



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Taylor Wiseman, Brandon Miller, and Lauren Limke – Taylor.Wiseman@mail.house.gov, Brandon.Miller@mail.house.gov, and Lauren.Limke@mail.house.gov; x6-7736
Date: Thursday, July 13, 2023
Subject: Legislative Hearing on Five Bills Celebrating America: H.R. 386, H.R. 1318, H.R. 2717, H.R. 3448, and H.R. 4377

The Subcommittee on Federal Lands will hold a legislative hearing on five bills that celebrate America and our country's history:

- H.R. 386 (Rep. Johnson of SD), "*Mount Rushmore Protection Act*";
- H.R. 1318 (Rep. Neguse), "*Women's Suffrage National Monument Location Act*";
- H.R. 2717 (Rep. Moore of UT), "*Hershel Woody Williams National Medal of Honor Monument Location Act*";
- H.R. 3448 (Rep. Stefanik), "*American Battlefield Protection Program Enhancement Act*"; and
- H.R. 4377 (Rep. Grijalva), To amend the Military Lands Withdrawal Act of 1999 with respect to extensions, additions, and revisions to the Barry M. Goldwater Range in Arizona.

The hearing will take place on **Thursday, July 13, at 10:00 a.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Colen Morrow (Colen.Morrow@mail.house.gov) by 4:30 p.m. on Tuesday, July 11, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- As we approach the 250th anniversary of the founding of the United States of America, Natural Resources Committee Republicans are celebrating our nation's rich history by highlighting the multitude of stories that have intertwined to form the fabric of our nation.
- Central to our nation's history are the valor and heroism of millions of veterans who have fought to defend our democracy, freedom, and country. Several of these bills, including H.R. 2717 and H.R. 3448, honor the legacy of America's veterans and ensure their sacrifices are remembered for generations to come.
- H.R. 4377 helps our military protect the security of our nation by continuing the use of a critical training range for the Air Force and Navy.

II. WITNESSES

Panel I (Members of Congress):

- *To Be Announced*

Panel II (Administration Officials):

- **Dr. Ravi I. Chaudhary**, Assistant Secretary of the Air Force for Energy, Installations, and Environment, United States Air Force, Washington, D.C. [*H.R. 4377*]
- **Mr. Mike Reynolds**, Deputy Director, Congressional and External Relations, National Park Service, Washington, D.C. [*All bills*]

Panel III (Outside Experts):

- **The Hon. Helene Duhamel**, Senator, South Dakota Senate, Rapid City, SD [*H.R. 386*]
- **Master Chief Britt Slabinski, USN, Ret.**, Special Warfare Operator (SEAL), United States Navy, Arlington, TX [*H.R. 2717*]
- **Ms. Beth Hill**, President, The Fort Ticonderoga Association, Ticonderoga, NY [*H.R. 3448*]
- **Mr. David Duncan**, President, American Battlefield Trust, Washington, D.C. [*H.R. 3448*]
- **Ms. Anna Laymon**, Executive Director, Women’s Suffrage National Monument Foundation, Daphne, Alabama [*H.R. 1318*]

III. BACKGROUND

[H.R. 386 \(Rep. Johnson, R-SD\), “Mount Rushmore Protection Act”](#)



Source: South Dakota Public Broadcasting, 2020.

The Mount Rushmore National Memorial is a 1,278 acre memorial centered around the “Shrine of Democracy” sculpture carved into the granite face of Mount Rushmore, located in the Black Hills mountain range in western

South Dakota.¹ Administered by the National Park Service (NPS), the massive sculpture features the heads of four past U.S. Presidents: George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt.² Designed to commemorate the nation's first 150 years, the sculpture was completed in 1941 after over 14 years of work involving nearly 400 workers.³ The four featured Presidents were selected to “commemorate the founding, growth, preservation, and development to the United States of America.”⁴ It is one of the most unique sculptures in the world and serves as a tribute to the American experiment and the freedom it inspires across the world. Mount Rushmore also offers excellent outdoor recreation and economic opportunities for South Dakota. Every year, over 2 million people visit this iconic American Memorial, creating \$184.2 million in economic activity and supporting more than 2,000 jobs.⁵

