

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(l) 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.**—

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

[(2) TRUST.—All right, title, and interest of the United States in and to the trust property, including all improvement on the trust property and appurtenances to the trust property and rights to all minerals, are declared to be held by the United States in trust for the Tribe.

[(b) LAND DESCRIPTION.—The trust property is the property formerly known as the “Dawson Ranch”, consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

[(1) The portion of sec. 24, T. 17 S., R. 46 W., Colorado Principal Meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, Colorado Principal Meridian.

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

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

[SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.]

[(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, the Secretary shall, not later than 180 days after the date of enactment of this Act, cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 4(b).

[(b) PUBLICATION OF LAND DESCRIPTION.—

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

[(2) EFFECT.—The descriptions shall, on publication, constitute the official descriptions of the trust property.

[SEC. 6. ADMINISTRATION OF TRUST PROPERTY.]

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

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

[SEC. 7. RELIGIOUS AND CULTURAL USES.]

[(a) IN GENERAL.—The trust property shall be used only for historic, religious, or cultural uses that are compatible with the use of the land as a national historic site.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

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

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

(C) a livestock corral and shelter; and

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

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

(5) TRUST PROPERTY.—The term “trust property” means the real property, including rights to all minerals, and excluding the improvements, formerly known as the “Dawson Ranch”, consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

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

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

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

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

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

SEC. 4. IMPROVEMENTS AND FACILITIES.

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

(b) FACILITIES.—

(1) IN GENERAL.—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

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

(c) FEDERAL FUNDS.—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) PUBLICATION OF LAND DESCRIPTION.—

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

(2) EFFECT.—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the

Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

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

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

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2173), as amended, was read the third time and passed.

CONVEYANCE TO BEAVER COUNTY, UTAH

The Senate proceeded to consider the bill (S. 2285) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, 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. 2285

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

[SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.]

[(a) IN GENERAL.—As soon as practicable after the enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah, all right, title, and interest of the United States in and to the approximately 200 acres depicted as “Parcel A” on the map entitled “Minersville Reservoir Conveyance” and dated February 15, 2003, for use for public recreation.

[(b) RECONVEYANCE BY BEAVER COUNTY.—Notwithstanding subsections (a) and (c), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to it under this section, if the proceeds of such sale are used by Beaver County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to it under this section.

[(c) REVERSION.—

[(1) IN GENERAL.—All property conveyed under subsection (a), except any portion of the property that is sold by Beaver County under subsection (c), shall revert to the United States upon—

[(A) use of the property by Beaver County for any purpose other than public recreation or sale under subsection (b); or

[(B) use of any proceeds of a sale under subsection (b) other than for maintenance in accordance with subsection (b).

[(2) REPAYMENT OF PROCEEDS.—Upon any reversion under this subsection, Beaver County shall pay to the United States the