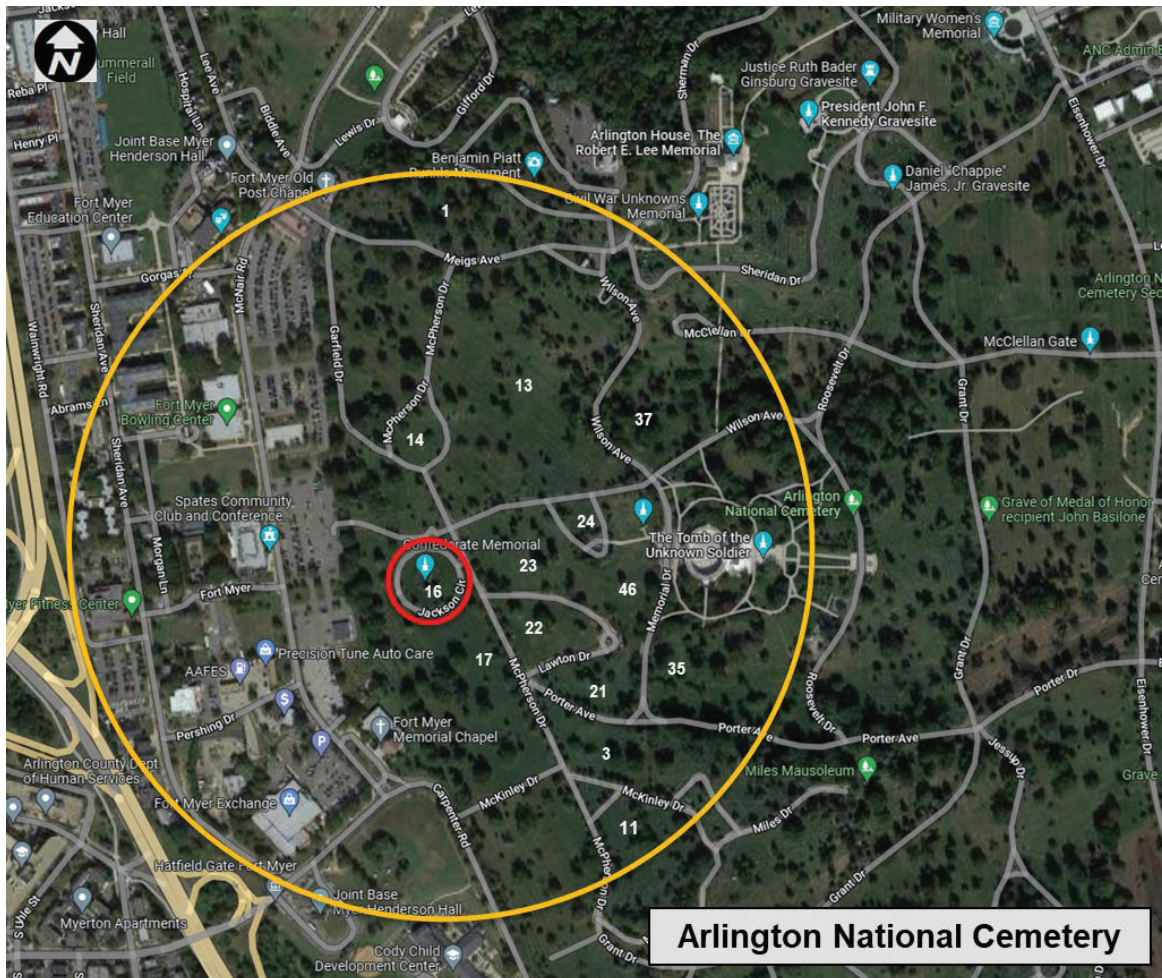


Figure 5. Satellite View of Project Area. Viewshed impacts outlined in yellow. Proposed project location outlined in red.

Results of Identification & Evaluation: Historic Properties Affected

Per 36 CFR § 800.4(d)(2), ANMC found that there are historic properties which may be affected by the undertaking. As a result, ANMC has notified all consulting parties, including Indian tribes or organizations, inviting their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

Assessment of Adverse Effects:

Fort Myer Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **no adverse effects** on the characteristics that qualify the Fort Myer Historic District for listing in the National Register of Historic Places (NRHP).

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The proposed removal will not directly affect the Fort Myer Historic District. The undertaking may have temporary impacts to traffic patterns during the staging and transportation phases of the undertaking. No long-term impacts to land use, public access, or traffic patterns are anticipated. In addition, all staging and laydown areas will be within the Arlington National Cemetery Historic District.

There will be no viewshed changes to the Fort Myer Historic District. The Confederate Memorial and the proposed project area is not visible from the historic district. The memorial is visible from the Fort Myer property line, where views of the memorial are partially obscured by Fort Myer fencing, the ANC boundary wall, and trees and plantings on both sides of the boundary.

The project area is approximately 0.31 miles to the Fort Myer Historic District. Mature trees, other vegetation, buildings, and the boundary fence provide visual obstruction between the two areas in addition to the distance. The Confederate Memorial is partially visible from the Fort Myer Historic District. See photos 4 and 5 on page 28, and photos 18, 19, and 20 on pages 42 and 43, which show the views looking from the Fort Myer Historic District toward the Confederate Memorial.

The district's NRHP nomination notes that the connection between Fort Myer, ANC, and Arlington House, in that in 1861, the United States government expropriated the land now occupied by Fort Myer and the national cemetery from Mrs. Mary Custis Lee, wife of Confederate General Robert E. Lee. While the memorial is a part of the larger legacy and story of the American Civil War and national commemoration, the removal of the memorial does not reach the level of an adverse effect to the Fort Myer Historic District.

There will be no impacts to historic views or vistas to the Fort Myer Historic District. There will be no adverse effects to the integrity of the historic district that would diminish its historical and architectural significance. The district's character and use would not be impacted and therefore it is ANMC's determination that there would be **no adverse effects** to the Fort Myer Historic District.

Links to Fort Myer records:

Fort Myer National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0004/>

<https://www.dhr.virginia.gov/historic-registers/000-0005/>

Arlington House Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—results in **adverse effects** on the characteristics that qualify the Arlington House Historic District and the Arlington House Cultural Landscape for listing in the National Register of Historic Places (NRHP).

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The proposed removal of the ANC Confederate Memorial reduces its ability to convey its significance and impacts its historic integrity.