Mount Rushmore, like America, has an imperfect past. The land that the memorial is located on has been the source of a long-standing dispute between the Sioux Nation and U.S Government.⁶ Recently, the history of the past presidents carved into Mount Rushmore has generated significant attention, in particular the fact that Presidents Washington and Jefferson were slaveholders.⁷ In the wake of this, some have publicly stated that “Mount Rushmore needs to be closed as a national monument.”⁸ Jalen Rose, a former professional basketball player, made national news by calling for Mount Rushmore to be “retired” and calling the Memorial “offensive.”⁹

H.R. 386, the “*Mount Rushmore Protection Act*,” prohibits the use of federal funds to alter, change, destroy, or remove the likeness, the name of, or any of the faces on the Mount Rushmore National Memorial. Congressman Dusty Johnson, the sponsor of this legislation, summarized the need for the bill succinctly by stating:

“Our nation’s history is not without its flaws, but there is no doubt the faces on Mount Rushmore represent democracy, freedom and the great American experiment. Removing or changing Mount Rushmore will not change the past and will not move us forward as a country. We must protect Mount Rushmore for generations to come.”¹⁰

¹ National Park Service, “Mount Rushmore, National Memorial South Dakota” <https://www.nps.gov/moru/index.htm>.

² *Id.*

³ National Park Service, “Carving History”, <https://home.nps.gov/moru/learn/historyculture/carving-history.htm>.

⁴ Caravan, “MT Rushmore Presidents- FAQs and Facts”, <https://blog.caravan.com/mount-rushmore/presidents/>.

⁵ National Park Service, “Plan Your Visit”, <https://www.nps.gov/moru/planyourvisit/index.htm>. KEVN Black Hills Fox, “Tourism to Mount Rushmore creates \$184.2 million in economic benefits”, <https://www.blackhillsfox.com/content/news/Tourism-to-Mount-Rushmore-creates-1842-million-in-economic-benefits-420668893.html>.

⁶ Public Broadcasting Service, “Native Americans and Mount Rushmore”, <https://www.pbs.org/wgbh/americanexperience/features/rushmore-sioux/#:~:text=The%20creation%20of%20Mount%20Rushmore.are%20not%20without%20negative%20symbolism>.

⁷ Bryan Pietsch and Jacey Fortin, “How Mount Rushmore Became Mount Rushmore,” March 30, 2021,

<https://www.nytimes.com/2020/07/01/us/mount-rushmore.html>.

⁸ *Id.*

⁹ Fox News, “Mount Rushmore’ term is ‘offensive’ and should be ‘retired,’ ESPN’s Jalen Rose says”, Ryan Morik, August 5, 2022, <https://www.foxnews.com/sports/mount-rushmore-term-offensive-retired-says-espns-jalen-rose>

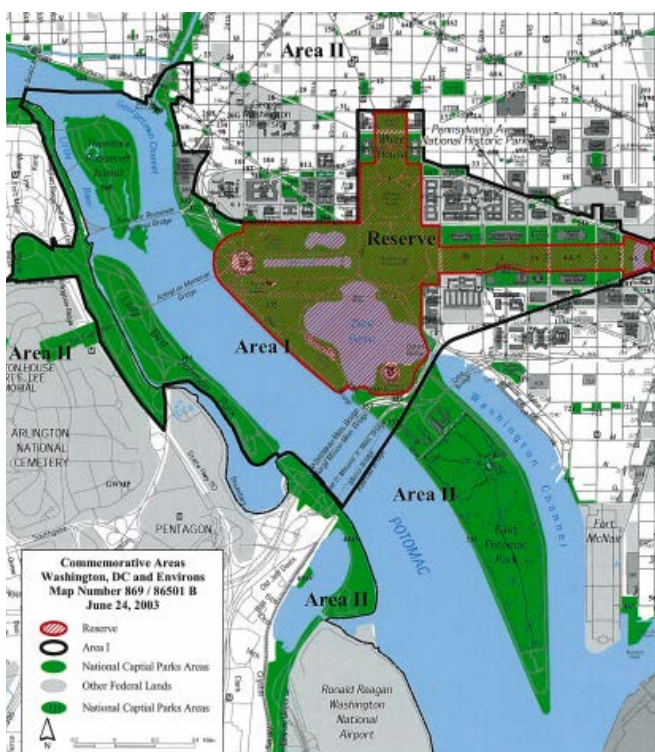
¹⁰ Statement of Rep. Dusty Johnson, “GOP moves to protect Mount Rushmore from activists looking to rename it or tear it down,” Fox News, January 18, 2023, <https://www.foxnews.com/politics/gop-moves-protect-mount-rushmore-activists-rename-tear-down>.

