

CULTURE

Inside Trump's Rush Job to Build His Arch

If the president gets his way, new rules would lower the bar for building monuments in Washington.

By Janay Kingsberry

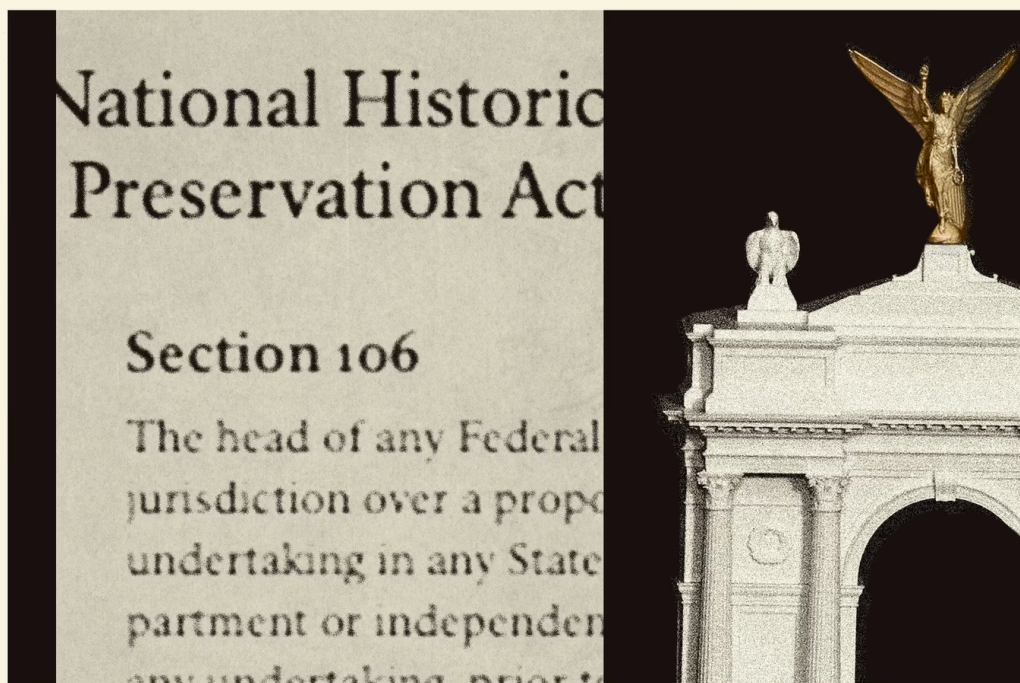


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BUILDING A NEW MONUMENT in Washington, D.C., is supposed to take time—a slow procedural grind of plans drafted, designs revised, studies conducted, and preservationists, historians, tribes, and architects consulted all before work crews ever break ground. The idea is to preserve the carefully choreographed symbolism of the federal city. That is not the approach favored by Donald Trump, who wants to leave his mark on the city's symbolic core before he leaves office.

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Right now, his proposal for the United States Triumphal Arch—a 250-foot granite structure planned for Memorial Circle, on the western bank of the Potomac River, across from the Lincoln Memorial—is trotting through that process, including consideration under a historic-preservation requirement known as Section 106. But as the proposal proceeds, I learned this week that an independent federal agency that Trump has quietly reshaped is contemplating changes to the rules that govern Section 106. The move could potentially speed up not only Trump’s plans for Washington but also federal projects affecting historic places nationwide, while shrinking the amount of scrutiny they receive.

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A July 17 email and draft amendments to regulations I obtained show that the Advisory Council on Historic Preservation will consider a vote to revise the rules governing Section 106. A usually obscure body, the council oversees federal historic reviews and includes many members appointed by the president. If adopted, the proposal would give federal agencies broader discretion over preservation reviews, prioritize mitigation over avoiding harm to historic places, and scale back long-standing expectations that officials consider alternative designs or locations before moving forward with building projects. The revisions are a response to “uncertainties, delays, and regulatory burdens” created by current interpretations of the law, the council’s drafted Notice of Proposed Rulemaking reads. The changes could have the immediate effect of making it easier to build the arch how—and where—Trump wants it.

Sara Bronin, a law professor at the George Washington University Law School who previously chaired the Advisory Council on Historic Preservation, told me that the proposal goes even further. She argues that it would narrow the types of historic properties protected, weaken consultation with tribal nations, dramatically curtail public participation, and exempt large categories of federally backed state and local projects from Section 106 altogether. “If adopted, these regulations will be challenged in court, and I doubt they will survive judicial scrutiny,” she told me today. “ACHP should go back to the drawing board and develop legally defensible ways to smooth

and shorten the review process in ways that advance, not undermine, its legal mandate to protect our irreplaceable history.”

