

SAND CREEK MASSACRE NATIONAL HISTORIC SITE  
TRUST ACT OF 2005

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JUNE 8, 2005.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 481]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 481) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**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. 46W., 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”.

**PURPOSE OF THE BILL**

The purpose of H.R. 481 is to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

#### BACKGROUND AND NEED FOR LEGISLATION

The Sand Creek Massacre National Historic Site was authorized in 2000 by Public Law 106–465 to recognize the national significance of the massacre in American history 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. H.R. 481 would 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.

#### COMMITTEE ACTION

H.R. 481 was introduced on February 1, 2005, by Congresswoman Marilyn Musgrave (R–CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On April 14, 2005, the Subcommittee on National Parks held a hearing on H.R. 481. On May 18, 2005, the Committee on Resources met to consider the bill. By unanimous consent, the Subcommittee on National Parks was discharged from further consideration of the bill. Congresswoman Musgrave offered an amendment in the nature of a substitute that would make technical changes recommended by the Administration and adopted previously in the Senate. The Musgrave amendment was agreed to by unanimous consent. H.R. 481, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill pre-

pared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 481—Sand Creek Massacre National Historic Site Trust Act of 2005*

H.R. 481 would authorize the Secretary of the Interior to take certain property into trust for the Cheyenne and Arapaho Tribes of Oklahoma and to construct facilities (including structures, utilities, roads, or signs) on such land. Any facility constructed with federal funds would be owned by the federal government and not taken into trust for the tribes. Based on information obtained from the National Park Service, CBO does not expect the Secretary to construct facilities on the tribes' land over 2005–2010 period. Therefore, CBO estimates that implementing H.R. 481 would have no significant effect on the federal budget.

H.R. 481 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not significantly affect the budgets of state, local, or tribal governments.

On February 23, 2005, CBO transmitted a cost estimate for S. 57, the Sand Creek Massacre National Historic Site Trust Act of 2005, as ordered reported by the Senate Committee on Energy and Natural Resources on February 16, 2005. The two versions of the legislation are identical, as are the cost estimates.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**SECTION 6 OF THE SAND CREEK MASSACRE NATIONAL  
HISTORIC SITE ESTABLISHMENT ACT OF 2000**

**SEC. 6. ACQUISITION OF PROPERTY.**

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) \* \* \*

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation *or exchange*.

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