H.R. 386 protects this shrine to democracy and its importance to American history. Rather than revising monuments to conform to modern standards, H.R. 386 recognizes the importance of acknowledging our nation’s past in its entirety. At a time when freedom and democracies across the globe are facing increasing strains, protecting Mount Rushmore as a shining beacon of these ideals is paramount.

H.R. 1318 (Rep. Neguse, D-CO), “Women’s Suffrage National Monument Location Act”

For the first 144 years of America’s history, women did not have the right to vote. In the middle of the 19th century, the women’s suffrage movement emerged with the goal of securing this important constitutional right for women across the nation.¹¹ Prominent suffrage leaders, including Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Mott, led the charge in advocating for the right to vote for American women.¹² At the time, allowing women the right to vote was perceived as radical and securing the right took more than four decades to accomplish.¹³ Finally, Congress passed a constitutional amendment (the 19th amendment) in 1919 granting women the right to vote, which and was sent to the states for ratification and formally ratified on August 18, 1920.¹⁴

Under the Commemorative Works Act (CWA), any new monument or memorial in the District of Columbia or the surrounding area must be approved by an Act of Congress.¹⁵ Typically, once approved, a private organization will have seven years to raise the required funding for the commemorative work’s construction and design. The CWA also established the “Reserve”, which broadly encompasses what is known as the National Mall. The CWA found that the Reserve was “a substantially completed work of civic art” where the siting of new commemorative works should be prohibited.¹⁶ In order to place a new commemorative work in the Reserve or near the Reserve (Area 1), an additional Act of Congress is required. While this is somewhat rare, most recently Congress authorized a location within the



Source: National Park Service, 2003.

¹¹ National Archives, “Woman Suffrage and the 19th Amendment” <https://www.archives.gov/education/lessons/woman-suffrage#background>

¹² *Id.*

¹³ *Id.*

¹⁴ The National Archives, 19th Amendment to the U.S. Constitution: Women's Right to Vote (1920), February 8, 2022, <https://www.archives.gov/milestone-documents/19th-amendment#:~:text=Passed%20by%20Congress%20June%2024,decades%20of%20agitation%20and%20protest.>

¹⁵ 40 U.S.C. §§8901-8909.

¹⁶ *Id.*

Reserve for the Global War on Terrorism Memorial in 2021.¹⁷

In December 2020, President Trump signed legislation authorizing the creation of a federal monument in Washington, D.C., to honor the women’s suffrage movement and the historic passage of the 19th amendment.¹⁸ That legislation empowered the Women’s Suffrage National Monument Foundation to establish a commemorative work on federal land in D.C. or its environs. The bill required the Women’s Suffrage National Monument Foundation to follow the standard legal framework established by the CWA and prohibited the use of federal funds for the commemorative work.¹⁹ H.R. 1318, the “Women’s Suffrage National Monument Location Act,” authorizes the congressionally chartered Women’s Suffrage National Monument to be placed in the Reserve. Under the CWA, this additional legislation is necessary in order for the Memorial to be placed on the National Mall. Supporters of H.R. 1318 argue that this monument would be the first tribute to women’s history on the National Mall. H.R. 1318 is a bipartisan bill being co-led by Representative Lesko (R-AZ). Senators Baldwin (D-WI) and Blackburn (R-TN) are leading companion legislation in the Senate.²⁰

