

TO DESIGNATE THE MOUNTAIN AT THE DEVILS TOWER
NATIONAL MONUMENT, WYOMING, AS DEVILS TOWER,
AND FOR OTHER PURPOSES

APRIL 11, 2018.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 401]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 401) to designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 401 is to designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower.

BACKGROUND AND NEED FOR LEGISLATION

Devils Tower National Monument, a part of the Black Hills mountains, is in Crook County, Wyoming, and consists of 1,347 acres. The geological formation known as Devils Tower within the Monument rises 1,267 feet above the Belle Fourche River. President Theodore Roosevelt established Devils Tower as the nation's first national monument on September 24, 1906.

The name Devils Tower has unique origins. American Indian tribes who lived in the Black Hills region had their own names for the formation. The most common and widely used during the time of United States exploration of the Black Hills (1855-75) was Bears

Lodge. Other names used by Native Americans included Gray Horn Butte, Tree Rock, and The Place Where Bears Live. According to the National Park Service, most maps from 1874 to 1901 mark the feature as Bears Lodge.¹ Sometime during this period the name was changed with information brought back by an expedition led by Colonel Richard Irving Dodge. Colonel Dodge's expedition sent a small contingent, including geologist and mapmaker Henry Newton, to study the Tower. When Newton's group returned, they reported that, "the Indians call this place 'bad god's tower,' a name adopted with proper modification . . .". And so the label "Devil's Tower" was created.²

No other records indicate that Native Americans associated this place with bad gods or evil spirits. It is suspected that a bad translation led the men to confuse the words for bear and bad god. Although maps still called the Tower "Bears Lodge," Colonel Dodge published a book about his expedition which became very popular. The new name "Devil's Tower" became lodged in the public consciousness, and was adopted by the early 1900s.³ When President Roosevelt proclaimed the national monument in 1906, the proclamation inadvertently left out the apostrophe from the word "Devil's." Since that time, the site has been known as Devils Tower.⁴

Since the establishment of Devils Tower National Monument, there have been repeated efforts to rename the monument and the geological feature known as Devils Tower. Authority to name and rename geographic features in the United States is provided by Congress to the U.S. Board on Geographic Names (BGN) and the Secretary of the Interior. The BGN, a federal body, was created in 1890 and established in its present form under Public Law 80-242 in 1947 to maintain uniform geographic name usage throughout the federal government. Sharing its responsibilities with the Secretary of the Interior, the BGN promulgates official geographic feature names with locative attributes as well as principles, policies, and procedures governing the use of domestic names, foreign names, Antarctic names, and undersea feature names.⁵

The BGN has delegated to the Domestic Names Committee (DNC) the authority to render decisions on individual geographic domestic names, within established principles, policies, and procedures. Domestic geographic name issues and proposals submitted to the BGN are researched by the DNC support staff. Input from State geographic names authorities, land management agencies, local governments, and tribal governments are actively pursued.⁶

The DNC may not change names that have been specifically established by an act of Congress or Executive order. Additionally, the DNC has a long-standing policy of deferring action when a matter is being considered by Congress. Of note, however, is that if the name was not established by Congress or the President, and the BGN has not acted within a "reasonable time," the Secretary of the

¹"About the Name." National Park Service. Accessed March 09, 2018. <https://www.nps.gov/deto/learn/historyculture/aboutthename.htm>.

²Ibid.

³Ibid.

⁴Ibid.

⁵U.S. Board on Geographic Names (BGN). Accessed March 09, 2018. <https://geonames.usgs.gov/>.

⁶"Principles, Policies, and Procedures Domestic Geographic Names." Accessed March 9, 2018. https://geonames.usgs.gov/docs/DNC_PPP_DEC_2016_V.1.0.pdf.

Interior is authorized to act unilaterally.⁷ This occurred recently when former Secretary of the Interior Sally Jewell changed the name of Mount McKinley to Denali.⁸

In recent years, Native American tribal leaders have once again renewed efforts to change the name. On December 1, 2014, the President of the Oglala Sioux Tribe wrote to the Secretary of the Interior and others requesting that the name “Devils Tower National Monument” be changed to “Bear Lodge.” Tribes contend that the site is sacred and that the name Devils Tower is offensive given the tower’s religious significance.⁹

The Governor of Wyoming, Matt Meade, opposes the name change to “Bear Lodge,” stating that “Devils Tower is one of the most recognized names in the National Park Service inventory.”¹⁰ The Crook County Commission also opposes the change. The Wyoming Board of Geographic Names, which serves in an advisory capacity to the BGN, has indicated it will not act on the name change while the matter is being considered by Congress, as it follows the DNC’s policies.

H.R. 401 would require the mountain in Devils Tower National Monument to be known and designated as “Devils Tower”. This legislation would prevent the BGN or the Secretary of the Interior now or in the future from acting to rename the geographic feature.