In the email I acquired, Travis Voyles, the vice chair of the ACHP, instructed members to vote on the proposed rule making by July 24. If approved, Voyles wrote, the proposal would move to the Office of Management and Budget for further review. (The council and White House did not immediately respond to requests for comment about the draft revisions.)

Even before the council’s proposed rewrite, the Trump administration showed signs of compressing the typical review process. So far, the arch has passed one key federal commission and appears likely to get the sign-off from another in September, even as it faces a lawsuit filed by Vietnam War veterans and a preservationist, as well as mounting public pushback (about 52 percent of Americans opposed the project in a recent poll). The enormous structure, which would be mounted with gilded winged statues, has inspired members of the public, responding to requests from the government for comment, to call it a “monstrosity,” a “garish tasteless eyesore,” a “cheap copy” of the Arc de Triomphe in Paris, and, as one architectural historian put it, a “McMonument”—a jab at its imposing scale and cost (the project has an estimated \$100 million price tag).

The Department of the Interior, which is overseeing the arch, hasn’t received congressional authorization for the project, although new monuments in D.C.’s civic core are supposed to require legislation. Nor has DOI indicated that it is considering recommendations by city officials who have urged moving the arch to another site. Instead, the department has shared plans to have crews work 20 hours a day, year-round, to complete the project before the end of Trump’s second term.

In response to questions about the overall plans, a White House official told me that the administration “has and will follow all legal requirements in constructing the Triumphal Arch.”

Indeed, the process until now exemplifies how the administration has technically observed many of the official benchmarks that govern what can be built in Washington, D.C.—while distorting them enough to ensure that its projects not only get approval but get it fast. By speedrunning through the red tape that helps make Washington look like Washington, Trump may prove that the rules that shaped the look of the capital are now obsolete.

TO UNDERSTAND THE STAKES, it helps to know how monuments in the nation's capital are ordinarily built. The Commemorative Works Act of 1986 governs the process, and prohibits new monuments in the “reserve” area of the National Mall, which it declares a “substantially completed work of civic art.” Memorial Circle, however, sits just outside this zone in a section known as “Area 1”; proposals for new monuments in it must undergo a series of steps that can vary depending on the projects’ characteristics.

Under this federal law, most proposals first come before the National Capital Memorial Advisory Commission, which evaluates plans, recommends possible locations, and advises Congress, which may then consider legislation to authorize the project. Another option allows Congress to directly authorize both a memorial and its location, bypassing the commission’s site-selection process, Bryan Clark Green, an architectural historian and a former member of the National Capital Planning Commission, told me. In either case, a new commemorative work generally begins with an act of Congress. That hasn’t happened yet for Trump’s arch, an omission that DOI is justifying by citing a 1925 plan that Congress authorized but never completed for 166-foot-tall columns at Memorial Bridge. (No, the columns and the arch do not look the same.)

Instead, the administration has merely advanced the proposal through the Commission of Fine Arts and the National Capital Planning Commission—two federal bodies now led by Trump appointees who review major projects on federal land in Washington. Before the latter panel can consider a proposal like the arch, the lead federal agency—in this case, the National Park Service, which is part of DOI—must initiate a Section 106 review, meant to ensure that officials consider how their projects may affect historic sites before moving forward.

For major memorials and monuments, that review can involve years of consultation before participating agencies and parties reach an agreement on how adverse effects will be addressed. The NCPC can begin considering a proposal once a Section 106 process has been initiated, Green said. In the case of Trump’s arch, that process could conclude by September, when the NCPC chair thinks the commission will cast its final vote. Earlier this month, it voted 8–1 to approve preliminary plans for the arch; the Commission of Fine Arts gave its final sign-off in May.

Participants in the review process do not have veto power. Experts told me that Section 106 is intended to ensure that agencies make a reasonable effort to assess the impact of a project before it moves forward. But preservationists I spoke with say the Trump administration has taken unusual and capricious steps to rush the Section 106 process by extending late invitations to groups that had requested consulting-party status, drastically limiting the window for public comment, and excluding alternative-site proposals.

The president first unveiled models of the arch last October, describing the project as another element of his sweeping vision to commemorate America's semiquincentennial. "People pass that circle, they say, *Why isn't something built here?*" he told reporters in May.