H.R. 2717 (Rep. Moore, R-UT), “Hershel Woody Williams National Medal of Honor Monument Location Act”

The Medal of Honor is our nation’s highest medal for valor in combat awarded to members of the U.S. Armed Forces. The medal was first authorized in 1861 for U.S. Navy Sailors and Marines, and the following year for U.S. Army Soldiers.²¹ This year marked the 160th anniversary of the awarding of the first Medal of Honor by President Abraham Lincoln in the midst of the Civil War.²² Since its establishment, 3,516 Medals of Honor have been awarded to members of all Department of Defense services.²³ Medals of Honor are awarded sparingly by Presidents, and only bestowed upon the bravest of the brave. Their courage and valor in combat must be well documented.²⁴ There are only 65 living recipients of the Medal of Honor, including Master Chief Special Warfare Operator (SEAL), Britt Slabinski, United States Navy, (Ret.), who will testify at the hearing.²⁵

During the 117th Congress, H.R. 1664 was passed to authorize the National Medal of Honor Museum Foundation to establish a commemorative work, such as a monument or memorial, on federal land in the District of Columbia or its environs to recognize Medal of Honor recipients.²⁶ The bill required the National Medal of Honor Museum Foundation to follow the standard legal framework established by the CWA, prohibited the use of federal funds for the commemorative

¹⁷ Sec. 6605, Public Law No: 117-81.

¹⁸ Forbes, Trump Signs Bill For Women’s Suffrage Monument In Washington, D.C., December 17, 2020, <https://www.forbes.com/sites/carlieporterfield/2020/12/17/trump-signs-bill-for-womens-suffrage-monument-in-washington-dc/?sh=7140d83b1f66>.

¹⁹ Public Law No: 116-217.

²⁰ S. 886, “Women’s Suffrage National Monument Location Act”, 118th, <https://www.congress.gov/bill/118th-congress/senate-bill/886>.

²¹ History of the Medal of Honor, United States Army, March 30, 2023, <https://www.army.mil/medalofhonor/history.html>.

²² Dan McLaughlin, “The Medal of Honor’s Anniversary,” March 25, 2023, National Review, <https://www.nationalreview.com/corner/the-medal-of-honors-anniversary/>.

²³ *Id.*

²⁴ History of the Medal of Honor, United States Army, March 30, 2023, <https://www.army.mil/medalofhonor/history.html>.

²⁵ The Medal, National Medal of Honor Museum, Accessed June 28, 2023, <https://mohmuseum.org/the-medal/>.

²⁶ P.L. 117-80, <https://www.congress.gov/bill/117th-congress/house-bill/1664>.

work, and required that sufficient funds be provided to NPS for maintenance of the commemorative work.²⁷ Similar to the women’s suffrage monument discussed previously, proponents of the Medal of Honor National Memorial are now looking to place the Memorial in a prominent location in the Reserve, requiring a new Act of Congress.



President Trump awarding the Medal of Honor to Master Chief Special Warfare Operator (SEAL), Britt Slabinski, USN, (Ret.) **Source:** NBC News, 2018.

H.R. 2717 would authorize the location of the National Medal of Honor Memorial within the Reserve. The bill requires the memorial to be placed within 1,000 feet of the Lincoln Memorial on the National Mall, in recognition of President Lincoln’s legacy of awarding the first Medal of Honor in 1863.²⁸ This bipartisan legislation currently has 26 cosponsors.

[H.R. 3448 \(Rep. Stefanik, R-NY\), “American Battlefield Protection Program Enhancement Act”](#)

Our nation’s battlefields are hallowed sites that showcase the sacrifice and struggle, trials and triumphs, that shaped our great nation. From the American Revolution to the Civil War, battlefield sites now serve as outdoor classrooms that ensure future generations can learn about the conflicts that forged our great nation. Unfortunately, despite the rich history of these locations, many of these hallowed grounds have been lost or destroyed throughout the past centuries. Estimates suggest that “60 percent of the 243 significant battles of the Revolution and War of 1812 retain no ‘significant lands from the period of battle’” and “more than 20 percent of important Civil War battles are similarly destroyed forever.”²⁹ To address the loss of sacred

²⁷ *Id.*

²⁸ The Medal, National Medal of Honor Museum, Accessed June 28, 2023, <https://mohmuseum.org/the-medal/>.