The undertaking does remove a contributing element to the ANC historic district, which includes the Arlington House Historic District. The NRHP nominations for both districts state that they are representative of themes related to military commemoration, Confederate commemoration, American Civil War history, and the design and development of the monumental core that connects the cities of Arlington, VA, and Washington, DC, and their connection to the McMillan Plan. The 1901 McMillan Plan considered Arlington House a symbol of the Confederate cause, and of the south in general. The Memorial Avenue corridor and the Arlington Memorial Bridge physically and symbolically united nation by joining the Lincoln Memorial on the north side of the Potomac River with Arlington House (the Robert E. Lee Memorial) on the south. The Memorial Bridge and Avenue also connect the nation's capital to Arlington National Cemetery, where thousands who died fighting to preserve democratic government have been laid to rest. The Arlington House NRHP nomination notes that name changes and park designation changes reflect shifting cultural views on Arlington House's place in history and in public notions of commemoration. The same can be said about the removal of the Confederate Memorial.

The Confederate Memorial, Arlington National Cemetery, and the Arlington House site are also associated with the ethnic heritage of the enslaved African Americans who worked and lived within its boundaries, and the larger story of enslavement and the legacy of the American Civil War.

The proposed removal impacts historic views and vistas in the landscape that borders the Arlington House Historic District. The proposed project area is approximately 0.38 miles from the Arlington House Historic District, which is a partially undulating landscape. The Confederate Memorial is not visible from the Arlington House Historic District. See photos 1 and 2 on page 26, and photo 1

on page 34 for a view of the area looking to the Confederate Memorial from locations south of Arlington House.

The undertaking does not impact the integrity of location, workmanship, feeling or associations of the overall Arlington House Historic District in a way that would change Arlington House's status as a National Register Historic District. No direct physical changes will be made to any other area of ANC beyond Section 16. Land use and circulation patterns within the historic district remain unchanged. When the Confederate Memorial is removed, the district will continue to convey its historic significance and retains the many other features that justify its status on the NRHP. The Arlington House Historic District continues to contribute to the nation's understanding of the Custis-Lee landscape, the military-cemetery landscape, politics and government, the Civil War, enslavement, the Lost Cause, and their collective legacies.

Links to Arlington House records:

Arlington House National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0001/>

Arlington House Cultural Landscapes Inventory:

<https://irma.nps.gov/DataStore/Reference/Profile/2184626>

Confederate Memorial: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **adverse effects** on the characteristics that qualify the Confederate Memorial for individual listing in the National Register of Historic Places (NRHP).

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The proposed removal of the ANC Confederate Memorial reduces its ability to convey its significance and impacts its historic integrity.

The undertaking would:

- Impact the historic location and association of the memorial within the ANC historic district.
- Change the historic views and vistas throughout the ANC historic district, especially in and around Section 16, causing permanent and irreversible changes.
- Remove the centerpiece of Section 16, changing the composition, aesthetics, and deviating from the intended design.

- Remove a large physical component of ANC's cultural landscape, altering the site-specific history and symbolism within the ANC historic district.
- Change the character of the memorial, leaving little of the memorial within the original landscape setting that contributes to its historic significance.
- The narrative inscribed on the memorial would no longer function as evidence of the Lost Cause's powerful and long-lasting hold on American culture.
- The ANC Historic District would lose a symbolic, visual illustration of this history, severing part of the interconnected narrative of American military memory embedded throughout the site.

Additionally, the proposed removal process could:

- Potentially result in unintentional damage to this historic resource during deconstruction, storage, and transportation.
- Damage the materials, design, and workmanship (which are qualifying characteristics of the historic property) if the monument is disassembled and not reconstructed.
- Compromise the memorial's safety and security depending on the condition of its future storage location after removal from ANC.
- Expose the memorial's time capsule, which primary source documents indicate is located beneath a granite cornerstone. The time capsule is a contributing element to the memorial.

The limited nature of the undertaking has no adverse effect on the graves in Section 16 or on any archaeological resources in that area. Since the intention of the undertaking is to remove only the bronze elements of the memorial, the granite base would remain in place and would mark the spot where this resource once stood. The headstones, circulation patterns, and horticultural elements of Section 16 will be preserved and unchanged. All construction work in Section 16 will be located in areas of the APE that have already been disturbed. All construction and staging will occur within existing roadways or areas that do not contain burials. Since this project does not currently include ground-disturbing activities, it is not expected that undiscovered cultural resources would be found.

See the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the NRHP for additional information.

[Link to Arlington National Cemetery records:](#)

Arlington National Cemetery National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0042/>

Arlington National Cemetery Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **adverse effects** on the characteristics that qualify the Arlington National Cemetery Historic District for individual listing in the National Register of Historic Places (NRHP).

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The proposed removal of the ANC Confederate Memorial reduces its ability to convey its significance and impacts its historic integrity.

The undertaking will have temporary impacts to traffic patterns during the staging and transportation phases of the undertaking. No long-term impacts to land use, public access, or traffic patterns are anticipated. The cemetery and Section 16 remain a commemorative burial space, however Section 16 will lack a commemorative object to serve as a focal point. The removal immediately impacts historic views and vistas in the cemetery sections surrounding Section 16 and the Confederate memorial. It also removes a contributing element to the ANC historic district.

As noted earlier, the NRHP nominations for both the ANC and Arlington House districts state their significant representation of themes related to military commemoration, landscape architecture, Confederate commemoration, American Civil War history, politics and government, and the design and development of the monumental core that connects Arlington, VA, and Washington, DC. The 1901 McMillan Plan considered Arlington House a symbol of the Confederate cause, and of the south in general. The Memorial Avenue corridor and the Arlington Memorial Bridge physically and symbolically united the nation by joining the Lincoln Memorial with Arlington House. When the Confederate Memorial was completed in 1914, the sponsors invoked similar themes of reconciliation, representative of late 19th- and 20th-century commemorative efforts.

This action does not, however, impact the integrity of location, workmanship, feeling or associations of the overall ANC Historic District in a way that would change ANC's status on the NRHP. No direct physical changes will be made to any other area of ANC beyond Section 16. Headstones and circulation patterns remain unchanged. The cemetery continues to convey its historic significance as a military cemetery, for its landscape architecture and architecture, and provides opportunities to study cultural resources that span the nation's history and represent the diverse stories of the American people.

When the Confederate Memorial's bronze elements are removed, ANC would maintain its standing on the NRHP. The cemetery continues to contribute to the nation's understanding by providing information on the Custis-Lee landscape, the military-cemetery landscape, politics and government, the Civil War, enslavement, the Lost Cause, and their collective legacies. ANMC must continue to facilitate this understanding, through good stewardship and preservation of

ANC's historic resources, and through continual outreach and engagement with the American public. Similar to the changes in management occurring at Arlington House, the removal of the Confederate Memorial from the national cemetery reflects shifting cultural views on the place of public memorials and public notions of commemoration. The removal becomes part of the ANC's living history and ongoing period of significance.

