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## Appendix M: Memorial Items

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### A. Overview of Memorial Items

1. *What are memorial items?*

Memorial items are objects left at a NPS site to honor, or pay tribute to, those associated with the site. The site can be a memorial, such as the Vietnam Veterans Memorial or the Flight 93 National Memorial. The site can also commemorate the life and achievements of an individual, such as a presidential site. The items left at these sites are heartfelt remembrances from family, friends, and the general public. For these people, the act of placing the items at the site can be of great significance.

A park may also receive memorial items through the mail with little or no sender information.

**Note:** This guidance does not cover memorial items or offerings that are left by traditionally associated peoples at culturally significant sites.

2. *How does the NPS handle memorial items?*

The NPS treats all memorial items with respect. However, because these items are voluntarily left at a site, they fall under the Code of Federal Regulations for abandoned property:

- 36 CFR §2.22, Property
- 41 CFR §§ 102-41.80-10241.115, Voluntarily Abandoned Personal Property

The NPS manages all memorial items left at NPS sites as voluntarily abandoned property. However, selected items may become part of a site's museum collection.

3. *Why does the NPS consider memorial items to be abandoned?*

The NPS considers memorial items to be abandoned because they are intentionally and voluntarily left on government property. The owner has given up title to the items by leaving them at the site with no intent to retrieve them.

4. *Who collects the memorial items left at NPS sites?*

Each site determines the staff assigned to collect the items and the schedule for pickup. Schedules are dependent on weather, material type, and the number of items.

5. *How does the NPS inform the public about what happens to abandoned items?*

The NPS uses signs or other information at a site to let the public know that items left at the site will be treated as abandoned property. NPS web sites should also include information about the disposition of abandoned items. Information should include a prohibition on leaving human remains at NPS sites.

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## B. Management of Memorial Items

1. *Do all NPS sites collect memorial items?*

No. Only a very few NPS sites collect and manage memorial items. The decision to collect these items and manage some of them as museum collections must be made by the Regional Director in a written memo or other written communication. Permission to collect and manage these items must be noted in the site's Scope of Collection Statement (SOCS).
2. *What choices does the NPS have for managing memorial items?*

The NPS may choose to retain or dispose of the items. The receipt of all memorial items is recorded depending on their nature and intended disposition. Common items to be destroyed can be recorded in an inventory list. Unusual or representative examples to be destroyed can be photographed, individually or in groups, as needed. Items retained permanently or for an extended time for consideration should be documented with a receipt for property.
3. *What happens to items that are retained?*

Selected memorial items are accessioned and cataloged into the site's museum collection, and with some site-specific exceptions, become available for research, exhibition, and publication. Staff photographs all items that are retained for the museum collection.
4. *Who decides which items to retain?*

The site superintendent or site manager gives the final approval for which items to retain in the museum collection. Approval is based upon:

- the Scope of Collections Statement (SOCS) for the site
- recommendations from the site's Collections Advisory Committee

The Scope of Collections Statement (SOCS) is the document that establishes the types of objects the site should collect. The SOCS may also include provisions for retaining only samples of certain types of items if there are a large number of similar examples. The SOCS is based on the park's mission and the laws and regulations mandating the preservation of collections. Parks that receive memorial items or have the potential for receiving memorial items should specifically address these items in the SOCS. The SOCS is reviewed at least every five years.

The Collections Advisory Committee is chaired by the curator of collections and includes subject matter specialists. The committee reviews potential accessions and makes recommendations regarding acquisitions. Large numbers of items received after an event such as a notable person's death can be reviewed in groups rather than individually.

Parks without a GS-11 curator must include the Regional Curator, or that person's designee, on the committee.

5. *Why doesn't the NPS keep all memorial items as museum collections?*

Keeping all memorial items is not feasible. Museum storage space is limited and costly due to environmental controls, fire suppression, and security systems. Staff to document and manage the items also adds to the cost. Some items cannot be maintained because they are hazardous, detrimental to other collections, attractive to pests, or perishable.