²⁹ American Battlefield Trust, “FAQS: Battlefield Preservation,” <https://www.battlefields.org/about/faqs-battlefield-preservation#lost>.

battlefield sites, Congress created the American Battlefield Protection Program (ABPP) in 1996.³⁰ The ABPP provides grants in four categories (battlefield land acquisition, battlefield interpretation, battlefield restoration, and preservation planning) to protect sites related to the Revolutionary War, War of 1812, and the Civil War. Since its conception, the ABPP has helped protect more than 100 battlefields in 42 states and protect battlefield lands at 110 battlefield sites in 19 states.



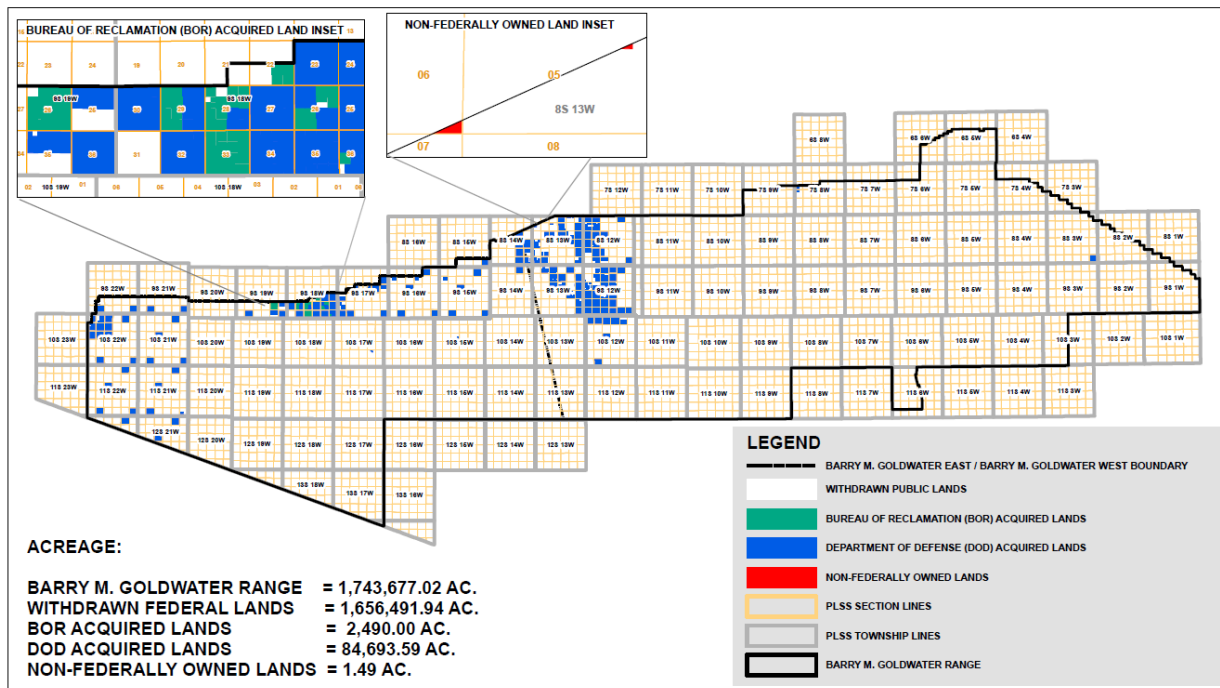
Sailor's Creek Battlefield Historical State Park in Virginia, one of the sites that would be eligible for protection under H.R. 3448. **Source:** Find Your Chesapeake, 2023.