Link to Arlington National Cemetery records:

Arlington National Cemetery National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0042/>

ATTACHMENT C:

**Headquarters Department of the Army (HQDA) Endorsement
by the Army Federal Preservation Officer (FPO)**



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

December 12, 2023

SAIE-ESO (AR 200-1)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Programmatic Agreement (PA) Regarding the Removal of the Confederate Memorial at Arlington National Cemetery, VA

1. References:

- a. Army Regulation (AR) 200-1 Environmental Protection and Enhancement.
- b. Memorandum, SAIE-ESO, dated 25 March 2022, subject: Coordination of National Historic Preservation Act Compliance Agreements.

2. The subject PA has been reviewed in accordance with references 1.a. and 1.b. The PA has been revised according to prior Headquarters Department of the Army comments and is endorsed for signature. This endorsement is contingent upon further coordination with the Army Deputy Federal Preservation Officer (DFPO) if any substantive changes are made to the PA after this date. A copy of the PA will be provided to the Army DFPO once signed by all consulting parties.

3. If there are any questions regarding this correspondence, please contact Ms. Mary Schmidt, Army DFPO, at mary.e.schmidt37.civ@army.mil.

David Guldenzopf, Ph.D.
Department of the Army Federal Preservation Officer

DISTRIBUTION:

Executive Director, Army National Military Cemeteries, Arlington National Cemetery
Office of the Army General Counsel
Deputy Chief of Staff G-9

ATTACHMENT D:

Title 10 Statute (10 U.S.C. 2572(d)(2)(A))

... is authorized", since the words "without compensation" authorize a simple one-way transfer, while the word "interchange" normally means a mutual exchange. The words "military stores . . . and equipment of every character" are omitted as covered by the word "supplies" as defined in section 101(26) of this title. The words "armed force" are substituted for the enumeration of the armed forces.

AMENDMENTS

2006—Pub. L. 109-364, §2825(d)(1)(A), substituted "supplies" for "property" in section catchline.

Subsec. (a). Pub. L. 109-364, §2825(c)(1), struck out "and real estate" after "supplies".

1985—Subsec. (d). Pub. L. 99-167 added subsec. (d).

1958—Pub. L. 85-861, §1(49)(A), substituted "property" for "supplies" in section catchline.

Subsecs. (a) to (c). Pub. L. 85-861, §1(49)(B), (C), added subsec. (a) and redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

DISTRIBUTION TO INDIAN HEALTH SERVICE FACILITIES AND CERTAIN HEALTH CENTERS; PROPERTY DISPOSAL PRIORITY

Pub. L. 110-329, div. C, title VIII, §8075, Sept. 30, 2008, 122 Stat. 3638, provided that:

"(a) During the current fiscal year and hereafter, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

"(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment."

§ 2572. Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange

(a) The Secretary concerned may lend or give items described in subsection (c) that are not needed by the military department concerned (or by the Coast Guard, in the case of the Secretary of Homeland Security), to any of the following:

(1) A municipal corporation, county, or other political subdivision of a State.

(2) A servicemen's monument association.

(3) A museum, historical society, or historical institution of a State or a foreign nation or a nonprofit military aviation heritage foundation or association incorporated in a State.

(4) An incorporated museum or memorial that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit.

(5) A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.

(6) A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).

(7) A post of the Sons of Veterans Reserve.

(b)(1) Subject to paragraph (2), the Secretary concerned may exchange items described in sub-

section (c) that are not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

(A) Similar items held by any individual, organization, institution, agency, or nation.

(B) Conservation supplies, equipment, facilities, or systems.

(C) Search, salvage, or transportation services.

(D) Restoration, conservation, or preservation services.

(E) Educational programs.

(2) The Secretary concerned may not make an exchange under paragraph (1) unless the monetary value of property transferred, or services provided, to the United States under the exchange is not less than the value of the property transferred by the United States. The Secretary concerned may waive the limitation in the preceding sentence in the case of an exchange of property for property in any case in which the Secretary determines that the item to be received by the United States in the exchange will significantly enhance the historical collection of the property administered by the Secretary.

(c) This section applies to the following types of property held by a military department or the Coast Guard: books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

(d)(1) A loan or gift made under this section shall be subject to regulations prescribed by the Secretary concerned and to regulations under section 121 of title 40. The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary's delegatee.

(2)(A) Except as provided in subparagraph (B), the United States may not incur any expense in connection with a loan or gift under subsection (a), including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible.

(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

(Aug. 10, 1956, ch. 1041, 70A Stat. 143; Pub. L. 96-513, title V, §511(82), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 100-456, div. A, title III, §324(a), Sept. 29, 1988, 102 Stat. 1954; Pub. L. 101-510, div. A, title III, §325, Nov. 5, 1990, 104 Stat. 1531; Pub. L. 102-484, div. A, title III, §373, Oct. 23, 1992, 106 Stat. 2385; Pub. L. 103-337, div. A, title X, §1071, Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104-106, div. A, title III, §372, Feb. 10, 1996, 110 Stat. 280; Pub. L. 107-107, div. A, title X, §1043(d), Dec. 28, 2001, 115 Stat. 1219; Pub. L. 107-217, §3(b)(9), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L.

107–314, div. A, title III, §369, Dec. 2, 2002, 116 Stat. 2524; Pub. L. 110–417, [div. A], title III, §352, Oct. 14, 2008, 122 Stat. 4425.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2572	5:150p.	May 22, 1896, ch. 231; re-stated May 26, 1928, ch. 785; restated Feb. 28, 1933, ch. 137; restated June 19, 1940, ch. 398; July 31, 1947, ch. 421; restated Feb. 27, 1948, ch. 76, §1, 62 Stat. 37; Oct. 31, 1951, ch. 654, §2(2), 65 Stat. 706.

The word “may” is substituted for the words “are each authorized, in their discretion”. The reference to posts of the Grand Army of the Republic is omitted, since that organization disbanded in 1950. The words “under regulations to be prescribed by him” are substituted for the words “subject to rules and regulations covering the same in each department”. The words “without expense to the United States” are substituted for the words “and the Government shall be at no expense in connection with any such loan or gift”. The words “local unit” are inserted in clause (7) to conform to clauses (5), (6), and (8).

AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110–417, §352(1), inserted at end “The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary’s delegatee.”

Subsec. (d)(2)(A). Pub. L. 110–417, §352(2), inserted “, including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible” before period at end.

