

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 389, A BILL TO AUTHORIZE THE SOCIETY OF THE FIRST INFANTRY DIVISION TO MAKE MODIFICATIONS TO THE FIRST DIVISION MONUMENT LOCATED ON FEDERAL LAND IN PRESIDENTIAL PARK IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

JUNE 19, 2019

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 389, a bill to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal land in Presidential Park in the District of Columbia, and for other purposes.

The Department appreciates the effort to recognize the servicemen and women who gave their lives while serving with the First Infantry Division during Operations Desert Storm, Iraqi Freedom and New Dawn, and Enduring Freedom, and does not object to S. 389. We note that although the modifications authorized by the bill are inconsistent with the Commemorative Works Act (CWA) enacted in 1986, the National Capital Memorial Advisory Commission has found that S. 389 appears to be consistent with the original 1924 purpose of the First Division Monument and with subsequent 1957, 1977 and 1995 Congressional authorizations for additional names.

S. 389 would authorize the Society of the First Infantry Division to modify the existing First Division Monument, located in President's Park, including placing plaques, and stone plinths on which to place the plaques, that list the names of the members of the First Infantry Division who died during Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom.

The First Division Monument was conceived by the Society of the First Division, the veteran's organization of the U.S. Army's First Division, to honor the soldiers who fought in World War I. The monument was dedicated on October 4, 1924, by President Calvin Coolidge. Since that time, it has been modified several times. In 1957, the monument was expanded in order to recognize the First Infantry Division soldiers who died in World War II. A Vietnam War addition was dedicated in 1977, and a Desert Storm plaque was included in 1995.

The First Division Monument is located in an area designated by Congress in the 2003 amendments to the CWA as the Reserve – an area in which no new commemorative works shall be located. As Congress noted in the law creating the Reserve, "...the great cross-axis of the Mall in the District of Columbia...is a substantially completed work of civic art; and ...to preserve the integrity of the Mall, a reserve area should be designated...where the siting of new commemorative works is prohibited." The First Division Monument's location within the

Reserve means that it is part of this completed work of civic art. As such, an addition to the existing monument would be inconsistent with this prohibition.

Furthermore, section 2(b) of S. 389 includes an explicit exemption from two sections of the CWA, section 8903(b) and section 8903(c). Section 8903(b) provides that memorials to an individual unit of an armed force may not be authorized, and that memorials are limited to those that commemorate a branch of the armed forces. The First Division is an individual unit of the Army. Section 8903(b) also provides that commemorative works to a major military conflict may not be authorized until at least 10 years after the officially designated end of the conflict. This time period has not elapsed for Operation Iraqi Freedom and New Dawn, or for Operation Enduring Freedom. With respect to Section 8903(c), this exemption does not appear to be necessary, as this section applies to non-military groups and individuals.

We also note that the national park unit where the monument is located is named President's Park rather than Presidential Park which is referenced in the bill's long and short titles as well as Sec. 2(a).

Finally, the Department notes that at the May 15, 2018, meeting of the National Capital Memorial Advisory Commission, the Commission reviewed H.R. 5424, a bill substantively identical to S. 389. It was the consensus of the Commission that while it ordinarily holds strictly to the CWA when evaluating proposed memorial legislation and would not support granting exemptions, particularly regarding commemorative works located within the Reserve, in this case it agreed that the legislation appears to be consistent with the original purpose of the First Division Monument and with subsequent Congressional authorizations for additional names. The Commission also recognized that the Society of the First Division has made every effort to respect the integrity of the Monument. Its conclusion was that it would be arbitrary to no longer permit the addition of names at this point. The Commission submitted a letter to the Committee dated August 2, 2018, providing their assessment.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.