

ACTION ALERT BRIEFING MATERIALS: Speak Out Against the Illegal “Triumphal Arch”



[The U.S. Commission of Fine Arts and the National Park Service \(NPS\) are considering approval of a proposed triumphal arch](#) in Memorial Circle, a traffic island in Washington, DC, near Arlington National Cemetery and in the line of site between the U.S. Capitol, the Washington Monument, and the Lincoln Memorial.

The proposed triumphal arch would have a significant adverse impact, altering the aesthetics of our capital city’s picturesque horizontal skyline. The proposed arch would dwarf the Lincoln Memorial and would block the view from the U.S. Capitol to the Lincoln Memorial.

Critically, the administration’s failure to comply with applicable laws in the planning and execution of this proposed project is preventing the review and debate that a project of this magnitude and impact warrants.

HERE ARE WAYS YOU CAN ACT:

- **[Submit comments](#) by midnight, June 15, 2026, opposing the proposed rule and the risks it poses to the rule of law. Make clear that no individual, especially a sitting president, should be permitted to use public monuments to elevate personal legacy above the law.** Reference our Action Alert as a guide. For more specific information on the comment process, please see our [Tips for Commenting Effectively on Proposed Rules](#).
- **Speak out against the rule on multiple platforms.** Write articles and letters to the editor and post on social media to help the public understand what is at stake. Reach out to local podcasters and radio shows to share why this proposed rule must be withdrawn. For additional help, see our [Tips for Writing and Placing Letters to the Editor and Opinion Pieces](#).

OVERVIEW OF THE PROPOSED RULE

The National Park Service is seeking comment on its Assessment of Effects of the proposed Triumphal Arch on monuments and other historic properties in Washington, DC, which NPS is required to prepare under Section 106 of the National Historic Preservation Act (NHPA).

KEY LEGAL ARGUMENTS AGAINST THE RULE

The proposed triumphal arch would violate [the Administrative Procedure Act, 5 U.S.C. § 706\(2\)\(A\)](#), because it is arbitrary and capricious, an abuse of discretion, and not authorized by law. Agency action must be grounded in statutory authority and consistent with constitutional limits on federal power.

- **The proposed triumphal arch has not received the required Congressional approval or appropriations.**

Federal law at [40 U.S.C. § 8106](#) requires Congressional approval for construction of any structure on public land in Washington, DC. [Article I, section 9, clause 7 of the United States Constitution](#) requires Congress to appropriate federal funds before they can be spent. The proposed triumphal arch would sit on federally controlled land and, therefore, requires Congressional approval and congressionally appropriated funds before it can be built. Congress has not approved the proposed project nor appropriated any funds for it.

Allowing a major federal monument to move forward without explicit Congressional authorization and appropriations would undermine the U.S. Constitution's separation of powers and would improperly shift core legislative authority over public spending and land use into the Executive Branch.

- **The proposed triumphal arch would violate the Commemorative Works Act.**

[The Commemorative Works Act](#) prohibits construction of a “commemorative work,” defined to include a monument designed to perpetuate permanently the memory of an individual, until after the 25th anniversary of the individual's death. **This constraint is not advisory. Rather, it is statutory and reflects Congress's continuing constitutional authority over the design of the nation's capital.** [President Trump has stated that the proposed triumphal arch is intended to honor him.](#) The proposed arch in his honor would violate the Commemorative Works Act.

- **The 250-foot-tall proposed triumphal arch would violate the Height of Buildings Act and the Comprehensive Plan for the Capital.**

[Section 5 of the Height of Buildings Act](#) establishes a height limit of 130 feet on all structures in Washington, DC, including federal projects on commercial streets. [The urban design element in the Comprehensive Plan for the National Capital](#), consistent with the Height of Buildings Act, focuses on preserving Washington, DC's picturesque, horizontal character.

The proposed triumphal arch arch [would be 250 feet tall](#) and, therefore, would violate the Height of Buildings Act and the District’s Comprehensive Plan. The proposed project would destroy the city’s picturesque, horizontal character.

- **The proposed triumphal arch would have significant adverse effects on existing monuments and other historic properties.**

For proposed projects on federal lands administered by the NPS, [Section 106 of the NHPA](#) and [its implementing regulations](#) require the NPS to consider the effects of those proposed projects on historic properties and to seek ways to avoid, minimize, or mitigate any adverse effects. Section 106 also requires that the Advisory Council on Historic Preservation be given a meaningful opportunity to comment before a final decision is made on the proposed projects.

