

107TH CONGRESS  
1ST SESSION

# S. 1338

To expand and enhance the Little Bighorn Battlefield National Monument.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To expand and enhance the Little Bighorn Battlefield National Monument.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Little Bighorn Battle-  
5       field National Monument Enhancement Act of 2001”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress makes the following find-  
8       ings:

9               (1) The following events were key in the cre-  
10       ation of the Little Bighorn Battlefield National  
11       Monument:

1 (A) On June 25 and 26, 1876, a historic  
2 battle between the United States Seventh Cav-  
3 alry, led by General George Armstrong Custer,  
4 and an opposing force of Arapaho, Northern  
5 Cheyenne, and Lakota Indians, was fought near  
6 the Little Bighorn River in southern Montana.

7 (B) On August 1, 1879, the battlefield was  
8 officially recognized and designated as a na-  
9 tional cemetery under General Order No. 78,  
10 Headquarters of the Army.

11 (C) On December 7, 1886, Executive  
12 Order No. 337443 established the boundary,  
13 approximately one mile square, for the National  
14 Cemetery of Custer's Battlefield Reservation.

15 (D) On April 14, 1926, the Reno-Benteen  
16 Battlefield was acquired by an Act of Congress  
17 (44 Stat. 168), and the Army was ordered to  
18 take charge of the site.

19 (E) On April 15, 1930, by an Act of Con-  
20 gress (46 Stat. 168), all rights, titles and privi-  
21 leges of the Crow tribe, from whose reservation  
22 the battlefield site was carved, were granted to  
23 the United States.

24 (F) On August 10, 1939, a public histor-  
25 ical museum was authorized (53 Stat. 1337).

1 (G) On June 3, 1940, Executive Order No.  
2 8428 transferred management of the area to  
3 the National Park Service, Department of the  
4 Interior.

5 (H) On March 22, 1946, by an Act of  
6 Congress (Public Law 79–332) the area was re-  
7 designated, Custer Battlefield National Monu-  
8 ment.

9 (I) On January 3, 1991, by an Act of Con-  
10 gress (Public Law 102–201), Custer Battlefield  
11 National Monument was redesignated as Little  
12 Bighorn Battlefield National Monument (re-  
13 ferred to in this Act as the “Monument”), and  
14 an Indian memorial was authorized.

15 (2) The current total size of the Monument is  
16 765.34 acres. This includes the areas immediately  
17 surrounding the cemetery and a separate area, the  
18 Reno-Benteen Battlefield, a few miles from the cem-  
19 etery. There are additional sites of historical interest  
20 related to the 1876 battle that are not contained  
21 within the boundaries of the Monument as it is pres-  
22 ently constituted.

23 (3) The United States has a tradition of pre-  
24 serving the sites of historic battles, in the conviction  
25 that such ground is hallowed by the sacrifices of

1 those who gave their lives in conflict, and in the  
2 hope that understanding the events of our past, es-  
3 pecially tragic events, helps us to understand the  
4 people we have become. A necessary part of this pre-  
5 serving and honoring is attempting, as much as is  
6 possible, to maintain the appearance of the places  
7 where these struggles occurred as the participants  
8 would have experienced them.

9 (4) The area surrounding the Monument has  
10 seen markedly increased commercial development in  
11 recent years. Such development not only threatens to  
12 intrude on the experience of visitors to the Monu-  
13 ment, but in many instances the development has  
14 actually taken place directly on sites of historical im-  
15 portance, irrevocably altering physical features of  
16 the landscape that are crucial for understanding  
17 what took place at the Battle of the Little Bighorn.

18 (5) It is in the interest of the United States to  
19 preserve the integrity of the site of the Battle of the  
20 Little Bighorn, an event of lasting significance for  
21 the United States and for the sovereign Indian na-  
22 tions. In order to preserve this historical treasure, it  
23 is imperative that additional lands surrounding the  
24 Monument be set aside and given protected status or  
25 be made part of the Monument itself.

1           (6) All areas of the Monument, as well as the  
2 other areas of historical interest, are completely con-  
3 tained within the external boundaries of the Crow  
4 Indian Reservation.

5           (7) There is every indication that additional  
6 land and facilities are available for inclusion in the  
7 Monument through either voluntary conveyance or  
8 by gift or donation from private individuals and enti-  
9 ties.