COMMITTEE ACTION

H.R. 401 was introduced on January 10, 2017, by Congresswoman Liz Cheney (R-WY). The bill was referred to the Committee on Natural Resources and within the Committee to the Subcommittee on Federal Lands. On March 14, 2018, the Committee on Natural Resources met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by a roll call vote of 20 ayes to 13 noes, as follows:

⁷ 43 U.S.C. §§ 364b.

⁸ “Secretary Jewell Announces Nation’s Highest Peak Will Now Officially Bear Native Name.” August 30, 2015. Accessed March 9, 2018. <https://www.doi.gov/pressreleases/secretary-jewell-announces-nation%E2%80%99s-highest-peak-will-now-bear-native>.

⁹ Bob Moen. “Debate simmers over name of Devils Tower monument in Wyoming.” Casper Star-Tribune Online. October 07, 2016. Accessed March 09, 2018. http://trib.com/news/state-and-regional/debate-simmers-over-name-of-devils-tower-monument-in-wyoming/article_a7864143-ea97-5560-a94c-add66e4c533.html.

¹⁰ Ibid.

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 03.14.18

Recorded Vote #:1

Meeting on / Amendment on: FC Markup Favorably Report HR 401 (Rep. Liz Cheney), To designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower, and for other purposes.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>		X	
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>		X	
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA	X		
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>		X	
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Clay, MO</i>			
Mr. Wittman, VA	X			Mrs. Radewagen, AS			
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Gomez, CA</i>		X	
Mr. McClintock, CA	X			Mr. Webster, FL	X		
<i>Ms. Tsongas, MA</i>				Mr. Bergman, MI	X		
Mr. Pearce, NM				Ms. Cheney, WY	X		
<i>Mr. Huffman, CA</i>		X		Mr. Johnson, LA			
Mr. Thompson, PA	X			Ms. González-Colón, PR			
<i>Mr. Lowenthal, CA</i>		X		Mr. Gianforte, MT	X		
Mr. Gosar, AZ	X			Mr. Curtis, UT	X		
<i>Mr. Beyer, VA</i>							
Mr. Labrador, ID	X						
<i>Mrs. Torres, CA</i>		X					
Mr. Tipton, CO	X						
<i>Mr. Gallego, AZ</i>		X					
Mr. LaMalfa, CA	X						
<i>Ms. Hanabusa, HI</i>							
Mr. Denham, CA	X						
<i>Ms. Barragán, CA</i>		X		TOTAL:	20	13	

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, March 16, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 401, a bill to designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower, and for other purposes, as ordered reported by the House Committee on Natural Resources on March 14, 2018.

CBO estimates that enacting H.R. 401 would have no significant effect on the federal budget and would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 401 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 401 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

Sincerely,

KEITH HALL,
Director.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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

DISSENTING VIEWS

H.R. 401 would officially designate the mountain at Devils Tower National Monument as *Devils Tower*. While this bill seems quite unassuming on its face, it is actually intended to bypass the serious concerns of local tribes that have long been offended by this erroneous name.

Devils Tower National Monument was the first established pursuant to the Antiquities Act by Theodore Roosevelt in 1906. The site receives 400,000 annual visits and is a popular recreation destination in northeastern Wyoming.

However, tribes in the area have long expressed concerns about the *Devils Tower* name, stating that it is offensive and does not reflect their understanding of the site and spiritual connection to the place.

Devils Tower is known by many other names to these tribes, almost all of which relate to a bear, as most of the origin stories connected to the monument prominently feature the animal. Most early commissioned maps and photos actually mark the mountain and surrounding area as *Bear Lodge*. However, the head of an 1870s Army-led expedition instead recorded the name of the mountain as *Bad God Tower*, which is just a botched translation of *Bear Lodge*. *Bad God's Tower* morphed into *Devils Tower*, which was subsequently used as the name of the national monument when it was proclaimed in 1906.

To add insult to injury, these tribes do not associate the monument with bad gods or evil spirits in any way—in contrast, it is a very holy site. It is not only a place of cultural importance, but also of great religious significance that is still used for native religious ceremonies to this day.

More than 25 Tribes in the Great Plains region hold the monument sacred, including the tribes that comprise the Great Sioux Nation. In November 2014, the Great Sioux nation spiritual leader Arvol Looking Horse filed a formal petition with the U.S. Board on Geographic Names to officially change the name of *Devils Tower* to *Bear Lodge*.

Usually, the U.S. Board on Geographic Names would embark on a consultation and comment period regarding the name change. However, the mere introduction of H.R. 401 derails this process, as the Board has a policy of not acting on petitions to change a name if legislation involving the change is pending before Congress.

We appreciate the economic impact that *Devils Tower* offers to the State of Wyoming and the surrounding region, but that does not change the fact that its erroneous name is offensive to many citizens of this country. Passage of H.R. 401 would ignore the concerns of these tribal people and should be rejected.

RAÚL M. GRIJALVA,
*Ranking Member, House
Natural Resources Com-
mittee.*

GRACE NAPOLITANO.

DARREN SOTO.

JARED HUFFMAN.

NORMA J. TORRES.