In order to ensure the continued protection of this crucial element of American history, H.R. 3448 makes several improvements to the ABPP. First, the bill allows educational institutions and nonprofit organizations to receive battlefield preservation and battlefield land acquisition grants directly, rather than through a state or local government. The bill also adds tribes as eligible entities for these grants. Second, the bill clarifies Congress's intent when battlefield land acquisition grants were expanded to Revolutionary War and War of 1812 sites by specifying this expansion shall only apply to battlefields, not associated historic sites. Third, H.R. 3448 expands the scope of battlefield restoration grants by allowing funding to be used on sites from the Revolutionary War, War of 1812, and Civil War that have been identified as priority battlefields by NPS and are owned by a state, tribal, or local government or non-profit entity. This would expand protection eligibility to significant battlefields in Arizona, Arkansas, , New Jersey, Pennsylvania, and Virginia. Lastly, the bill directs decennial updates of battlefield reports conducted by NPS, which were last completed in 1993 and 2007. With the creation of new technologies such as LiDAR, the boundaries of battlefields could be updated to improve accuracy and protection of these historic sites. This bipartisan bill is co-led by the co-chairs of the Congressional Battlefield Caucus, Representatives Stefanik (R-NY) and Connolly (D-VA) and is cosponsored by 40 Members.

[H.R. 4377 \(Rep. Grijalva, D-AZ\), To amend the Military Lands Withdrawal Act of 1999 with respect to extensions, additions, and revisions to the Barry M. Goldwater Range in Arizona.](#)

³⁰ NPS, "American Battlefield Protection Program: What We Do," <https://www.nps.gov/orgs/2287/whatwedo.htm>.

The Barry M. Goldwater Range (BMGR) is a 1.9 million acre complex located in southwestern Arizona in Maricopa, Pima, and Yuma counties.³¹ It has served as a military training range since it was first established to train United States pilots and other aircrew members during World War II. It is the nation’s fourth largest land-based range and the largest range for tactical aviation training.³² With 57,000 cubic miles of airspace and largely undisturbed surface areas, the BMGR can accommodate more than 50 aircraft and aircrew performing simultaneous exercises.³³ The range primarily serves the Air Force (BMGR—East) and Navy (BMGR—West). However, in the past, the range has accommodated combat pilots from the Army, Navy, Marine Corps, and Air Force, including the Navy’s F-18 pilots and half of all F-16 pilots during the Gulf War.



**BARRY M. GOLDWATER RANGE
REQUESTED WITHDRAWAL EXTENSION MAP**
PORTIONS OF MARICOPA, PIMA & YUMA COUNTIES, ARIZONA

DATE: 13 JUN 2022

Source: United States Air Force, 2022.

The Military Land Withdrawal Act of 1999 originally withdrew the BMGR from uses that are inconsistent with its military mission. The current withdrawal is scheduled to expire on October 4, 2024. Both the Air Force and Navy have expressed the need to continue using the BMGR and the need for additional land. H.R. 4377 extends the land withdrawal for the range until 2049 and adds approximately 2,365.89 acres of public land to the base. The additional withdrawal of Bureau of Land Management (BLM) and Bureau of Reclamation land for the base provides additional security and safety of flight operations. The bill also updates discrepancies in title records to clarify the withdrawal and ownership of certain lands around the base. This

³¹ 944th Fighter Wing, “Barry M. Goldwater Range, <https://www.944fw.afrc.af.mil/About-Us/Fact-Sheets/Display/Article/189492/barry-m-goldwater-range/>.”

³² Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.

³³ *Id.*

discrepancy relates to an old mining site currently owned by the Air Force and located in the Cabeza Prieta National Wildlife Refuge. The Air Force has no use for the site, which is located approximately 20 miles south of BMGR. The bill would transfer this old mining site to the U.S. Fish and Wildlife Service.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

[H.R. 386 \(Rep. Johnson, R-SD\), “Mount Rushmore Protection Act”](#)

Sec. 3. Prohibition on use of Federal funds.

- Prohibits the use of any federal funds to alter, change, destroy, or remove any name, face, or other feature on the Mount Rushmore National Memorial in South Dakota

Section 4. Designation of Mount Rushmore.