2002—Subsec. (a). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation” in introductory provisions.

Subsec. (a)(3). Pub. L. 107–314 inserted before period at end “or a nonprofit military aviation heritage foundation or association incorporated in a State”.

Subsec. (d)(1). Pub. L. 107–217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)”.

2001—Subsec. (a)(1). Pub. L. 107–107, §1043(d)(1), inserted “, county, or other political subdivision of a State” before period at end.

Subsec. (a)(2). Pub. L. 107–107, §1043(d)(2), substituted “servicemen’s monument” for “soldiers’ monument”.

Subsec. (a)(4). Pub. L. 107–107, §1043(d)(3), inserted “or memorial” after “An incorporated museum”.

1996—Subsec. (b)(1). Pub. L. 104–106 substituted “not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:” for “not needed by the armed forces for similar items held by any individual, organization, institution, agency, or nation or for search, salvage, transportation, and restoration services which directly benefit the historical collection of the armed forces.” and added subpars. (A) to (E).

1994—Subsec. (b)(1). Pub. L. 103–337 inserted “transportation,” after “salvage.”

1992—Subsec. (d)(2). Pub. L. 102–484 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the” for “The”, and added subpar. (B).

1990—Subsec. (b)(1). Pub. L. 101–510, §325(1), inserted before period at end “or for search, salvage, and restoration services which directly benefit the historical collection of the armed forces”.

Subsec. (b)(2). Pub. L. 101–510, §325(2), inserted “, or services provided,” after “monetary value of property transferred” in first sentence and “in the case of an ex-

change of property for property” after “preceding sentence” in second sentence.

1988—Pub. L. 100–456 substituted “Documents, historical artifacts, and condemned or obsolete combat material: loan, gift, or exchange” for “Condemned or obsolete material: loan or gift to certain organizations” in section catchline, and amended text generally. Prior to amendment, text read as follows: “Subject to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department, or the Secretary of Transportation, under regulations to be prescribed by him, may lend or give, without expense to the United States, books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat material that are not needed by that department to—

“(1) a municipal corporation;

“(2) a soldiers’ monument association;

“(3) a State museum;

“(4) an incorporated museum, operated and maintained for educational purposes only, whose charter denies it the right to operate for profit;

“(5) a post of the Veterans of Foreign Wars of the United States;

“(6) a post of the American Legion;

“(7) a local unit of any other recognized war veterans’ association; or

“(8) a post of the Sons of Veterans Reserve.”

1980—Pub. L. 96–513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department or the Secretary of Transportation” for “section 486 of title 40, the Secretary of a military department or the Secretary of the Treasury”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

ACQUISITION OF HISTORICAL ARTIFACTS THROUGH EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY

Pub. L. 108–136, div. A, title X, §1052, Nov. 24, 2003, 117 Stat. 1614, provided that, during fiscal years 2004 and 2005, the Secretary of a military department could use the authority provided by this section to acquire an historical artifact that directly benefitted the historical collection of the Armed Forces in exchange for any obsolete or surplus property held by that military department, without regard to whether the property was described in subsec. (c) of this section.

MORATORIUM ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW

Pub. L. 106–65, div. A, title X, §1051, Oct. 5, 1999, 113 Stat. 763, as amended by Pub. L. 109–163, div. A, title X, §1061, Jan. 6, 2006, 119 Stat. 3445, provided that:

“(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, and any other provision of law, during the moratorium period specified in subsection (c) the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government, unless such transfer is specifically authorized by law.

“(b) DEFINITIONS.—In this section:

“(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

“(2) VETERANS MEMORIAL OBJECT.—The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

“(C) was brought to the United States from abroad as a memorial of combat abroad.

“(c) PERIOD OF MORATORIUM.—The moratorium period for the purposes of this section is the period beginning on October 5, 1999, and ending on September 30, 2001, and during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 [Jan. 6, 2006] and ending on September 30, 2010.”

[§ 2573. Repealed. Pub. L. 96–513, title V, § 511(83)(A), Dec. 12, 1980, 94 Stat. 2927]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 143, related to transfer of excess property to the Canal Zone Government.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 2574. Armament: sale of individual pieces

A piece of armament that can be advantageously replaced, and that is not needed for its historical value, may be sold by the military department having jurisdiction over it for not less than cost, if the Secretary concerned considers that there are adequate sentimental reasons for the sale.

(Aug. 10, 1956, ch. 1041, 70A Stat. 144.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2574	10:1262b. 34:545. 50:69.	Mar. 2, 1905, ch. 1307 (last 55 words of last par. under “Ordnance Department”), 33 Stat. 841.

The words “by the military department having jurisdiction over it” are inserted for clarity. The words “if the Secretary concerned considers” are substituted for the words “when there exist * * * in the judgment of the Secretary”.

§ 2575. Disposition of unclaimed property

(a) The Secretary of any military department, and the Secretary of Homeland Security, under such regulations as they may respectively prescribe, may each by public or private sale or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into the custody or control of the Secretary’s department, other than property subject to section 4712, 6522, or 9712 of this title or subject to subsection (c). However, property may not be disposed of until diligent effort has been made to find the owner (or the heirs, next of kin, or legal representative of the owner). The diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin, to the maximum extent practicable, not later than seven days after the date on which the property comes into the custody or control of the Sec-

retary. The period for which that effort is continued may not exceed 45 days. If the owner (or the heirs, next of kin, or legal representative of the owner) is determined but not found, the property may not be disposed of until the expiration of 45 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his last known address. When diligent effort to determine the owner (or heirs, next of kin, or legal representative of the owner) is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of more than \$300, the Secretary may not dispose of the property until 45 days after the date it is received at a storage point designated by the Secretary.

(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts.

(c) No property covered by this section may be delivered to the Armed Forces Retirement Home by the Secretary of a military department, except papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes.

(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.

(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Secretary of Defense for proceeds covered into the Treasury under subsection (b)(2).

(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Secretary of Defense (in the case of a claim filed under paragraph (2)).