10       (b) PURPOSES.—It is the purpose of this Act—

11           (1) to establish a cooperative and collaborative  
12 process for expanding and enhancing the Monument;

13           (2) to ensure that the process established by  
14 this Act reflects the social, historical and cultural  
15 concerns of the Indian tribes participating in such  
16 processes in a manner consistent with the long-  
17 standing Federal policy to encourage tribal self-de-  
18 termination; and

19           (3) to ensure that the resources within the  
20 Monument are protected and enhanced by—

21           (A) providing for partnerships between the  
22 Crow Tribe, the National Park Service, and the  
23 Native American Tribes who participated in the  
24 Battle of Little Bighorn; and

1 (B) encouraging private individuals and  
2 entities to donate land and facilities to the  
3 Monument.

4 **SEC. 3. LITTLE BIGHORN BATTLEFIELD NATIONAL MONU-**  
5 **MENT ENHANCEMENT COMMITTEE.**

6 (a) IN GENERAL.—There is established a committee  
7 to be known as the “Little Bighorn Battlefield National  
8 Monument Enhancement Committee” (referred to in this  
9 section as the “Committee”).

10 (b) COMPOSITION.—The Committee shall be com-  
11 posed of—

12 (1) 1 member appointed by the Secretary of In-  
13 terior to represent the Department of Interior;

14 (2) 3 members appointed by the Secretary of  
15 Interior to represent the Native American tribes who  
16 participated in the Battle of Little Bighorn; and

17 (3) 1 member appointed by the Crow Indian  
18 tribe.

19 (c) ADMINISTRATIVE PROVISIONS.—

20 (1) QUORUM; MEETINGS.—Three members of  
21 the Committee shall constitute a quorum. The Com-  
22 mittee shall act and provide advise by the affirma-  
23 tive vote of a majority of the members voting at a  
24 meeting at which a quorum is present. The Com-  
25 mittee shall meet on a regular basis. Notice of meet-

1        ings and the agenda shall be published in local news-  
2        papers which have a distribution which generally  
3        covers the area affected by the Monument. Com-  
4        mittee meetings shall be held at locations and in  
5        such a manner as to ensure adequate public involve-  
6        ment.

7            (2) ADVISORY FUNCTIONS.—The Committee  
8        shall advise the Secretary to ensure that the Monu-  
9        ment, its resources and landscape, is sensitive to the  
10       history being portrayed and artistically commend-  
11       able.

12           (3) TECHNICAL STAFF.—In order to provide  
13       staff support and technical services to assist the  
14       Committee in carrying out its duties under this Act,  
15       upon the request of the Committee, the Secretary of  
16       the Interior is authorized to detail any personnel of  
17       the National Park Service to the Committee.

18           (4) COMPENSATION.—Members of the Com-  
19       mittee shall serve without compensation but shall be  
20       entitled to travel expenses, including per diem in lieu  
21       of subsistence, in the same manner as persons em-  
22       ployed intermittently in Government service under  
23       section 5703 of title 5, United States Code.

24           (5) CHARTER.—The provisions of section 14(b)  
25       of the Federal Advisory Committee Act (5 U.S.C.

1 Appendix; 86 Stat. 776), are hereby waived with re-  
2 spect to the Committee.

3 (d) DUTIES.—The Committee shall—

4 (1) maintain a registry of facilities and land  
5 that may be offered by private individuals and enti-  
6 ties by gift, sale, transfer, or other voluntary convey-  
7 ance for inclusion in the Monument;

8 (2) by a majority vote determined whether some  
9 or all of a parcel of land or facility listed on the reg-  
10 istry under paragraph (1) is appropriate for inclu-  
11 sion as a part of the Monument; and

12 (3) in the case of a positive recommendation  
13 under subparagraph (A), provide advise to the Sec-  
14 retary on—

15 (A) whether the land or facility involved  
16 may be available for no or nominal consider-  
17 ation or under what terms and conditions the  
18 owner of such land or facility would be willing  
19 to transfer such land or facility for inclusion in  
20 the Monument for no or nominal consideration;  
21 or

22 (B) whether the Committee recommends  
23 the use of the Fund established under section  
24 5 to acquire such land or facility.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2       Nothing in this act shall be construed to limit or im-  
3 pair the jurisdiction or authority of the Crow Indian tribe.

4 **SEC. 5. ESTABLISHMENT OF FUND.**

5       There is established in the Treasury of the United  
6 States a fund to be known as the “Little Bighorn Battle-  
7 field National Monument Enhancement Fund”. The Fund  
8 shall be used as provided for in section 3(d)(3)(B) and  
9 shall include—

10           (1) all amounts appropriated to the Fund; and

11           (2) all amounts donated to the Fund.

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