

spills. It will require mandatory reporting to the Coast Guard of overboard objects in order to facilitate their recovery and will impose civil or criminal penalties for those who fail to give prompt notification. It will encourage shippers to use double-hull tankers, which are safer and less susceptible to the damage caused by the single hull tankers. It will hold shippers accountable for damages caused by a spill by phasing in an increased liability standard, the first increase since 1990. And it will establish a River and Bay Advisory Committee which will be comprised of representatives from shipping, oil, labor, environment, and the general public to report to Congress on how best to prevent and respond to future incidences along the Delaware River.

I also want to note that in addition to these actions, the Water Resources Development Act, which will be considered by the full House later this week, includes a key provision that was originally part of this legislation. Specifically, it will provide the Army Corps of Engineers with the authority to remove debris along the Delaware River, a vital authority as we increase efforts to keep our waterways clear of dangerous debris. It is my hope that the Water Resources Development Act will be received in an equally bipartisan manner.

Mr. Speaker, the Delaware River Protection Act represents a true collaborative effort. I want to thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on this bill, as well as his office staff, Geoff Gosselin, and the Subcommittee on Coast Guard and Maritime Transportation staff John Cullather, Eric Nagel and John Rayfield for their hard work on this important issue and working so closely with my staff.

Undoubtedly, implementation of this legislation will help to prevent future oil spills along the river, while also preserving the Port of Philadelphia as the regional resource that it is. That is why I urge my colleagues to support passage of this legislation.

□ 1530

Mr. LOBIONDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 1412, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2005

Mr. FORTUÑO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 481) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, as amended.

The Clerk read as follows:

H.R. 481

*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 2005".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **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.

(2) **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.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(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.**—On 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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 481, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 481, introduced by the gentlewoman from Colorado (Mrs. MUSGRAVE) would authorize the Secretary of the Interior to hold 1,465 acres in trust, thereby allowing the National Park Service to formally establish the Sand Creek Massacre National Historic Site. The Park Service has worked in partnership with the State of Colorado, the Cheyenne tribe, and the Arapaho tribe to establish this site which was originally authorized in 2000

and recognizes the national significance of the Sand Creek Massacre in American History.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as the majority has explained, H.R. 481 will further the purposes of the Sand Creek Massacre National Historic Site by enabling a significant parcel of land to be added to the site.

The Sand Creek Massacre National Historic Site was authorized in 2000 to preserve, commemorate and interpret the location of the 1864 massacre of Cheyenne and Arapaho people camped along the banks of the Big Sandy Creek in southeastern Colorado. The effort to establish the historic site has been a cooperative one. The inclusion of the land authorized by H.R. 481 will be a significant step leading to the formal establishment of the site by the Secretary of the Interior.

Mr. Speaker, H.R. 481 will help advance the preservation and interpretation of the Sand Creek Massacre National Historic Site and we support adoption of the legislation by the House today.

Mr. Speaker, let me thank the staff of the Resources Committee, both the minority and majority staff, and especially Rick Healy, who worked diligently on this bill.

Mrs. MUSGRAVE. Mr. Speaker, I am pleased, to offer my bill H.R. 481, the Sand Creek Massacre National Historic Site Act. I want to thank Chairman POMBO of the Committee on Resources for the expeditious way in which this bill moved through committee and onto the floor.

This bill is not only important to the Cheyenne and Arapaho Indian tribes, the citizens of the 4th district of Colorado and the entire state, but it is also important to help secure a permanent reminder in America of the tragic event that forever altered the course of Western frontier history.

On November 29, 1864, 700 Colorado Volunteers commanded by Colonel John Chivington attacked a village of Cheyenne and Arapaho Indians who were camped along Big Sandy Creek in what is now Kiowa County, Colorado—part of the district that I represent today. More than 150 Indian people were killed in the attack, the majority of whom were women and children. This event is now known as the Sand Creek Massacre.

On March 13, 1865, this event was addressed in Congress by the Joint Committee on the Conduct of the War. Today, 141 years after the Massacre and 140 years after the first congressional hearings, Congress is again discussing this tragedy. This time we are here to honor the victims and preserve a historic parcel of land in Southeastern Colorado where this event took place.

In 1998, Congress authorized a study to investigate the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of

the National Park System. In November 2000, after the completion of the site location study, Congress passed the Sand Creek Massacre National Historic Site Establishment Act. This Act instructs the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site as a unit of the National Park System once sufficient land is acquired to interpret and commemorate the massacre.