(Aug. 10, 1956, ch. 1041, 70A Stat. 144; Pub. L. 89–143, Aug. 28, 1965, 79 Stat. 581; Pub. L. 96–513, title V, § 511(84), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 101–189, div. A, title III, § 322(a), (b), title XVI,

ATTACHMENT E:

**6 Oct 2023 DoD Guidance on the Disposition of DoD Assets that
Commemorate the Confederate States of America
Memorandum from USD LaPlante**



ACQUISITION
AND SUSTAINMENT

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Naming Commission Supplemental Guidance on Disposition of DoD Assets That Commemorate the Confederate States of America and Updating Department of Defense Address Activities

On October 6, 2022, the Secretary of Defense released a memorandum titled *Implementation of the Naming Commission Recommendations*. In that memorandum, the Secretary directed my office to oversee the Department's implementation of the Commission's plan to remove from United States military facilities names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (CSA) and those who served voluntarily with the CSA. Part of this responsibility is to provide additional guidance to ensure alignment of various Office of the Secretary of Defense (OSD) and Department of Defense (DoD) Component implementation efforts. This memorandum and its attachments provide guidance on the disposition of assets that commemorate the CSA and identifies procedures to update the DoD address directory.

Attachment 1 to this memo provides detailed instructions on procedures for the disposition of assets commemorating the CSA. Attachment 2 to this memo identifies Defense Logistics Agency disposition services location(s) for the turn-in of certain assets commemorating the CSA. Lastly, attachment 3 to this memo provides comprehensive guidance for units on how to make changes to the DoD Activity Address Directory.

I appreciate the significant effort that each DoD and OSD Component continues to put forward to ensure the Department meets the deadline of January 1, 2024 for implementation of the Commission's plan. The point of contacts for this guidance is Mr. Randy Turner, randall.c.turner.civ@mail.mil.

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William A. LaPlante

Attachments:

1. Department of Defense Disposition Guidance for Assets Commemorating the Confederate States of America
2. Defense Logistics Agency Distribution Disposition Services Turn-in Locations for Assets Commemorating the Confederate States of America
3. Department of Defense Guidance on Naming Commission-Driven Changes to Department of Defense Activity Address Codes

Attachment 1

**Attachment 1 to USD(A&S) Memo on Naming Commission Supplemental Guidance on
Disposition of Assets That Commemorate the Confederate States of America (CSA) and
Updating Department of Defense (DoD) Address Activities**

**Department of Defense Disposition Guidance for
Assets Commemorating the Confederate States of America**

REFERENCES

- A. Commission on the Naming of Items of the Department of Defense (DoD) that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (the Naming Commission) Final Reports to Congress, in accordance with section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Part I U.S. Army Bases, Part II, U.S. Military Academy and U.S. Naval Academy and Part III Remaining Department of Defense Assets.
- B. Secretary of Defense Memorandum “Implementation of the Naming Commission’s Recommendations,” dated October 6, 2022.
- C. Under Secretary of Defense for Acquisition and Sustainment Memorandum “Plan of Actions and Milestones for Implementation of the Naming Commission,” dated October 17, 2022.
- D. Department of Defense Manual (DoDM) 4160.21, Volume 1, “Defense Material Disposition: Disposal Guidance and Procedures,” October 22, 2015, incorporating Change 4, August 31, 2022.
- E. DoDM 4160.28, Volume 2, “Defense Demilitarization: Demilitarization Procedures,” November 1, 2022.
- F. 10 U.S. Code § 2572, documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange

PURPOSE and APPLICABILITY

- A. Purpose.** This document establishes DoD policy and Department-wide procedural guidance for disposition of certain items of DoD property which commemorate the Confederate States of America (CSA) or any person who served voluntarily with the CSA.
- B. Applicability.** The policy and procedures herein apply to all property assets of the DoD, the Military Departments, Defense Agencies, and DoD Field Activities bearing a name that refers to, or includes a term which refers to, the CSA, including any name referring to a person who voluntarily served with the CSA.
- C. Exceptions.** Two categories of assets are exempt from this policy (see Reference (A)):
 - 1. Any grave marker located at the remains of the fallen. This includes markers, headstones, foot stones, niche covers, or flat markers containing inscriptions commemorating one or more decedents interred at that location.

2. Any Confederate item or Confederate-named asset maintained in any DoD installation museum.

DEFINITIONS

A. DOD Entity. In this policy, the Military Departments, Defense Agencies, and DoD Field Activities are collectively referred to as “DoD entities” or individually as “DoD entity.”

B. Group 1 assets. Museum-quality “historical artifacts” with documented provenance, including personal property and other genuine articles that originated from or were used by the CSA, and other items that possess major historical significance that warrants preservation and care in perpetuity.

C. Group 2 assets. Assets of “unique property” that have a relatively high cultural or monetary value. Their reference to the CSA may be direct or incidental. Examples may include:

1. Confederate equipment, both replica and suspected original items for which provenance cannot be conclusively established.
2. Works of art such as paintings, sculptures, photographs, replica prints, and drawings.
3. Documents, compositions, and publications of literature, music, cinema, or theater.
4. Recordings of music, cinema, or theater.

D. Group 3 assets. All other assets that refer to the CSA or volunteers who served in the CSA. Such references may reflect the organization or individual who gave or provided the item to a DoD entity; the organization, individual, or event that the asset commemorates. Examples may include:

1. Road signage, physical signs, wayfinding signs, etc.
2. Supplies (e.g., challenge coins with CSA-affiliated markings)
3. Uniforms (e.g., government provided fire department professional gear monikered with installation name)
4. Linens

POLICY

It is the policy of the DoD:

1. To remove names, symbols, displays, monuments, or paraphernalia that honor or commemorate the CSA or any person who served voluntarily with the CSA from assets of the DoD.
2. That all assets in Groups 1 and 2 are classified as within the applicability of reference (F).
3. DoD entities may donate any assets in Groups 1 and 2 in accordance with reference (D), reference (F), and the procedures outlined below.
4. That any asset in Group 3 will be transferred to DLA for destruction.
5. That the final disposition of a CSA asset is complete when (a) an asset is transferred to a DoD museum collection, (b) a donation agreement is concluded, or (c) DLA completes the destruction of the asset.
6. That final disposition of all Group 1, 2, and 3 assets will be completed no later than January 1, 2024.

RESPONSIBILITIES

A. Assistant Secretary of Defense (Energy, Installations, and Environment). Provide oversight on this policy and its procedures on behalf of the Undersecretary of Defense (Acquisition & Sustainment).

B. Military Departments, Defense Agencies, and DoD Field Activities

1. All DoD entities shall establish internal procedures and processes to ensure that all assets that honor or commemorate the CSA or any person who served voluntarily with the CSA are disposed of by the DoD.
2. DoD entities will survey and inventory all assets and property to identify those which bear a name or include a term that refers to the CSA or is identified in reference (A).
3. DoD entities will assign each asset on their inventory/property register to an appropriate Group (1, 2, or 3). DoD entities will exercise best judgment in the classification process. See Definitions above.
4. DoD entities will transfer Group 1 assets to a DoD museum collection. Group 1 assets not selected for preservation in a DoD museum collection will be disposed of consistent with procedures for Group 2 assets.
5. DoD entities will make all Group 2 assets available for donation pursuant to reference (F). Group 2 assets will be donated to a qualified organization upon a request for the asset that otherwise meets all conditions for donation in reference (D). Group 2 assets which are unable to be donated will be reclassified as a Group 3 asset.