- Designates the mountain at Mount Rushmore National Memorial as “Mount Rushmore.”

[H.R. 1318 \(Rep. Neguse, D-CO\), “Women’s Suffrage National Monument Location Act”](#)

Section 2. Women’s Suffrage National Monument.

- Establishes the Women’s Suffrage National Monument will be located on the Reserve.
- Specifies the CWA shall continue applying to the Monument, with the exception of the prohibition against locating commemorative works in the Reserve.

[H.R. 2717 \(Rep. Moore, R-UT\), “Hershel Woody Williams National Medal of Honor Monument Location Act”](#)

Section 3. National Medal of Honor Monument Location.

- Establishes the National Medal of Honor commemorative work will be located on the Reserve.
- Specifies the commemorative work shall be attached to or placed within 1,000 feet of the Lincoln Memorial on the National Mall “as a respectful extension of his enduring legacy and recognition of what ordinary people can accomplish when working for the greater good.”

[H.R. 3448 \(Rep. Stefanik, R-NY\), “American Battlefield Protection Program Enhancement Act”](#)

Section 2. American Battlefield Protection Program Improvements.

- Updates definitions for the American Battlefield Protection Program.
- Adds tribes, educational institutions, and nonprofit organizations as eligible recipients of battlefield preservation grants.
- Amends battlefield land acquisition grants to:
 - Clarify grants shall be used on priority battlefields, not associated historic sites.
 - Adds tribes and nonprofit organizations as eligible recipients of funding.

- Amends battlefield restoration grants to expand grant eligibility to sites that are: 1) identified as priority locations in battlefield reports produced by NPS; and 2) are owned by a state, tribal, or local government or nonprofit organization.
- Directs the Secretary of the Interior to update the 1993 “Report on the Nation’s Civil War Battlefields” and 2007 “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States” 2 years after the passage of the bill and every 10 years after.

H.R. 4377 (Rep. Grijalva, D-AZ), To amend the Military Lands Withdrawal Act of 1999 with respect to extensions, additions, and revisions to the Barry M. Goldwater Range in Arizona.

Section 1. Extensions, Additions, and Revisions to the Military Lands Withdrawal Act of 1999 Relating to Barry M. Goldwater Range.

- Updates the land description and map for BMGR.
- Includes an additional withdrawal of approximately 2,300 acres of public land.
- Revokes historic Public Land Orders and Executive Orders from the World War II era that withdrew and reserved land in and around BMGR but serve no purpose in light of the current withdrawal.
- Transfers a patented mining claim, known as the Legal Tender, to the U.S. Fish and Wildlife Service as part of the Cabeza Prieta National Wildlife Refuge.
- Extends the withdrawal of BMGR lands by 25 years to 2049.

V. COST

None of the bills on today’s hearing have received a formal cost estimate from the Congressional Budget Office (CBO).

VI. ADMINISTRATION POSITION

In June 2023, NPS testified in opposition to S. 886, the Senate companion to the “Women’s Suffrage National Monument Location Act,” stating:

“Since the establishment of the Reserve by Congress in 2003, the Department has endeavored to protect the Reserve by discouraging the establishment of any new commemorative works within it. It is for that reason that we do not support S. 886 as currently drafted. This position is consistent with other testimony the Department has submitted on legislation that proposes new commemorative works within the Reserve.”³⁴

³⁴ Statement Of Michael A. Caldwell, Associate Director, Park Planning, Facilities, And Lands, National Park Service, U.S. Department Of The Interior, Before The Senate Energy And Natural Resources Subcommittee On National Parks Concerning S. 886, To Authorize The Location Of A Monument On The National Mall To Commemorate And Honor The Women’s Suffrage Movement And The Passage Of The 19th Amendment To The Constitution, And For Other Purposes, June 21, 2023, <https://www.doi.gov/ocl/s-886>.

For this reason, it is also expected NPS will testify in opposition to the “Hershel Woody Williams National Medal of Honor Monument Location Act.”

The administration positions on the remaining bills are unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 2717](#)

[H.R. 3448](#)

[H.R. 4377](#)