Washington is an ever-evolving city, but its monumental core was never intended to serve as a canvas for each new administration. The L'Enfant Plan of 1791 established the capital's basic grid and concept as a national civic landscape, and the 1901 McMillan Plan expanded that vision to transform the National Mall into the unified landscape Americans know today. Importantly, the plan reinforced the axial relationship that connects the U.S. Capitol, the White House, the Lincoln Memorial, and Arlington National Cemetery.

Still, presidents have unquestionably left their marks on the city. Franklin D. Roosevelt reshaped federal buildings through New Deal construction, and later administrations advanced memorials, museums, and civic buildings of their own. But those additions generally required congressional authorization and, over time, involved more design and preservation reviews. In 1966, Congress passed the National Historic Preservation Act, landmark legislation in response to the destruction of historic places through decades of federally funded projects.

Critics often portray Section 106 as a bureaucratic nightmare that serves only to make Washington architecture boring and slow. Yet the law's defenders note that it rarely prevents projects from moving forward. Each year, federal agencies review about 100,000 Section 106 undertakings and most never become controversial. Only a small number of projects require involvement from the Advisory Council on Historic Preservation, Bronin, the former ACHP chair, said, and fewer still end in an impasse. Agencies determine whether historic resources would be affected, consult where necessary, make adjustments, and move on.

Here's an example: Designers for the Smithsonian's National Museum of African American History and Culture spent years debating how high the building should rise above Constitution Avenue and addressing concerns that it would compete with its neighbor, the Washington Monument.

As part of the Section 106 process, architects worked with consulting parties and agencies such as the National Capital Planning Commission and Commission on Fine Arts to make revisions, lowering portions of the museum and pushing more of it underground to preserve the surrounding vistas, Amy Ballard, a senior historic-preservation specialist emerita at the Smithsonian, told me. Hundreds of Black-advocacy organizations and artists were contacted, she said, and the public participated throughout the process. Today, the museum, with its distinct bronze-colored lattice, is a widely celebrated addition to the National Mall.



National Capitol Planning Commission

Recent renderings of the arch from the firm Harrison Design



National Capitol Planning Commission

The arch would sit in a traffic circle near Arlington National Cemetery.

PRESERVATIONISTS SEE THE SECTION 106 PROCESS as a dialogue in which federal agencies not only hear out their groups but engage productively with arguments that challenge their assumptions. For Trump’s arch, the Interior Department largely blocked organizations that routinely participate in major Section 106 reviews from joining ongoing discussions—instead resorting to a “boilerplate” list of consulting parties, as Ballard described it.

Six historic-preservation groups that requested consulting-party status said they initially had been excluded from the process, which the National Trust for Historic Preservation called “an abuse of discretion” in a letter to the NPS last month. Then, on July 10, the group received invitations to participate—though, so far, there has been only one “consulting party” meeting, which occurred last month. No further meetings have been scheduled, one group told me, despite the stated plans for the project to get a final NCPC vote in September.

Among the official consulting parties listed in the NPS’s June report on the arch project are Arlington National Cemetery, the Federal Highway Administration, the “Department of War,” and the “Trump-Kennedy Center.” Agencies are not legally required to grant every request for consulting-party status, but nevertheless Bronin said it is unusual that an organization such as the DC Preservation League—with its long-standing focus on preserving Washington’s historic resources—was excluded after requesting participation.

The public-comment window for the project also departs from standard practice. Last month, the NPS gave the public 10 days to review key Section 106 documents for the proposed arch, including the project’s 277-page assessment of effects. For a project of this consequence, Bronin said, a 10-day public-comment period is “exceedingly narrow” and “highly unusual.”

Last week, the NPS reopened the submission period until July 30, though the agency previously suggested that it had all the public feedback it needed: In a June 22 letter to the District of Columbia’s State Historic Preservation Office, Jennifer T. Nersesian, a regional director for the NPS, noted that it had already received more than 100,000 public comments on the proposal, calling that level of engagement “extraordinary” and evidence that those wishing to participate had been able to do so. The NPS concluded—through an AI-conducted review of the responses—that the comments were mostly in opposition to the plan.

