

To: Joel Rubin (4-3224)
National Security and Foreign Affairs Advisor
Office of Senator Frank Lautenberg

From: Pam Ray, Liaison
Dark Elegy

Re: Review of Senate Leg Counsel Draft

Date: November 5, 2007

I am reviewing the draft bill from Senate Leg Counsel and most of it looks to be in good order. I look forward to going through this with you sometime this week. In the meantime, let me lay out one particular provision that needs your in-depth consideration. The question is: What do we do now to best position Dark Elegy to be successful in the site selection process?

Title 40, Section 8905: Site and Design Approval

Section 8905 addresses the requirements for both site and design approval. The draft legislation from Senate Leg Counsel exempts Dark Elegy from all of section 8905 (design and site) rather than just design approval.

We are requesting an exemption from design approval due to the fact that Dark Elegy is an already completed work of art and the CWA did not seem to give consideration to this kind of circumstance.

We have not previously considered requesting an exemption from site approval though we know it will not be an easy process and we have the NPS/John Parsons letter as a heads-up to that effect. Here is the framework for the site approval process:

- It is a prerequisite in qualifying for a construction permit (Section 8906) that the site be approved by the following four entities:
 - National Park Service and the National Capital Memorial Advisory Commission (NCMAC). They actually work with the Lowenstein's to select an appropriate site and then the NPS is tasked with submitting the site, for approval, to:
 - National Capital Planning Commission; and, the
 - Commission of Fine Arts