The NPS completed its Assessment of Effects under Section 106 in June 2026. **Its [preliminary finding: adverse effect](#). The NPS’s Assessment of Effects concludes the proposed arch “would alter, directly and indirectly, characteristics of those properties that qualify them for inclusion in the National Register,” diminishing their integrity of setting, design, feeling, and association.** Based on the NPS’s preliminary finding under Section 106, the proposed triumphal arch should not be built because of its significant adverse effects on existing monuments and other historic properties in our capital city.

- **The NPS has not complied with the National Environmental Policy Act (NEPA) as it has not completed the requisite environmental analysis of the proposed arch.**

[NEPA at 42 U.S.C. § 4332\(C\)](#) requires preparation of an environmental impact statement (EIS) when a proposed federal action significantly affects the quality of the human environment. [A federal agency prepares an environmental assessment \(EA\)](#) to determine whether a proposed action may cause significant environmental effects and, therefore, requires preparation of an EIS. Both of these documents require an analysis of the environmental effects of the proposed action, alternatives to the proposed action (that may include a recommendation of no action), and ways adverse environmental impacts can be avoided, minimized, or mitigated.

The proposed arch is subject to NEPA because it is a proposed federal action that could significantly affect the quality of the human environment. The NPS has initiated the NEPA review process on the proposed triumphal arch but has not completed it, and no final EA or EIS have been issued.

- **The proposed arch would have significant adverse impacts on monuments and other historic properties in our nation's capital by ruining their aesthetic beauty and view lines.**

[At nearly twice their height](#), the proposed arch would dwarf the Lincoln Memorial and the White House. Moreover, the proposed arch would disrupt the sightline between the U.S. Capitol, the Washington Monument, the Lincoln Memorial, and Arlington National Cemetery, a view that represents the national unity that was brought about by the end of the Civil War. The placement of the Lincoln Memorial was designed to connect the U.S. government, the president who founded it, and the president who saved it. The proposed arch would destroy this symmetry and historical connection by sitting along the same axis as the Washington Monument and the Lincoln Memorial.

- **The pending litigation challenging the proposed arch should be resolved before the proposed project proceeds.**

On February 19, 2026, three Vietnam War veterans filed a lawsuit to stop construction of the proposed arch, [which would sit just beyond Arlington National Cemetery](#). [The veterans allege](#) violations of [the Commemorative Works Act, 40 U.S.C. § 8106](#), [NHPA](#), [NEPA](#), separation of powers, and the take care clause of the United States Constitution. **This lawsuit should be resolved before the proposed project proceeds. Otherwise, taxpayer dollars could be wasted on building an expensive structure and then having to tear it down if a court determines that it is illegal.**

WHY THIS MATTERS

The proposed triumphal arch would violate federal law and the United States Constitution because the project has not received the required Congressional approval or appropriations. Congress, not the Executive Branch, controls federal spending and authorization of major public works. Implementing this project without Congressional approval and appropriations would undermine basic constitutional principles and the separation of powers.

The proposed triumphal arch would violate the Commemorative Works Act because it would honor a sitting president. At 250 feet tall, the proposed triumphal arch would violate the 130-foot height restriction in the Height of Buildings Act and Washington, DC's Comprehensive Plan.

The proposed triumphal arch would have significant adverse effects on existing monuments and other historic properties in Washington, DC. This is not simply a design dispute. It is a test of whether powerful political figures can circumvent legal safeguards and reshape our shared national spaces for personal glorification.

ADDITIONAL RESOURCES

[National Park Service– PEPC – Triumphal Arch – Section 106 Assessment of Effect and Draft Programmatic Agreement – Submit Comments](#)

[Lemmon v. Trump, No. 1:26-cv-00544 \(D.D.C. Feb. 19, 2026\)](#)

[National Capital Planning Commission Staff Report on Arch \(June 2026\)](#)

[40 USC 8106: Buildings on reservations, parks, or public grounds](#)

[40 USC Ch. 89: NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS](#)

[40 USC 8106: Buildings on reservations, parks, or public grounds](#)

[U.S. Constitution - Article I | Resources | Constitution Annotated | Congress.gov | Library of Congress](#)

[40 USC Ch. 89: NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS](#)

[The Height of Building Acts of 1910](#)

[Urban Design Element: Technical Addendum](#)

[54 USC 306108: Effect of undertaking on historic property](#)

[eCFR :: 36 CFR Part 800 -- Protection of Historic Properties](#)

[Park Planning – Triumphal Arch at Memorial Circle](#)

[42 U.S. Code § 4332 – Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts | U.S. Code | US Law | LII / Legal Information Institute](#)

[National Environmental Policy Act Review Process | US EPA](#)

[Why veterans oppose Trump’s arch : NPR](#)

[Trump's arch construction to run 20 hours a day for 2 to 3 years, documents show](#)

[Trump says proposed triumphal arch honors him](#)

See our Action Alert for talking points on the proposed rule and actions YOU can take NOW.