6. *What happens to items that the NPS does not retain?*
- The NPS destroys the items that are not retained as part of the museum collection. These items include but are not limited to:
- food
  - flowers and plants
  - American flags (see note below)
  - containers and vases that are not an integral part of an item
  - commercial or generic items with no direct association to the site
  - items that are unstable or in poor condition
  - items that are redundant after a sample has been retained
  - items that do not fit the site's Scope of Collections
- Note:** See Federal Flag Code: Public Lay 94-344 for disposal guidance on flags. The code does not apply to small replica flags on sticks.
7. *What authority allows the NPS to destroy abandoned items*
- Federal Management Regulation (FMR) § 102-36.305 - 102-36.330 grants government agencies the authority to destroy abandoned property if the property:
- has no commercial value
  - has an estimated acquisition cost of less than \$500
  - will cost more to care for and maintain than its monetary value
8. *Can the NPS give memorial items to other federal agencies?*
- Yes. Memorial items that the NPS does not want to retain may be transferred to another federal agency, such as the Department of Defense. Parks must go through GSA to give memorial items to a private museum or charity.
9. *May memorial items retained by the NPS be returned to the person who left them?*
- There is a 30-day waiting period before abandoned items can become government property. On very rare occasions, an item could be returned during this period. Items could also be returned if proof is presented that the person leaving the item did not legally own it. However, once an item is retained for official use by a federal agency, it loses its status as voluntarily abandoned property and is treated the same as any other government property. Memorial items that become part of a museum collection cannot be returned.

10. *May memorial items be given to NPS museums by other means than leaving them at a site?*

Yes. The NPS can accept donations of items but must ensure that the donation:

- fits the site's Scope of Collection Statement
- is reviewed and recommended by the site's Collections Advisory Committee
- has no restrictions
- includes copyright, if possible

Donations are documented with a deed of gift that is signed by the site superintendent and the donor.

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### **C. Uses of Memorial Items**

1. *How does the NPS use memorial items that become part of a museum collection?*

Most memorial items that become part of a NPS museum collection can be used:

- in exhibits at the site
- in on-line exhibits of digitized collections
- in web-catalogs using thumbnail images
- for research
- for interpretive programs
- in loans to other institutions

These uses of museum collections are considered to be fair use under the Copyright Act because they are:

- for teaching
- for private study, scholarship, or research
- non-profit

At some sites, money left at a memorial site can go to a donation box. Consult the Administration Officer for the site.

2. *How does copyright law affect the use of memorial items*
- Although memorial items are considered to be abandoned property, the NPS does not automatically own the copyright to memorial items that are added to the museum collection. Items of particular copyright concern are letters, poems, photographs, and original works of art. For example, the person leaving the letter owned the letter, but the person who wrote the letter owns the copyright.
- In general, leaving original materials in a public place indicates the intent to place them in the public domain. However, leaving a copy rather than the original may indicate the intent to retain copyright. A site cannot assume that copyright is transferred to the NPS when an object is abandoned.
3. *What if a researcher wants to use memorial items in a commercial publication?*
- The researcher has the responsibility for determining the holder of the copyright and getting permission to use the items. Sites must have researchers sign a Copyright and Privacy Restrictions notice and keep the signed notice on file. The Interior Collections Management System (ICMS), or its successor, contains a copy of the notice.
4. *How can the NPS prevent copyright infringement of memorial items used on-line?*
- Sites should take precautions to minimize high resolution copying and downloading capabilities for on-line images of memorial items. A copyright notice can be included with on-line exhibits. Sites should also have a take-down policy in place in the event that someone alleges copyright infringement.
5. *Are there restrictions on certain types of memorial items?*
- Yes. In accordance with the Privacy Act, the NPS restricts the use of memorial items containing Personal Identity Information (PII). All human remains or items containing human remains are restricted from exhibit and research. Human remains left at NPS memorial sites are not retained in memorial collections.