

109TH CONGRESS
1ST SESSION

H. R. 481

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sand Creek Massacre
3 National Historic Site Trust Act of 2005”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

10 (2) IMPROVEMENT.—The term “improvement”
11 means—

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

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

20 (C) a livestock corral and shelter; and

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

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (4) **TRIBE.**—The term “Tribe” means the
2 Cheyenne and Arapaho Tribes of Oklahoma, a feder-
3 ally recognized Indian tribe.

4 (5) **TRUST PROPERTY.**—The term “trust prop-
5 erty” means the real property, including rights to all
6 minerals, and excluding the improvements, formerly
7 known as the “Dawson Ranch”, consisting of ap-
8 proximately 1,465 total acres presently under the ju-
9 risdiction of the Tribe, situated within Kiowa Coun-
10 ty, Colorado, and more particularly described as fol-
11 lows:

12 (A) The portion of sec. 24, T. 17 S., R. 46
13 W., sixth principal meridian, that is the East-
14 ern half of the NW quarter, the SW quarter of
15 the NE quarter, the NW quarter of the SE
16 quarter, sixth principal meridian.

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

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

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

24 (a) **LAND HELD IN TRUST FOR THE CHEYENNE AND**
25 **ARAPAHO TRIBES OF OKLAHOMA.**—On conveyance of title

1 to the trust property by the Tribe to the United States,
2 without any further action by the Secretary, the trust
3 property shall be held in trust for the benefit of the Tribe.

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

8 **SEC. 4. IMPROVEMENTS AND FACILITIES.**

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

11 (b) FACILITIES.—

12 (1) IN GENERAL.—The Secretary may con-
13 struct a facility on the trust property only after con-
14 sulting with, soliciting advice from, and obtaining
15 the agreement of, the Tribe, the Northern Cheyenne
16 Tribe, and the Northern Arapaho Tribe.

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

20 (c) FEDERAL FUNDS.—For the purposes of the con-
21 struction, maintenance, or demolition of improvements or
22 facilities, Federal funds shall be expended only on im-
23 provements or facilities that are owned in fee by the
24 United States.

1 **SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DE-**
2 **SCRIPTION.**

3 (a) SURVEY OF BOUNDARY LINE.—To accurately es-
4 tablish the boundary of the trust property, not later than
5 180 days after the date of enactment of this Act, the Sec-
6 retary shall cause a survey to be conducted by the Office
7 of Cadastral Survey of the Bureau of Land Management
8 of the boundary lines described in section 2(5).

9 (b) PUBLICATION OF LAND DESCRIPTION.—

10 (1) IN GENERAL.—On completion of the survey
11 under subsection (a), and acceptance of the survey
12 by the representatives of the Tribe, the Secretary
13 shall cause the full metes and bounds description of
14 the lines, with a full and accurate description of the
15 trust property, to be published in the Federal Reg-
16 ister.

17 (2) EFFECT.—The description shall, on publica-
18 tion, constitute the official description of the trust
19 property.

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

21 (a) IN GENERAL.—The trust property shall be ad-
22 ministered in perpetuity by the Secretary as part of the
23 Sand Creek Massacre National Historic Site, only for his-
24 torical, traditional, cultural, and other uses in accordance
25 with the Sand Creek Massacre National Historic Site Es-

1 tablishment Act of 2000 (16 U.S.C. 461 note; Public Law
2 106–465).

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

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

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

16 **SEC. 7. ACQUISITION OF PROPERTY.**

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

Passed the House of Representatives June 27, 2005.

Attest:

JEFF TRANDAHL,

Clerk.