Today, we consider H.R. 481, to place 1,465 acres of tribally owned land inside the Sand Creek Massacre National Historic Site boundary into Tribal Trust. This would allow the Cheyenne and Arapaho tribal property within the Historic Site to be managed by the National Park Service in partnership with the Northern and Southern Cheyenne and Arapaho Tribes and consistent with the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

The passage of H.R. 481 is an important step in establishing this National Historic Site. With passage of this bill, the National Park Service would be given management responsibility over an additional 1,465 acres and would bring the total acreage of the managed site to almost 2,400 acres. Many involved in this project believe the addition of 1,465 highly important acres to the Park Service's previous holdings will amount to a "sufficient portion" to complete the establishment of this National Historic Site. When the Secretary of Interior finally designates this site an official National Historic Site, the Northern and Southern Cheyenne and Arapaho Tribes, the State of Colorado, Kiowa County and other stakeholders can begin the planning necessary to open this massacre site to the public.

I truly believe my bill will help heal the wounds of the past. I ask for the support of my colleagues on this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill. I congratulate my Colorado colleague, Mrs. MUSGRAVE, for introducing it and thank the leadership of the Resources Committee for making it possible for the House to consider it today.

Enactment of the bill is a vital step toward formal establishment of the Sand Creek National Historic Site, as authorized in 2000 by Public Law 106-465.

The purpose of the Historic Site will be to recognize the national significance of what we now recognize as a permanent stain on the history of our State of Colorado—the Sand Creek massacre—and its ongoing significance to the Cheyenne and Arapaho people and descendants of the massacre victims.

The Act authorizes establishment of the national historic site once the National Park Service has acquired sufficient land to preserve, commemorate, and interpret the massacre site.

The National Park Service has acquired approximately 920 acres, but the majority of land within the authorized boundary is privately owned and is not open to the public. The National Park Service has been working in partnership with the Cheyenne and Arapaho Tribes and the State of Colorado towards establishment of the Sand Creek Massacre National Historic Site.

This bill will authorize the Cheyenne and Arapaho Tribes of Oklahoma to convey approximately 1,465 acres to the Secretary of the Interior to be held in trust for the tribes. Once these lands are conveyed, the National Park Service will be able to formally establish

the Sand Creek Massacre National Historic Site.

Sand Creek was the site of an attack with terrible and long-lasting effects. Its history speaks to what can happen when military force is misused for political purposes.

The leader of the attack was John M. Chivington, who earlier had been hailed as the hero of the battle at La Glorieta Pass—sometimes called the "Gettysburg of the West"—which ended the efforts of the Confederacy to seize New Mexico and other western territories.

As history records, Chivington seemed destined for even greater prominence. He was a leading advocate of quick statehood for Colorado, and spoken of as a likely candidate for Congress. At the same time, tensions between Colorado's growing white population and the Cheyenne Indians reached a feverish pitch. The Denver newspaper printed a frontpage editorial advocating the "extermination of the red devils" and urging its readers to "take a few months off and dedicate that time to wiping out the Indians." Chivington took advantage of this public mood, attacking the territorial governor and others who counseled a policy of conciliation and treaty-making with the Cheyenne.

Finally, during the early morning hours of November 29, 1864, he led a regiment of Colorado Volunteers to where the band led by Black Kettle, a well-known "peace" chief, was encamped. Federal army officers had promised Black Kettle safety if he would return to this location, and he was in fact flying the American flag and a white flag of truce over his lodge, but Chivington ordered an attack on the unsuspecting village nonetheless.

After hours of fighting, the Colorado volunteers had lost only 9 men in the process of murdering between 200 and 400 Cheyenne, most of them women and children. After the slaughter, they scalped and sexually mutilated many of the bodies, later exhibiting their trophies to cheering crowds in Denver.

Chivington was at first widely praised for the "battle" at Sand Creek, and honored with a widely-attended parade through the streets of Denver.

Attitudes began to change as tales circulated of drunken soldiers butchering unarmed women and children. At first, these rumors seemed confirmed when Chivington arrested six of his men and charged them with cowardice in battle.

But the six, who included Captain Silas Soule, were in fact militia members who had refused to participate in the massacre and now spoke openly of the carnage they had witnessed. Shortly after their arrest, the U.S. Secretary of War ordered the six men released and Congress began preparing for a formal investigation.

Soule himself could not be a witness at any of the investigations, because less than a week after his release he was shot from behind and killed on the streets of Denver.

