

Calendar No. 679

108TH CONGRESS
2D SESSION

S. 2173

[Report No. 108-323]

To further the purposes of the Sand Creek Massacre National Historic Site
Establishment Act of 2000.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2004

Mr. CAMPBELL (for himself and Mr. ALLARD) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr.
DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To further the purposes of the Sand Creek Massacre
National Historic Site Establishment Act of 2000.

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 “Sand Creek Massacre
5 National Historic Site Trust Act of 2004”.

1 **SEC. 2. DECLARATION OF POLICY.**

2 To further the purposes of the Sand Creek Massacre
 3 National Historic Site Establishment Act of 2000 (16
 4 U.S.C. 461 note; Public Law 106–465), this Act author-
 5 izes the United States to take certain land in Kiowa Coun-
 6 ty, Colorado, owned by the Cheyenne and Arapaho Tribes
 7 of Oklahoma, into trust.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **SECRETARY.**—The term “Secretary” means
 11 the Secretary of the Interior.

12 (2) **TRIBE.**—The term “Tribe” means the
 13 Cheyenne and Arapaho Tribes of Oklahoma, a feder-
 14 ally recognized Indian tribe.

15 (3) **TRUST PROPERTY.**—The term “trust prop-
 16 erty” means the property described in section 4(b).

17 **SEC. 4. TRANSFER OF LAND HELD IN TRUST FOR THE**
 18 **CHEYENNE AND ARAPAHO TRIBES OF OKLA-**
 19 **HOMA.**

20 (a) **LAND HELD IN TRUST FOR THE CHEYENNE AND**
 21 **ARAPAHO TRIBES OF OKLAHOMA.**—

22 (1) **CONVEYANCE.**—Not later than 180 days
 23 after the date of enactment of this Act, the Tribe
 24 shall convey title to the trust property to the United
 25 States.

1 (2) TRUST.—All right, title, and interest of the
 2 United States in and to the trust property, including
 3 all improvement on the trust property and appur-
 4 tenances to the trust property and rights to all min-
 5 erals, are declared to be held by the United States
 6 in trust for the Tribe.

7 (b) LAND DESCRIPTION.—The trust property is the
 8 property formerly known as the “Dawson Ranch”, con-
 9 sisting of approximately 1,465 total acres presently under
 10 the jurisdiction of the Tribe, situated within Kiowa Coun-
 11 ty, Colorado, and more particularly described as follows:

12 (1) The portion of sec. 24, T. 17 S., R. 46 W.,
 13 Colorado Principal Meridian, that is the Eastern
 14 half of the NW quarter, the SW quarter of the NE
 15 quarter, the NW quarter of the SE quarter, Colo-
 16 rado Principal Meridian.

17 (2) All of sec. 25, T. 17 S., R. 46 W., Colorado
 18 Principal Meridian.

19 (3) All of sec. 30, T. 17 S., R. 45 W., Colorado
 20 Principal Meridian.

21 **SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DE-**
 22 **SCRIPTION.**

23 (a) SURVEY OF BOUNDARY LINE.—To accurately es-
 24 tablish the boundary of the trust property, the Secretary
 25 shall, not later than 180 days after the date of enactment

1 of this Act, cause a survey to be conducted by the Office
2 of Cadastral Survey of the Bureau of Land Management
3 of the boundary lines described in section 4(b).

4 (b) PUBLICATION OF LAND DESCRIPTION.—

5 (1) IN GENERAL.—On completion of the survey
6 under subsection (a), and acceptance of the survey
7 by the representatives of the Tribe, the Secretary
8 shall cause the full metes and bounds description of
9 the lines, with a full and accurate description of the
10 trust property, to be published in the Federal Reg-
11 ister.

12 (2) EFFECT.—The descriptions shall, on publi-
13 cation, constitute the official descriptions of the
14 trust property.

15 **SEC. 6. ADMINISTRATION OF TRUST PROPERTY.**

16 (a) IN GENERAL.—The trust property is declared to
17 be part of the Indian reservation of the Tribe.

18 (b) ADMINISTRATION.—The trust property shall be
19 administered in perpetuity by the Secretary in accordance
20 with the law generally applicable to property held in trust
21 by the United States for the benefit of Indian tribes and
22 in accordance with the Sand Creek Massacre National
23 Historic Site Establishment Act of 2000 (16 U.S.C. 461
24 note; Public Law 106–465).

1 **SEC. 7. RELIGIOUS AND CULTURAL USES.**

2 (a) **IN GENERAL.**—The trust property shall be used
3 only for historic, religious, or cultural uses that are com-
4 patible with the use of the land as a national historic site.

5 (b) **DUTY OF THE SECRETARY.**—The Secretary shall
6 take such action as is necessary to ensure that the trust
7 property is used only in accordance with this section.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Sand Creek Massacre*
10 *National Historic Site Trust Act of 2004”.*

11 **SEC. 2. DEFINITIONS.**

12 *In this Act:*

13 (1) **SECRETARY.**—*The term “Secretary” means*
14 *the Secretary of the Interior.*

15 (2) **FACILITY.**—*The term “facility” means any*
16 *structure, utility, road, or sign constructed on the*
17 *trust property on or after the date of enactment of*
18 *this Act.*

19 (3) **IMPROVEMENT.**—*The term “improvement”*
20 *means—*

21 (A) *a 1,625 square foot 1-story ranch house,*
22 *built in 1952, located in the SW quarter of sec.*
23 *30, T. 17 S., R. 45 W., sixth principal meridian;*

24 (B) *a 3,600 square foot metal-constructed*
25 *shop building, built in 1975, located in the SW*

1 quarter of sec. 30, T. 17 S., R. 45 W., sixth prin-
2 cipal meridian;

3 (C) a livestock corral and shelter; and

4 (D) a water system and wastewater system
5 with all associated utility connections.

