

LEWIS AND CLARK NATIONAL
HISTORICAL PARK ACT OF 2004

The Senate proceeded to consider the bill (S. 2167) to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lewis and Clark National Historical Park Act of 2004”.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Lewis and Clark National Historical Park to—

(1) preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area; and

(2) commemorate the winter encampment of the Lewis and Clark Expedition in the winter of 1805–1806 following the successful crossing of the North American Continent.

SEC. 3. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Lewis and Clark National Historical Park, Boundary Map”, numbered 405/80027, and dated December, 2003.

(2) **MEMORIAL.**—The term “Memorial” means the Fort Clatsop National Memorial established under section 1 of Public Law 85–435 (16 U.S.C. 450mm).

(3) **PARK.**—The term “Park” means the Lewis and Clark National Historical Park established by section 4(a).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 4. LEWIS AND CLARK NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Lewis and Clark National Historical Park in the States of Washington and Oregon, as depicted on the map.

(b) **COMPONENTS.**—The Park shall consist of—

(1) the Memorial, including—

(A) the site of the salt cairn (lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by the Lewis and Clark Expedition; and

(B) portions of the trail used by the Lewis and Clark Expedition that led overland from Fort Clatsop to the Pacific Ocean;

(2) the parcels of land identified on the map as “Fort Clatsop 2002 Addition Lands”; and

(3) the parcels of land located along the lower Columbia River in the State of Washington that are associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805 and that are identified on the map as—

(A) “Station Camp”;

(B) “Clark’s Dismal Nitch”; and

[(C) “Memorial to Thomas Jefferson”.]

(C) “Cape Disappointment”.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire land, an interest in land, and any im-

provements to land located within the boundary of the Park.

(2) **MEANS.**—Subject to paragraph (3), an acquisition of land under paragraph (1) may be made by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by any other means that the Secretary determines to be in the public interest.

(3) **CONSENT OF OWNER.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no land, interest in land, or improvement to land to may be acquired under paragraph (1) without the consent of the owner.

(B) **EXCEPTION.**—The corporately-owned timberland in the area described in subsection (b)(2) may be acquired without the consent of the owner.

(4) **MEMORANDUM OF UNDERSTANDING.**—If the owner of the timberland described in paragraph (2)(B) agrees to sell the timberland to the Secretary either as a result of a condemnation proceeding or without any condemnation proceeding, the Secretary shall enter into a memorandum of understanding with the owner with respect to the manner in which the timberland is to be managed after acquisition of the timberland by the Secretary.

[(5) **ACQUISITION OF ADDITIONAL LAND.**—

[(A) **IN GENERAL.**—In addition to the land authorized to be acquired under paragraph (1), the National Park Service is authorized to acquire by transfer Federal land at Cape Disappointment, Washington.

[(B) **MANAGEMENT.**—The National Park Service shall enter into a cooperative management agreement with the State of Washington under section 5(c) to provide for the management of the land acquired under subparagraph (A) as a State park.]

(5) **CAPE DISAPPOINTMENT.**—

(A) **TRANSFER.**—

(i) **IN GENERAL.**—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the Park.

(ii) **WITHDRAWN LAND.**—

(I) **NOTICE.**—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the Park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(II) **TRANSFER.**—On receipt of a notice under subclause (I), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the Park.

(B) **MEMORIAL TO THOMAS JEFFERSON.**—

(i) **IN GENERAL.**—All withdrawals of the 20-acre parcel depicted on the map as “Memorial to Thomas Jefferson” are revoked.

(ii) **ESTABLISHMENT.**—The Secretary shall establish a memorial to Thomas Jefferson on the parcel referred to in clause (i).

(C) **MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.**—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the Park known as “Cape Disappointment State Park”.

SEC. 5. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **MANAGEMENT PLAN.**—Not later than 3 years after funds are made available to carry

out this Act, the Secretary shall prepare an amendment to the general management plan for the Memorial to address the management of the Park.

(c) **COOPERATIVE MANAGEMENT AGREEMENTS.**—To facilitate the presentation of a comprehensive picture of the experiences of the Lewis and Clark Expedition in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may, in accordance with section 3(1) of Public Law 91–383 (16 U.S.C. 1a–2(l)), enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon.

SEC. 6. REPEALS; REFERENCES.

(a) **IN GENERAL.**—Public Law 85–435 (72 Stat. 153; 16 U.S.C. 450mm et seq.) is repealed.

(b) **REFERENCES.**—Any reference to Fort Clatsop National Memorial in a law (including regulations), map, document, paper, or other record shall be considered to be a reference to the Lewis and Clark National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 2167), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2004

The Senate proceeded to consider the bill (S. 2173) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. DECLARATION OF POLICY.

[To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465), this Act authorizes the United States to take certain land in Kiowa County, Colorado, owned by the Cheyenne and Arapaho Tribes of Oklahoma, into trust.

SEC. 3. DEFINITIONS.

[In this Act:

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

[(2) **TRIBE.**—The term “Tribe” means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

[(3) **TRUST PROPERTY.**—The term “trust property” means the property described in section 4(b).]

SEC. 4. TRANSFER OF LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

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