The NPS has also drawn scrutiny for circulating a draft of a programmatic agreement—a type of alternative compliance tool for projects that allows planners to decide over time how they will mitigate “adverse effects,” which are defined as alterations to a historic property’s characteristics “that would diminish its integrity—including location, design, setting, materials, or association.” It is typically reserved for projects whose full impacts cannot yet be determined. But in the arch’s case, preservation lawyers say the adverse effects are already largely understood. They include, critics argue, disruptions to a historic viewshed, traffic congestion, and aviation-safety concerns. Preservationists also say that the arch’s scale would overwhelm the solemn character of Arlington National Cemetery. As my colleague Sebastian Smee wrote recently, the burial ground is in architectural conversation with the Lincoln Memorial across the Potomac River. The arch would ~~partially~~ block each site’s view of the other.

Under Section 106, agencies more commonly use a memorandum of agreement in those circumstances to specify up front how adverse effects will be avoided, minimized, or mitigated. Instead, the authors of the programmatic-agreement draft contemplate resolving many of those details after approval and appear to anticipate it being signed this year—another indication that the administration intends to begin construction quickly. “There’s not a good justification for kicking the can down the road in terms of specifying and committing to what the alternatives and what the mitigation would be for this project,” Betsy Merritt, the deputy general counsel for the National Trust for Historic Preservation, told me.

Even the NPS’s own assessment concludes that the arch would adversely affect multiple historic properties by altering the character-defining views, settings, and spatial relationships that give Washington’s monumental landscape much of its significance. Rather than relocating the monument—an alternative that experts say is typically proposed in Section 106 reviews—the NPS said it could minimize effects by refining the arch’s design and using construction-management strategies to reduce noise, vibration, and visual disruptions.

Commissioners at this month’s NCPC hearing also raised questions about how years of construction would affect traffic and pedestrian circulation at Memorial Circle, especially—as one member noted—while the neighboring Theodore Roosevelt Bridge undergoes a major rehabilitation. The Interior Department has promised to submit options for many of the issues brought up, including a final lighting plan to satisfy the FAA and concerns about the height of construction cranes, which would be taller than the arch itself.

UNDER THE NATIONAL HISTORIC PRESERVATION ACT, federal agencies are supposed to find ways to avoid adverse effects entirely before they turn to plans to mitigate them. Sometimes that means changing a building’s height. Under the current proposal, Trump’s monument would rise well beyond the 130-foot limit designated by the 1910 Height of Buildings Act; the larger central statue accounts for 60 feet of the structure’s 250-foot height. But the NCPC recently decided to consider the administration’s position that federal buildings are exempt from the law.

The commission also recommended, as an alternative, shortening the arch itself while making the gilded statue even taller—a compromise that would leave the arch squat beneath a top-heavy sculpture. The White House official who responded to questions about the overall project told me that the administration expects the arch proposal to proceed “as-is.”

David Maloney, D.C.’s historic-preservation officer, suggested relocating the monument to South Capitol Street rather than placing it at Memorial Circle, arguing that moving the project could avoid many of the adverse effects identified at

Arlington National Cemetery and the monumental core. As one of the required signatories of the programmatic agreement, Maloney has more bargaining power than other consultants involved. But the NPS's own report made no reference to an alternative site, indicating that the agency has no plans to consider setting the project anywhere but the place where Trump wants it.

"I think in a proposal this consequential, the federal agency would be expected to consider a range of alternatives," said Bronin, the former chair of the Advisory Council on Historic Preservation. "Not only alternative designs but alternative sites, as well as a no-build alternative."

The proposed revisions could affect far more than Trump's arch as he continues a renovation campaign across D.C., where onlookers can currently take in the tarped marble entrance of the Kennedy Center and the peeling sealant of the Reflecting Pool. Also on deck are ideas including a National Garden of American Heroes and an overhaul of a historic golf course along the Potomac River. Section 106 covers federal projects across the country—meaning highway expansions, energy projects, federal buildings, and memorials could get less scrutiny in a process designed to protect historic sites.

There is, at least, one small sign that the outpouring of public testimony to commissioners and federal agencies has had some effect. During the NCPC meeting in early July, one speaker urged the body to consider how three years of piledriving and other construction noises could disrupt funeral processions at Arlington National Cemetery, which conducts up to 30 funerals every day for fallen service members. "We ask our dead for everything," Lindsay Rousseau Burnett, an Army veteran, told the panel. "The least we owe them is silence."

Before the commission voted, its Trump-appointed chair, William Scharf, acknowledged that he had not previously considered that consequence and asked the Interior Department to develop a mitigation plan to the extent that it's possible. "This is an example," he said, "of how public testimony can really inform our commission's deliberative process."

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