

107TH CONGRESS
1ST SESSION

S. 1338

To expand and enhance the Little Bighorn Battlefield National Monument.

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

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.

Appendix; 86 Stat. 776), are hereby waived with respect to the Committee.

(d) DUTIES.—The Committee shall—

(1) maintain a registry of facilities and land that may be offered by private individuals and entities by gift, sale, transfer, or other voluntary conveyance for inclusion in the Monument;

(2) by a majority vote determined whether some or all of a parcel of land or facility listed on the registry under paragraph (1) is appropriate for inclusion as a part of the Monument; and

(3) in the case of a positive recommendation under subparagraph (A), provide advise to the Secretary on—

(A) whether the land or facility involved may be available for no or nominal consideration or under what terms and conditions the owner of such land or facility would be willing to transfer such land or facility for inclusion in the Monument for no or nominal consideration; or

(B) whether the Committee recommends the use of the Fund established under section 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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