Although Chivington was eventually brought up on court-martial charges for his involvement in the massacre, he was no longer in the U.S. Army and could therefore not be punished. No criminal charges were ever filed against him. An Army judge, however, publicly stated that Sand Creek was "a cowardly and cold-blooded slaughter, sufficient to cover its perpetrators with indelible infamy, and the face of every American with shame and indignation."

The massacre remains a matter of great historical, cultural and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

The effort to establish the Sand Creek National Historic Site was led by former Senator Ben Campbell of Colorado. It has gone through several stages:

The Sand Creek Massacre National Historic Site Study Act (Public Law 105-243) directed the National Park Service, in consultation with the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe, to complete two tasks. First, the Act directed the Park Service to "identify the location and extent of the massacre area." Second, the Act directed the Park Service to prepare a report that assessed the national significance of the Sand Creek Massacre site, the suitability and feasibility of designating it as a unit of the National Park System, and a range of alternatives for the management, administration, and protection of the area.

Following completion of these studies, Senator Campbell introduced legislation to authorize the establishment of the Sand Creek Massacre National Historic Site as a unit of the National Park System. Enactment of this bill is an important step toward completing that effort. I urge its approval by the House.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the bill, H.R. 481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING ESTABLISHMENT AT ANTIETAM NATIONAL BATTLEFIELD OF NEW HAMPSHIRE MEMORIAL

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to authorize the establishment of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1084

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

#### SECTION 1. ESTABLISHMENT OF NEW HAMPSHIRE MEMORIAL, ANTIETAM NATIONAL BATTLEFIELD, MARYLAND.

(a) MEMORIAL AUTHORIZED.—The Secretary of the Interior shall authorize the establish-

ment, at a suitable location approved by the Secretary within the boundaries of Antietam National Battlefield, of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862.

(b) AUTHORIZED ENTITY.—The Secretary shall select the persons who will be permitted to establish the memorial authorized by subsection (a).

(c) DESIGN APPROVALS.—The size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary.

(d) PROHIBITION ON USE OF FEDERAL FUNDS FOR ESTABLISHMENT.—No Federal funds may be expended to design the memorial authorized by subsection (a), to acquire the memorial, to prepare the site selected for the memorial, or to install the memorial.

(e) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary may suspend the authority of the persons selected under subsection (b) to establish the memorial authorized by subsection (a) if the Secretary determines that fundraising efforts relating to the memorial have misrepresented an affiliation with the memorial or the Federal Government.

(f) ANNUAL REPORT.—Until the memorial authorized by subsection (a) is installed, the persons selected under subsection (b) to establish the memorial shall submit to the Secretary an annual report of operations related to fundraising efforts for the memorial and progress on the establishment of the memorial.

(g) MAINTENANCE.—Upon installation of the memorial authorized by subsection (a), the Secretary shall assume responsibility for the maintenance of the memorial. The Secretary may accept contributions for the maintenance of the memorial from the persons selected under subsection (b) to establish the memorial and from other persons. Amounts accepted under this subsection shall be merged with other funds available to the Secretary for the maintenance of the memorial and credited to a separate account with the National Park Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

#### GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1084, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1084 introduced by the gentleman from New Hampshire (Mr. BRADLEY) would authorize the construction of a memorial at the Antietam National Battlefield to members of the New Hampshire Infantry that fought in the Battle of Antietam. The bill directs the Secretary of the Interior to select persons responsible for the establishment of the me-

morial and prohibits the use of Federal funds in the design, acquisition, preparation, and installation of the memorial. Additionally, the Secretary must approve the size, design, and inscriptions placed on the monument. Once the memorial is in place, the Secretary will accept responsibility for maintenance, but will be permitted to accept donations into a specific account for the New Hampshire memorial.

I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as the majority has explained, H.R. 1084 authorizes the establishment of a Civil War Memorial to New Hampshire soldiers who fought at the Battle of Antietam in 1862.

Evidently, New Hampshire is the only State that participated in the Battle of Antietam that does not have a memorial to its soldiers at the site. The citizens of New Hampshire are proud of their ancestors' participation in the battle and would like to commemorate their participation.

Mr. Speaker, we have no objection to the adoption of H.R. 1084, as amended, by the House today.

Mr. Speaker, I would like to thank the majority and minority staff of the House Resources Committee, and especially Rick Healy of the Resources Committee, for their diligent work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I also thank the staffs from both majority and minority to get this bill through.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT OF 2005

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1428

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