

Calendar No. 31

109TH CONGRESS
1ST SESSION

S. 57

[Report No. 109–20]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

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

MARCH 8, 2005

Reported by Mr. DOMENICI, without amendment

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 2005”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FACILITY.—The term “facility” means any
4 structure, utility, road, or sign constructed on the
5 trust property on or after the date of enactment of
6 this Act.

7 (2) IMPROVEMENT.—The term “improvement”
8 means—

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

13 (B) a 3,600 square foot metal-constructed
14 shop building, built in 1975, located in the SW
15 quarter of sec. 30, T. 17 S., R. 45 W., sixth
16 principal meridian;

17 (C) a livestock corral and shelter; and

18 (D) a water system and wastewater system
19 with all associated utility connections.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (4) TRIBE.—The term “Tribe” means the
23 Cheyenne and Arapaho Tribes of Oklahoma, a feder-
24 ally recognized Indian tribe.

25 (5) TRUST PROPERTY.—The term “trust prop-
26 erty” means the real property, including rights to all

1 minerals, and excluding the improvements, formerly
 2 known as the “Dawson Ranch”, consisting of ap-
 3 proximately 1,465 total acres presently under the ju-
 4 risdiction of the Tribe, situated within Kiowa Coun-
 5 ty, Colorado, and more particularly described as fol-
 6 lows:

7 (A) The portion of sec. 24, T. 17 S., R.
 8 46W., sixth principal meridian, that is the
 9 Eastern half of the NW quarter, the SW quar-
 10 ter of the NE quarter, the NW quarter of the
 11 SE quarter, sixth principal meridian.

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

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

16 **SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR**
 17 **THE CHEYENNE AND ARAPAHO TRIBES OF**
 18 **OKLAHOMA.**

19 (a) LAND HELD IN TRUST FOR THE CHEYENNE AND
 20 ARAPAHO TRIBES OF OKLAHOMA.—On conveyance of title
 21 to the trust property by the Tribe to the United States,
 22 without any further action by the Secretary, the trust
 23 property shall be held in trust for the benefit of the Tribe.

24 (b) TRUST.—All right, title, and interest of the
 25 United States in and to the trust property, except any fa-

1 cilities constructed under section 4(b), are declared to be
 2 held by the United States in trust for the Tribe.

3 **SEC. 4. IMPROVEMENTS AND FACILITIES.**

4 (a) IMPROVEMENTS.—The Secretary may acquire by
 5 donation the improvements in fee.

6 (b) FACILITIES.—

7 (1) IN GENERAL.—The Secretary may con-
 8 struct a facility on the trust property only after con-
 9 sulting with, soliciting advice from, and obtaining
 10 the agreement of, the Tribe, the Northern Cheyenne
 11 Tribe, and the Northern Arapaho Tribe.

12 (2) OWNERSHIP.—Facilities constructed with
 13 Federal funds or funds donated to the United States
 14 shall be owned in fee by the United States.

15 (c) FEDERAL FUNDS.—For the purposes of the con-
 16 struction, maintenance, or demolition of improvements or
 17 facilities, Federal funds shall be expended only on im-
 18 provements or facilities that are owned in fee by the
 19 United States.

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

22 (a) SURVEY OF BOUNDARY LINE.—To accurately es-
 23 tablish the boundary of the trust property, not later than
 24 180 days after the date of enactment of this Act, the Sec-
 25 retary shall cause a survey to be conducted by the Office

1 of Cadastral Survey of the Bureau of Land Management
2 of the boundary lines described in section 2(5).

3 (b) PUBLICATION OF LAND DESCRIPTION.—

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

11 (2) EFFECT.—The description shall, on publica-
12 tion, constitute the official description of the trust
13 property.

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

15 (a) IN GENERAL.—The trust property shall be ad-
16 ministered in perpetuity by the Secretary as part of the
17 Sand Creek Massacre National Historic Site, only for his-
18 torical, traditional, cultural, and other uses in accordance
19 with the Sand Creek Massacre National Historic Site Es-
20 tablishment Act of 2000 (16 U.S.C. 461 note; Public Law
21 106–465).

22 (b) ACCESS FOR ADMINISTRATION.—For purposes of
23 administration, the Secretary shall have access to the trust
24 property, improvements, and facilities as necessary for
25 management of the Sand Creek Massacre National His-

1 toric Site in accordance with the Sand Creek Massacre
2 National Historic Site Establishment Act of 2000 (16
3 U.S.C. 461 note; Public Law 106–465).

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

7 (d) SAVINGS PROVISION.—Nothing in this Act super-
8 sedes the laws and policies governing units of the National
9 Park System.

10 **SEC. 7. ACQUISITION OF PROPERTY.**

11 Section 6(a)(2) of the Sand Creek Massacre National
12 Historic Site Establishment Act of 2000 (16 U.S.C. 461
13 note; Public Law 106–465) is amended by inserting “or
14 exchange” after “only by donation”.

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