6. DoD entities will transfer all Group 3 assets to the DLA for destruction. Under no circumstances will these assets identified for disposal be processed through an installation Qualifying Recycling Program or otherwise disposed of.

C. Military Departments.

1. Support all Defense Agencies and DoD Field Activities located on their installations in the disposition of Group 2 assets.
2. Oversee and execute the disposition of Group 1, 2, and 3 assets for subordinate units and organizations.

D. Defense Agencies and DoD Field Activities.

1. Coordinate with the host installation Military Department, or an organization designated by the host Military Department, on the donation of Group 2 assets.
2. Provide administrative support to facilitate the donation of Group 2 assets.
3. Execute the transfer of Group 2 assets to the host installation Military Department, or an organization designated by the host Military Department, at the time of request from the Military Department in accordance with existing guidance.
4. Reimburse the Military Departments for affecting the donation of Group 2 assets.

E. Defense Logistics Agency

1. DLA will follow procedures in paragraph B for the disposition of its assets.
2. DLA will accept a transfer of Group 3 assets from all DoD entities and utilize its existing processes to dispose and mutilate all Group 3 assets.
3. DLA will provide assistance to DoD entities on the processes and procedures for the transfer of Group 3 assets.

PROCEDURES

A. Separation of Assets, Asset Valuation, and Physical Security

1. DoD entities will survey all assets and property to identify those which bear a name or include a term that refers to the CSA or is identified in Reference (A).
2. Assets identified during the survey phase shall be recorded on an inventory or property register in a format that the owning DoD entity shall direct.

3. DoD entities will record the value of each asset on the inventory or property register. DoD entities will use best judgment in the valuation of an asset, if unknown.
4. Assets shall be physically separated from other assets and provided with an appropriate level of security to prevent loss, theft, or damage.

B. Assignment of Group Designations

1. When assigning assets to a Group, DoD entities should carefully consider the definitions. DoD entities will exercise their best judgment during this process.
2. DoD entities are encouraged to create screening boards and should leverage expertise of DoD historians to make recommendations and/or determinations on how items should be classified in Group 1, 2 or 3.
3. All Group 1 assignments require an endorsement from one of the following:
 - a. For Department of the Army items: U.S. Army Center of Military History
 - b. For Department of the Navy items: Naval History and Heritage Command
 - c. For Department of the Air Force items: Air Force History and Museums Program
 - d. All other DoD entities will receive endorsement for Group 1 from one of the aforementioned organizations or their own historical office with qualified staffs.
4. Assets which do not receive an endorsement will be classified as a Group 2 asset.
5. DoD entities may designate a nominal number of Group 2 and 3 assets for historic preservation in the permanent collection of a DoD museum. Those assets, with the endorsement of the parties listed in paragraph 3 above, will be offered to an existing DoD museum consistent with disposal as a Group 1 asset.

C. Disposition of Group 1 Assets.

1. DoD entities will dispose of Group 1 assets in one of the following manners:
 - a. Transfer the asset to an existing DoD museum for historic preservation in a permanent collection. DoD entities will use their existing programs and applicable regulations to execute the transfer. The order of precedence for transfer of an asset is as follows:
 - i. Owning DoD entity's nearest museum for acceptance into its permanent collection.

- ii. Owning DoD entity's other museums and historical office(s) for acceptance into their permanent collection.
 - iii. Military Department museums (contact the U.S. Army Center of Military History, Naval History and Heritage Command, or Air Force History and Museums Program for details).
- b. Transfer the asset to a DoD museum collection and loan the asset to a qualified organization in accordance with reference (D) and reference (F).
- 2. Group 1 assets not accepted into a DoD museum collection will be disposed of consistent with the procedures outlined for Group 2 assets.
- 3. Group 1 assets are considered disposed of when the transfer of an asset to a DoD museum collection is complete, with or without the further intent to loan the asset pursuant to reference (F).

D. Disposition of Group 2 Assets.

- 1. Defense Agencies and DoD Field Activities will identify to the host installation Military Department all Group 2 assets which are eligible for donation.
- 2. Military Departments will establish mechanisms to notify qualified organizations in accordance with reference (D) and reference (F) of all Group 2 assets (to include those from Defense Agencies and DoD Field Activities) available for donation. Established mechanisms should provide the widest dissemination of information on publicly available web sites.
 - a. Group 2 assets will be made available for qualified organization screening for a minimum of 30 days but not longer than 45 days.
 - b. In accordance with reference (A), the priority for donations will be given to qualified organizations in close proximity to the host installation. All other donations will be made on a first come first served basis.
- 3. Military Departments will establish a process to adjudicate and approve all donation requests for Group 2 assets.
 - a. The adjudication and approval process may be centralized or executed independently at the host installation level. If delegated to the host installation level, the adjudication and approval authority shall be no lower than the O-6/GS-15 level.
 - b. When a Group 2 asset originates from a Defense Agency or DoD Field Activity, the Defense Agency or DoD Field Activity will participate in the adjudication process. The Defense Agency or DoD Field Activity remains the final approval

authority for Group 2 assets originating from its organization. Participation in the adjudication process and the approval authority will be no lower than the O-6/GS-15 level.

4. The Military Department, with the assistance from Defense Agencies and DoD Field Activities with equity, will follow the procedures outlined in reference (D) to prepare the documents to conditionally donate an asset to a qualified organization.
 - a. The “Certificate of Assurance” template in reference (D) shall include a stipulation that “no person will, on the ground of race, color, national origin, sex, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives a donation.”
 - b. The “Gift Agreement” template in Figure 7 of reference (D) shall be used. The template shall be modified to include the following three stipulations:
 - i. “Title is transferred on special condition that the recipient must not:
 1. Re-donate, sell, trade, lease, lend, bail, encumber, cannibalize, or dismantle for parts, or otherwise dispose of the property;
 2. Remove it permanently for use outside the State;
 3. Transfer title to the gift or decoration directly or indirectly; or
 4. Do or allow anything to be done that would contribute to the gift or decoration being seized, attached, lost, stolen, damaged, or destroyed.
 - ii. If the gift is no longer suitable or required by the recipient as a museum or display item, the recipient must ensure total destruction of the item. It may not be transferred, re-donated, sold or traded.
 - iii. If re-donation, transfer, trade, or sale is attempted, title to the property is subject to forfeiture and the government may require return of the property by the donee or may repossess the property from whomever may have possession thereof and the donee will bear all expense of return and repossession as well as all storage costs.”
 - c. In the rare circumstances where the asset valuation is above \$10,000, the Military Department shall use the “Gift Agreement” template in Figure 5 of reference (D).
5. Defense Agencies and DoD Field Activities will transfer Group 2 assets selected for donation to a host installation Military Department, or an organization designated by the host Military Department in accordance with existing guidance. The transfer of Group 2

assets selected for donation to a Military Department will occur within 30 days from the final disposition decision.

