

FIRST INFANTRY RECOGNITION OF SACRIFICE IN
THEATER ACT

NOVEMBER 8, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1088]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1088) 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 District of Columbia, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “First Infantry Recognition of Sacrifice in Theater Act” or the “FIRST Act”.

SEC. 2. MODIFICATION TO FIRST DIVISION MONUMENT.

(a) **AUTHORIZATION.**—The Society of the First Infantry Division (an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that code), may make modifications (including construction of additional plaques and stone plinths on which to put the plaques) to the First Division Monument located on Federal land in President’s Park in the District of Columbia that was set aside for memorial purposes of the First Infantry Division, in order to honor the members of the First Infantry Division who paid the ultimate sacrifice during United States operations, including Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom. The First Infantry Division at the Department of the Army shall collaborate with the Department of Defense to provide to the Society of the First Infantry Division the list of names to be added.

(b) **NON-APPLICATION OF COMMEMORATIVE WORKS ACT.**—Subsection (b) of section 8903 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall not apply to actions taken under subsection (a) of this section.

(c) FUNDING.—Federal funds may not be used to pay any expense of the activities of the Society of the First Infantry Division which are authorized by this section.

Amend the title so as to read:

A bill to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal Land in President’s Park in the District of Columbia, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 1088 is to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on federal land in President’s Park in the District of Columbia, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Members of the First Division, also known as “The Big Red One” and “The Fighting First,”¹ were the first American troops to arrive in France, in June 1917,² and the last American combat troops to leave Europe, in August 1919.³ General John Pershing lauded the First Division by writing, “The Commander-in-Chief has noted in this Division a special pride of service and a high state of morale, never broken by hardship nor battle.”⁴

The First Division Monument was dedicated on October 4, 1924, in President’s Park, southwest of the White House, to honor the 5,516 soldiers of the First Division who lost their lives during World War I.⁵ On August 24, 1957, an addition to the monument was dedicated in honor of the 4,325 soldiers of the First Infantry Division who died in World War II.⁶ The monument also received additions for the First Infantry Division soldiers who died in the Vietnam War and in Operation Desert Storm.⁷

H.R. 1088 authorizes further additions to the monument to include the names of the more than 13,000 soldiers of the First Infantry Division who paid the ultimate sacrifice during U.S. military operations, including Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom. The legislation prohibits the use of federal funds to alter the monument

¹At times, the Division has also been called “Pershing’s Own.” *Desirability of Incorporating One or More Indian Divisions in the New United States Army: Hearing Before the H. Comm. on Military Affairs*, 66th Cong. 2163, 2199 (1920) (testimony of Dr. Joseph Kossuth Dixon, Leader, The Rodman Wanamaker Historical Expeditions to the North American Indian), in *2 Army Reorganization: Hearings Before the H. Comm. on Military Affairs*, 66th Cong. (1920); H.R. KNICKERBOCKER ET AL., *DANGER FORWARD: THE STORY OF THE FIRST DIVISION IN WORLD WAR II*, at 405 (The Battery Press, Inc. 1980) (1947) (associating the name with World War I in particular); Historical Notes & Comments, *Congressional Medal of Honor Awarded Six Missourians*, 14 Mo. HIST. REV. 273, 274 (1920); *Father O’Reilly Tells of the Work of the Third in France*, 62 LITERARY DIG. No. 11, Sept. 13, 1919, at 93.

²See, e.g., EDWARD M. COFFMAN, *THE WAR TO END ALL WARS* 131 (Univ. of Wis. Press 1986) (1968) (listing the first arrivals as the 16th, 18th, 26th, and 28th Infantry Regiments); see also JAMES SCOTT WHEELER, *THE BIG RED ONE*, at 3 (centennial ed., 1917–2017, 2017) (listing the 16th, 18th, 26th, and 28th Infantry Regiments as regiments of the First Expeditionary Division); *History*, SOC’Y OF THE 1ST INFANTRY DIV., <https://www.1stid.org/history> (last visited Oct. 25, 2019) (stating that the First Expeditionary Division was redesignated the First Division on July 6, 1917, and the 1st Infantry Division on August 1, 1942).

³WHEELER, *supra* note 2, at 102.

⁴THE UNITED STATES IN THE FIRST WORLD WAR 619 (Anne Cipriano Venzon ed., 1999).

⁵*First Division Monument*, NAT’L PARK SERV., <https://www.nps.gov/places/first-division-monument.htm> (last updated Oct. 25, 2018).

⁶*First Division Monument History*, NAT’L PARK SERV., <https://www.nps.gov/whho/learn/historyculture/first-division-monument.htm> (last updated Nov. 16, 2018).

⁷*Id.*

and stipulates that the Commemorative Works Act, which prohibits monuments to military units, does not apply to this authorization.

COMMITTEE ACTION

H.R. 1088, the “First Infantry Recognition of Sacrifice in Theater Act” or the “FIRST Act,” was introduced on February 7, 2019, by Representative Roger W. Marshall (R–KS). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On May 22, 2019, the Subcommittee held a hearing on the bill. On June 19, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl Grijalva (D–AZ) offered an amendment designated Grijalva #1 that was agreed to by voice vote. No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of section 103(i) of H.Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 1088: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on May 22, 2019.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 2019.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1088, the First Infantry Recognition of Sacrifice in Theater Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Hughes.

Sincerely,

MARK P. HADLEY
(For Phillip L. Swagel, Director).

Enclosure.

H.R. 1088, First Infantry Recognition of Sacrifice in Theater Act			
As ordered reported by the House Committee on Natural Resources on June 19, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between zero and \$500,000.			

H.R. 1088 would authorize the Society of the First Infantry Division, a nonprofit organization, to modify the First Division Monument located on federal land in President's Park in Washington, D.C. Under the bill the Department of the Army would provide a list of names of the soldiers killed in recent military operations that the Society of the First Infantry Division would add to commemorative plaques and stone plinths at the monument.

CBO estimates that implementing H.R. 1088 would have an insignificant cost over the 2019–2024 period; any spending would be subject to the availability of appropriated funds. Costs would be incurred by the Department of the Army to gather and provide the list of soldiers' names to the Society of the First Infantry Division; under the bill, no federal funding would be provided to the society to carry out the modifications to the monument.

The CBO staff contact for this estimate is David Hughes. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on federal land in President's Park in the District of Columbia.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.