

Union Calendar No. 59

109TH CONGRESS
1ST SESSION

H. R. 481

[Report No. 109-107]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mrs. MUSGRAVE (for herself and Mr. COLE of Oklahoma) introduced the
following bill; which was referred to the Committee on Resources

JUNE 8, 2005

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 1, 2005]

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 house,*
10 *built in 1952, located in the SW quarter of sec.*
11 *30, T. 17 S., R. 45 W., sixth principal meridian;*

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

16 (C) *a livestock corral and shelter; and*

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

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

21 (4) *TRIBE.*—*The term “Tribe” means the Chey-*
22 *enne and Arapaho Tribes of Oklahoma, a federally*
23 *recognized Indian tribe.*

24 (5) *TRUST PROPERTY.*—*The term “trust prop-*
25 *erty” means the real property, including rights to all*
26 *minerals, and excluding the improvements, formerly*

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

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

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

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

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

18 *(a) LAND HELD IN TRUST FOR THE CHEYENNE AND*
19 *ARAPAHO TRIBES OF OKLAHOMA.—On conveyance of title*
20 *to the trust property by the Tribe to the United States, with-*
21 *out any further action by the Secretary, the trust property*
22 *shall be held in trust for the benefit of the Tribe.*

23 *(b) TRUST.—All right, title, and interest of the United*
24 *States in and to the trust property, except any facilities*

1 *constructed under section 4(b), are declared to be held by*
2 *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 construct*
8 *a facility on the trust property only after consulting*
9 *with, soliciting advice from, and obtaining the agree-*
10 *ment of, the Tribe, the Northern Cheyenne Tribe, and*
11 *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 improve-*
18 *ments or facilities that are owned in fee by the United*
19 *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 by*
6 *the representatives of the Tribe, the Secretary shall*
7 *cause the full metes and bounds description of the*
8 *lines, with a full and accurate description of the trust*
9 *property, to be published in the Federal Register.*

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

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

14 *(a) IN GENERAL.—The trust property shall be admin-*
15 *istered in perpetuity by the Secretary as part of the Sand*
16 *Creek Massacre National Historic Site, only for historical,*
17 *traditional, cultural, and other uses in accordance with the*
18 *Sand Creek Massacre National Historic Site Establishment*
19 *Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).*

20 *(b) ACCESS FOR ADMINISTRATION.—For purposes of*
21 *administration, the Secretary shall have access to the trust*
22 *property, improvements, and facilities as necessary for*
23 *management of the Sand Creek Massacre National Historic*
24 *Site in accordance with the Sand Creek Massacre National*

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

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

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

9 **SEC. 7. ACQUISITION OF PROPERTY.**

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

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