6. The Military Department will follow the procedures outlined in reference (D) to execute the donation using the documents prepared in paragraph 4 above.
 - a. The Military Department will retain a Certificate of Assurance and a modified conditional agreement (or in rare cases where the asset valuation exceeds \$10,000 a fully conditional agreement) for its records.
 - b. The conclusion of the modified conditional agreement (or in rare cases where the asset valuation exceeds \$10,000 a fully conditional agreement) should be shortly followed by the physical transfer of the asset to a qualified organization. At this point, the asset can be considered disposed of.
7. If no eligible organizations are interested in an asset, the asset will be reclassified for disposal as a Group 3 asset and follow the procedures outlined below.

E. Disposition of Group 3 Assets.

1. DoD entities will transfer all Group 3 assets to DLA for disposal and mutilation.
2. DoD entities will contact their servicing DLA Disposal Services Representative (DSR) for assistance in the review, coordination, and processing of Group 3 assets. Contact with the DSR is required prior to the transportation and physical transfer of assets to DLA.
3. DoD entities are responsible for transportation of Group 3 assets to the nearest DLA Disposition Service field site. DoD entities will follow existing policies and regulations concerning the funding of transportation for DoD excess property to DLA Disposition Services field sites. For oversized or hard to move items, the DoD entity must seek advice from its servicing DSR before moving items to the final disposition servicing location.
4. DoD entities will complete a Disposal Turn-in Document (DD Form 1348-1A), in accordance with DoDM 4160.21, Volume 1 and the instructions below, for all Group 3 assets. DoD entities should use one DD Form 1348-1A per like item being turned in. On the DD Form 1348-1A, DoD entities will:
 - a. Use “each’s” (EA) as the unit of issue in record position 23-24 regardless of material type.
 - b. In box 17 provide an Item Nomenclature that summarizes the like item on the document.
 - c. Insert quantity of like items in record positions 25-29.

- d. Utilize box 27 to annotate specific details to include quantity and a brief description (e.g., 5 Street signs) of items being turned in.
 - e. Assign a Demilitarization Code of “Q3” in record position 65 and 66
 - f. Assign a Condition Code of “H” in record position 71.
 - g. Insert an estimated unit price in record position 74-80.
 - h. Assign the following Local Stock Number (LSN) 9905DSNAMECNV in Box 24, for all items even if there is a known National Stock Number (NSN).
- 5. DoD entities will complete a CSA Asset turn-in matrix (Attachment 2) to coordinate with the servicing DSR prior to shipment.
 - 6. DoD entities’ ownership of a Group 3 asset concludes once DLA receipts the DD 1348-1a.
 - 7. DLA Disposition Services field sites will:
 - a. Segregate all Group 3 assets from other DoD excess until disposal is completed.
 - b. Process all Group 3 assets that are received and ensure they are mutilated to the point of scrap residue so that they can no longer be identified as commemorating or associated with the CSA prior to disposing of the scrap residue.
 - c. Track Group 3 assets for total disposals and associated costs associated with the LSN and this policy.
 - 8. Group 3 assets are considered disposed of under this policy when DLA completes the mutilation process.

Attachment 2

Attachment 2 to USD(A-S) Memo on Naming Commission Supplemental Guidance on Disposition of Assets
DLA Distribution Turn-In Locations for Assets Commemorating the Confederate States of America

<div>DLA Disposition Turn-In Narrative: This matrix may be used to as an internal tool to record the number of CSA property items for heraldry / disposal and tracking associated costs. The narrative may include generic descriptions of the items (i.e., type of item, quantity, etc.) or other applicable comments.</div> <div>In general, if customers have any questions regarding turn in, please reach out to closest DLA Disposition Services site. Customers can locate closest site by using "Find a Location Link": https://www.dla.mil/Disposition-Services/Find-Location/. Once turn-in site is located, customers can reach out to individual sites for further guidance on turn-in procedures.</div>									
Installation	Name Changed To	Heraldry Items		LOCAL STOCK NUMBER (LSN)	Items for Destruction		Turn-In / Disposition Narrative		
		# of Items	Approximate Cost		# of Items	Approximate Cost			
Fort Rucker, AL	Fort Novosel, AL			9905DSNAMECNV					
Fort Benning, GA	Fort Moore, GA			9905DSNAMECNV					
Fort Gordon, GA	Fort Eisenhower, GA			9905DSNAMECNV					
Fort Polk, LA	Fort Johnson, LA			9905DSNAMECNV					
Fort Bragg, NC	Fort Liberty, NC			9905DSNAMECNV					
Fort Hood, TX	Fort Cavazos, TX			9905DSNAMECNV					
Fort A.P. Hill, VA	Fort Walker, VA			9905DSNAMECNV					
Fort Belvoir, VA	If Needed			9905DSNAMECNV					
Fort Lee, VA	Fort Gregg-Adams, VA			9905DSNAMECNV					
Fort Pickett, VA	Fort Barfoot, VA			9905DSNAMECNV					
United States Military Academy (USMA)									
	Bartlett Hall	TBD			9905DSNAMECNV				
	Lee Barracks	TBD			9905DSNAMECNV				
	Lee Housing Area	TBD			9905DSNAMECNV				
	Lee Area CDC	TBD			9905DSNAMECNV				
	Lee Road	TBD			9905DSNAMECNV				
	Lee Gate	TBD			9905DSNAMECNV				
	Beauregard Place	TBD			9905DSNAMECNV				

Attachment 2 to USD(A-S) Memo on Naming Commission Supplemental Guidance on Disposition of Assets
DLA Distribution Turn-In Locations for Assets Commemorating the Confederate States of America

