

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 3315, TO AUTHORIZE THE MODIFICATION OR AUGMENTATION OF THE SECOND DIVISION MEMORIAL.**

**September 22, 2016**

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Thank you for the opportunity to present the views of the Department of the Interior on S. 3315, a bill to authorize the modification or augmentation of the Second Division Memorial.

The Department understands the effort to recognize the service men and women who gave their lives while serving with the Second Infantry Division during the Cold War in Korea, the War in Iraq, and the War in Afghanistan, but we do not support S. 3315 because it would alter the character of the existing Second Division Memorial and the Ellipse, and it is inconsistent with several elements of the Commemorative Works Act (40 U.S.C Chapter 89).

S. 3315 would authorize the Second Indianhead Division Association, Inc. Scholarships and Memorials Foundation to add new subjects for commemoration to the existing Second Division Memorial, located in President's Park, by placing three benches honoring the members of the Second Infantry Division killed in the Cold War in Korea, the War in Iraq, and the War in Afghanistan.

The Second Division Memorial was authorized on March 3, 1931, and was dedicated by President Franklin Delano Roosevelt on July 18, 1936, to commemorate the members of the division who served in the American Expeditionary Forces in the First World War. The original design by noted sculptor James Fraser was amended in 1962 to add the flanking wings, in recognition of the Division's achievements during World War II and the Korean War.

The Second Division Memorial is in President's Park, adjacent to the National Mall in Washington, D.C., in an area designated by Congress in the Commemorative Works Act 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 Second Division Memorial is a completed work of civic art in this special landscape of the Reserve and under the Commemorative Works Act, the addition of these new features would be a new commemoration within the Reserve. Also, these new features would be inconsistent with the Commemorative Works Act prohibition on interfering or encroaching on an existing memorial.

In addition, Section 8903 (b) of the Commemorative Works Act sets forth additional restrictions for military commemorative works. Memorials to an individual unit of an armed force may not be authorized, and are limited to those that commemorate a branch of the armed forces. Although the Second Division Memorial was established prior to the Commemorative Works Act, the additional unit-specific features authorized in this legislation would not comply with the

Act. Finally, commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of such war or conflict. As the current conflicts in Iraq and Afghanistan have not yet reached this designation, their commemoration through the features authorized by this legislation is inconsistent with the Commemorative Works Act.

In closing, the Department appreciates the desire to honor and memorialize the members of the Second Infantry Division who gave the ultimate sacrifice for their country. However, the Second Division Memorial, as originally designed, was to commemorate members of the American Expeditionary Force who died during the First World War. The Department is concerned that continued additions to the memorial are counter to the Commemorative Works Act. It is probable that there will be future conflicts and wars, and thus proposals for numerous additions will further infringe upon the original design and intent of this completed commemorative work, as well as upon the significant historic landscape of the Ellipse.