

**AMENDMENT TO THE
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, the Programmatic Agreement (hereinafter the "PA") was executed on December 15th, 2023; and

WHEREAS, the Army removed the Confederate Memorial from Arlington National Cemetery (hereinafter "ANC") on December 22nd, 2023; and

WHEREAS, in accordance with Stipulation I(B) of the PA, within sixty (60) days of the execution of the PA, ANC began to consult with the Virginia State Historic Preservation Officer (hereinafter the "SHPO") and the Advisory Council on Historic Preservation (hereinafter the "ACHP") regarding the development of a plan for the final disposition of the Confederate Memorial; and

WHEREAS, in accordance with Stipulation II(D) of the PA, ANC provided digital copies of the 2022-2023 HABS documentation to the SHPO for review and comment prior to removal; and

WHEREAS, in accordance with Stipulation III of the PA, ANC documented the condition of the statue prior to any disassembly activities, and during disassembly activities, ANC documented the disassembly process and provided the SHPO with digital copies of the documentation for review; and

WHEREAS, in accordance with Stipulation IV of the PA, ANC executed the performance standards for bronze element removal and storage, including removal contract requirements, transportation requirements, and storage requirements; and

WHEREAS, in accordance with Stipulation V(E) of the PA, ANC notified the entitled parties of the Army's plans to preserve the Confederate Memorial granite base in situ and executed the documentation, condition report, and photo documentation; and both short-term and long-term preservation treatments; and

WHEREAS, the PA is to be amended to address the Deed of Gift and the Memorandum of Understanding (hereinafter the "MOU") between the Department of the Army (hereinafter "the Army") and the Commonwealth of Virginia (hereinafter "the Commonwealth").

NOW, THEREFORE, in accordance with Stipulation XIV (Amendments) of the PA, ANC, the SHPO, and the ACHP agree to amend the PA as set forth below.

1. Amend the final clause of the preamble to the PA to read as follows:

NOW, THEREFORE, 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. To the extent a conflict arises between the Amendment, executed on 29 July 2024, and any other provision of this PA, the conflict will be resolved in favor of the Amendment, executed on 29 July 2024.

2. Amend and replace Stipulation I (Disposition of the Confederate Memorial Bronze Elements) in its entirety to read as follows:
 - A. The Army and the Commonwealth shall follow the terms of the MOU, executed on 30 July 2024, and the corresponding Deed of Gift.
 - B. The final disposition of the Confederate Memorial is to be governed by Section 2572 of Title 10, U.S. Code, the MOU, and the Deed of Gift (Attachments 4, 5, and 6 respectively).
 - C. In the event the MOU is amended, altered, or terminated after the Commonwealth acquires ownership of the Confederate Memorial (i.e., after the MOU and Deed of Gift are fully signed), no amendment to this PA will be required. The donation to the Commonwealth and the protection of the Confederate Memorial afforded under the MOU meets and concludes the Army's responsibilities for management and disposition of the bronze elements under Section 106 of the NHPA, section 306108 of Title 54, U.S. Code, and its implementing regulations at 36 CFR Part 800, section 800.14(b)(3).
3. All other terms of the PA remain unchanged.

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The undersigned Signatory Parties verify that they have full authority to represent and bind their respective agencies for the purpose of amending this Agreement.


DEPARTMENT OF THE ARMY

DURHAM-
By: AGUILERA.KAREN.L.1230610262 Digitally signed by DURHAM-
AGUILERA.KAREN.L.1230610262
Date: 2024.07.29 16:14:56 -0400 Date: 29 July 2024
Karen Durham-Aguilera
Executive Director, Army National Military Cemeteries

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VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 0.2.2024
Julie V. Langan
State Historic Preservation Officer
Director, Virginia Department of Historic Resources

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: August 5, 2024
Reid Nelson
Executive Director, Advisory Council on Historic Preservation