Installation	Name Changed To	Heraldry Items		LOCAL STOCK NUMBER (LSN)	Items for Destruction		Turn-In / Disposition Narrative
		# of Items	Approximate Cost		# of Items	Approximate Cost	
Herdee Gate	TBD			9905DSNAMECNV			
Reconciliation Plaza	TBD			9905DSNAMECNV			
Honor Plaza	TBD			9905DSNAMECNV			
Civil Works Assets							
Stonewall Jackson Lake	TBD			9905DSNAMECNV			
Stonewall Jackson Dam	TBD			9905DSNAMECNV			
Port Allen Lock, LA	TBD			9905DSNAMECNV			
Lake Sidney Lanier, GA	TBD			9905DSNAMECNV			
Buford Dam, GA	TBD			9905DSNAMECNV			
LCU Vessels							
LCU-2027 Mechanicsville				9905DSNAMECNV			
LCU-2011 Chickahominy				9905DSNAMECNV			
LCU-2025 Malvern Hill				9905DSNAMECNV			
LCU-2022 Harpers Ferry				9905DSNAMECNV			
LCU-2004 Aldie				9905DSNAMECNV			
Other Actions and Installations							
29th Infantry Division Symbol				9905DSNAMECNV			
Battle Streamers				9905DSNAMECNV			
Fort Belvoir				9905DSNAMECNV			
Fort Bliss, TX				9905DSNAMECNV			

Attachment 2 to USD(A-S) Memo on Naming Commission Supplemental Guidance on Disposition of Assets
DLA Distribution Turn-In Locations for Assets Commemorating the Confederate States of America

	Installation	Name Changed To	Heraldry Items		LOCAL STOCK NUMBER (LSN)	Items for Destruction		Turn-In / Disposition Narrative
			# of Items	Approximate Cost		# of Items	Approximate Cost	
	Fort Campbell, KY				9905DSNAMECNV			
	Fort Hamilton, NY				9905DSNAMECNV			
	Fort Jackson, SC				9905DSNAMECNV			
	Fort Leavenworth, KS				9905DSNAMECNV			
	Fort Leonard-Wood, MO				9905DSNAMECNV			
	Fort Riley, KS				9905DSNAMECNV			
	Fort Stewart, GA				9905DSNAMECNV			
	Joint Base Myer-Henderson Hall, VA				9905DSNAMECNV			
	Joint Base Lewis McChord, WA				9905DSNAMECNV			
	Schofield Barracks, HI				9905DSNAMECNV			
	U.S. Army Garrison, Bavaria, Garmisch-Partenkirchen, Germany				9905DSNAMECNV			
	U.S. Army Garrison, Rhineland-Pfalz, Germany				9905DSNAMECNV			

Attachment 3

**Attachment 3 to USD(A&S) Memo on Naming Commission Supplemental Guidance on
Disposition of Assets That Commemorate the Confederate States of America (CSA) and
Updating Department of Defense (DoD) Address Activities**

**Department of Defense Guidance on Naming Commission-Driven Changes to Department
of Defense Activity Address Codes**

REFERENCES

1. Commission on the Naming of Items of the Department of Defense (DoD) that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (the Naming Commission) Final Reports to Congress, in accordance with section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Part I U.S. Army Bases, Part II, U.S. Military Academy and U.S. Naval Academy and Part III Remaining Department of Defense Assets.
2. Secretary of Defense Memorandum “Implementation of the Naming Commission’s Recommendations” dated October 6, 2022.
3. Under Secretary of Defense for Acquisition and Sustainment Memorandum “Plan of Actions and Milestones for Implementation of the Naming Commission” dated October 17, 2022.
4. Defense Logistics Manual (DLM) 4000.25, Volume 6, Chapter 2, “DoD Activity Address Directory (DoDAAD)”, December 27, 2022.

RESPONSIBILITIES

1. Defense Logistics Agency (DLA) Responsibilities for Address Changes
 - a. The DLA Information Operations will ensure:
 - i. Department of Defense Activity Address Directory (DODAAD) updates made by the Military Departments, Defense Agencies, and DoD Field Activities are reflected in the master DODAAD data repository maintained by the DLA.
 - ii. The DoDAAD Administrators provide monthly reports to the Military Departments, Defense Agencies, and DoD Field Activities DoDAAD Central Service Points (CSPs) of affected organizations to enable them to identify affected activities and monitor progress.
 - iii. Questions regarding reports sent to DoDAAD@dla.mil will be answered in a timely manner.
 - iv. Assistance is provided if a Military Department, Defense Agency, or DoD Field Activity representatives wishes to create their own reports using the DoDAAD Advanced Search (eDAASINQ) function found at <https://www.dla.mil/DODAAD/>.
2. Responsibilities for Services and Agencies for Department of Defense Activity Address Codes (DoDAAC) Address Changes

- a. In preparation for anticipated changes, Military Departments, Defense Agencies, and DoD Field Activities should proactively engage their Military Mail Managers in identifying street names that require a change. This is a critical first step that must be completed before any Department of Defense Activity Address Codes (DoDAACs) can be updated.
 - i. The Military Postal Service Agency (MPSA) can assist Military Mail Managers in identifying streets that need to be changed.
 - ii. Military Departments, Defense Agencies, and DoD Field Activities should further engage their DoDAAD CSPs in advance of directing them to make changes to DoDAACs. A comprehensive list of Service and Agency CSPs can be found at <https://www.dla.mil/DODAAD/>.
- b. It is possible that the Military Departments will conduct installation renaming ceremonies before new street names have been determined and coordinated with the U.S. Postal Service. As a result, there may be disruptions in the delivery of shipments to these locations. It is recommended that Military Departments, Defense Agencies, and DoD Field Activities coordinate with U.S. Transportation Command (USTRANSCOM) to issue Customer and Carrier Advisories, notifying all Transportation Offices and DoD Approved Transportation Service Providers that there will likely be a delay in updating shipment address records versus the actual names of the installations. Recommend some type of updated notes in the Transportation Facilities Guide (TFG) records of the Transportation Offices on the installations whose names will be changed.
- c. In accordance with Reference 4, Military Department, Defense Agency, or DoD Field Activity CSPs are reminded of their responsibilities in maintaining accurate Department of Defense Activity Address Code (DoDAAC) data in the DoDAAD database to include updated and accurate profile information in information and business systems.
- d. Military Department, Defense Agency, or DoD Field Activity CSPs may direct questions regarding the process for updating DoDAAC records to DoDAAD@dla.mil. Additional information can be found on the following websites:
 - i. DoDAAD Update Application Standard Operating Procedure: <https://www.dla.mil/Defense-Data-Standards/Committees/DODAAD/INFO/>
 - ii. Main DoDAAD Page: <https://www.dla.mil/DODAAD/>
 - iii. Enhanced information for CSPs: <https://www.dla.mil/Defense-Data-Standards/Committees/DODAAD/INFO/>.