6 (4) *TRIBE*.—The term “Tribe” means the Chey-
7 enne and Arapaho Tribes of Oklahoma, a federally
8 recognized Indian tribe.

9 (5) *TRUST PROPERTY*.—The term “trust prop-
10 erty” means the real property, including rights to all
11 minerals, and excluding the improvements, formerly
12 known as the “Dawson Ranch”, consisting of ap-
13 proximately 1,465 total acres presently under the ju-
14 risdiction of the Tribe, situated within Kiowa Coun-
15 ty, Colorado, and more particularly described as fol-
16 lows:

17 (A) The portion of sec. 24, T. 17 S., R.
18 46W., sixth principal meridian, that is the East-
19 ern half of the NW quarter, the SW quarter of
20 the NE quarter, the NW quarter of the SE quar-
21 ter, sixth principal meridian.

22 (B) All of sec. 25, T. 17 S., R. 46 W., sixth
23 principal meridian.

24 (C) All of sec. 30, T. 17 S., R. 45 W., sixth
25 principal meridian.

1 **SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR**
2 **THE CHEYENNE AND ARAPAHO TRIBES OF**
3 **OKLAHOMA.**

4 (a) *LAND HELD IN TRUST FOR THE CHEYENNE AND*
5 *ARAPAHO TRIBES OF OKLAHOMA.*—Immediately upon con-
6 veyance of title to the trust property by the Tribe to the
7 United States, without any further action by the Secretary,
8 the trust property shall be held in trust for the benefit of
9 the Tribe.

10 (b) *TRUST.*—All right, title, and interest of the United
11 States in and to the trust property, except any facilities
12 constructed under section 4(b), are declared to be held by
13 the United States in trust for the Tribe.

14 **SEC. 4. IMPROVEMENTS AND FACILITIES.**

15 (a) *IMPROVEMENTS.*—The Secretary may acquire by
16 donation the improvements in fee.

17 (b) *FACILITIES.*—

18 (1) *IN GENERAL.*—The Secretary may construct
19 a facility on the trust property only after consulting
20 with, soliciting advice from, and obtaining the agree-
21 ment of, the Tribe, the Northern Cheyenne Tribe, and
22 the Northern Arapaho Tribe.

23 (2) *OWNERSHIP.*—Facilities constructed with
24 Federal funds or funds donated to the United States
25 shall be owned in fee by the United States.

1 (c) *FEDERAL FUNDS.*—For the purposes of the con-
 2 struction, maintenance, or demolition of improvements or
 3 facilities, Federal funds shall be expended only on improve-
 4 ments or facilities that are owned in fee by the United
 5 States.

6 **SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DE-**
 7 **SCRIPTION.**

8 (a) *SURVEY OF BOUNDARY LINE.*—To accurately es-
 9 tablish the boundary of the trust property, not later than
 10 180 days after the date of enactment of this Act, the Sec-
 11 retary shall cause a survey to be conducted by the Office
 12 of Cadastral Survey of the Bureau of Land Management
 13 of the boundary lines described in section 2(5).

14 (b) *PUBLICATION OF LAND DESCRIPTION.*—

15 (1) *IN GENERAL.*—On completion of the survey
 16 under subsection (a), and acceptance of the survey by
 17 the representatives of the Tribe, the Secretary shall
 18 cause the full metes and bounds description of the
 19 lines, with a full and accurate description of the trust
 20 property, to be published in the Federal Register.

21 (2) *EFFECT.*—The description shall, on publica-
 22 tion, constitute the official description of the trust
 23 property.

1 **SEC. 6. ADMINISTRATION OF TRUST PROPERTY.**

2 (a) *IN GENERAL.*—*The trust property shall be admin-*
3 *istered in perpetuity by the Secretary as part of the Sand*
4 *Creek Massacre National Historic Site, only for historical,*
5 *traditional, cultural, and other uses in accordance with the*
6 *Sand Creek Massacre National Historic Site Establishment*
7 *Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).*

8 (b) *ACCESS FOR ADMINISTRATION.*—*For purposes of*
9 *administration, the Secretary shall have access to the trust*
10 *property, improvements, and facilities as necessary for*
11 *management of the Sand Creek Massacre National Historic*
12 *Site in accordance with the Sand Creek Massacre National*
13 *Historic Site Establishment Act of 2000 (16 U.S.C. 461*
14 *note; Public Law 106–465).*

15 (c) *DUTY OF THE SECRETARY.*—*The Secretary shall*
16 *take such action as is necessary to ensure that the trust*
17 *property is used only in accordance with this section.*

18 (d) *SAVINGS PROVISION.*—*Nothing in this Act super-*
19 *sedes the laws and policies governing units of the National*
20 *Park System.*

21 **SEC. 7. ACQUISITION OF PROPERTY.**

22 *Section 6(a)(2) of the Sand Creek Massacre National*
23 *Historic Site Establishment Act of 2000 (16 U.S.C. 461*
24 *note; Public Law 106–465) is amended by inserting “or ex-*
25 *change” after “only by donation”.*

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To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

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