

[(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

proceeds of any sale of property by Beaver County under subsection (b).]

SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.

(a) *IN GENERAL.*—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah (referred to in this Act as the “County”), all right, title, and interest of the United States in and to the approximately 200 acres depicted as “Minersville State Park” on the map entitled “S. 2285, Minersville State Park” and dated April 30, 2004, for use for public recreation.

(b) *RECONVEYANCE BY BEAVER COUNTY.*—

(1) *IN GENERAL.*—Notwithstanding subsection (a), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to the County under this section, if the proceeds of such sale are used by the County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to the County under this section.

(2) *LIMITATION.*—If the County does not comply with the requirements of paragraph (1) in the conveyance of the property under that paragraph—

(A) the County shall pay to the United States the proceeds of the conveyance; and

(B) the Secretary of the Interior may require that all property conveyed under subsection (a) (other than the property sold by the County under paragraph (1)) revert to the United States.

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

The bill (S. 2285), as amended, was read the third time and passed.

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2004

The Senate proceeded to consider the bill (S. 2287) to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, 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 the italic.)

S. 2287

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 “Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2004”.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) *IN GENERAL.*—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “23,000 acres generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/[81000] 80100, and dated August 2002.”.

(b) *ACQUISITION OF LAND.*—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) *IN GENERAL.*—

“(1) *BARATARIA PRESERVE UNIT.*—

“(A) *IN GENERAL.*—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) *LIMITATIONS.*—With respect to the areas on the map identified as ‘Bayou aux Carpes Addition’ and ‘CIT Tract Addition’—

“(i) any Federal land acquired in the areas shall be transferred to the administrative jurisdiction of the National Park Service; and

“(ii) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.”.]

“(B) *LIMITATIONS.*—

“(i) *IN GENERAL.*—With respect to the areas on the map identified as ‘Bayou aux Carpes Addition’ and ‘CIT Tract Addition’—

“(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

“(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) *EASEMENTS.*—Any Federal land in the area identified on the map as ‘CIT Tract Addition’ that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”;

(B) in the second sentence, by striking “The Secretary may also” and inserting the following:

“(2) *FRENCH QUARTER.*—The Secretary may”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) *ACQUISITION OF STATE LAND.*—Land, water, and interests in land and water”; and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) *ACQUISITION OF OIL AND GAS RIGHTS.*—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) *RESOURCE PROTECTION.*—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.”; and

(3) by redesignating subsection (g) as subsection (c).

(c) *HUNTING, FISHING, AND TRAPPING.*—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “the Secretary”.

(d) *ADMINISTRATION.*—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

SEC. 3. REFERENCES IN LAW.

(a) *IN GENERAL.*—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) *CONFORMING AMENDMENTS.*—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(2) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

The committee amendments were agreed to.

The bill (S. 2287), as amended, was read the third time and passed, as follows:

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

NEW MEXICO WATER PLANNING ASSISTANCE ACT

The Senate proceeded to consider the bill (S. 2460) to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes, 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. 2460

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 “New Mexico Water Planning Assistance Act”.

SEC. 2. DEFINITIONS.

[In this Act:

“(1) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

“(2) *STATE.*—The term “State” means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

“(a) *IN GENERAL.*—On the request of the Governor of the State and subject to subsections (b) through (e), the Secretary shall—

“(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

“(2) conduct water resources mapping in the State; and

“(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

“(b) *TECHNICAL ASSISTANCE.*—Technical assistance provided under subsection (a) may include—

“(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

“(2) expansion of climate, surface water, and groundwater monitoring networks;

“(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

“(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;