

# Calendar No. 464

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1695

[Report No. 105-244]

To establish the Sand Creek Massacre National Historic Site in the State of Colorado.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 1998

Mr. CAMPBELL (for himself, Mrs. HUTCHISON, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 10, 1998

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the title

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

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## A BILL

To establish the Sand Creek Massacre National Historic Site in the State of Colorado.

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 Preservation Act of 1998”.

1 **SEC. 2. SAND CREEK MASSACRE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) on November 29, 1864, Colonel John M.  
4 Chivington led a group of 700 armed soldiers to the  
5 Sand Creek Indian Reservation located within the  
6 Territory of Colorado, and slaughtered between 200  
7 and 500 Cheyenne and Arapaho Indians, the major-  
8 ity of whom were women and children;

9 (2) a private landowner currently holds title to  
10 the land that constitutes the site of the Sand Creek  
11 Massacre and is a voluntary and willing seller of the  
12 land;

13 (3) the site is of great significance to the Chey-  
14 enne and Arapaho Indian descendants of those who  
15 lost their lives at the incident at Sand Creek, and  
16 those descendants deserve the right of unfettered  
17 visitation to the site.

18 (b) DEFINITIONS.—In this section:

19 (1) NATIONAL HISTORIC SITE.—The term “Na-  
20 tional Historic Site” means the Sand Creek Mas-  
21 sacre National Historic Site established by sub-  
22 section (c).

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior, acting through the Di-  
25 rector of the National Park Service.

1 (c) ESTABLISHMENT.—To provide for the preserva-  
2 tion and interpretation of the Sand Creek Massacre, there  
3 is established the Sand Creek Massacre National Historic  
4 Site in the State of Colorado.

5 (d) BOUNDARY.—

6 (1) IN GENERAL.—The National Historic Site  
7 shall consist of such land and interests in land in  
8 Kiowa County, Colorado, as the Secretary may ac-  
9 quire under subsection (f) at the site of the Sand  
10 Creek Massacre in Kiowa County, Colorado.

11 (2) MAP AND LEGAL DESCRIPTION.—The Sec-  
12 retary shall prepare a map and legal description of  
13 the land and interests in land described in para-  
14 graph (1).

15 (3) PUBLIC AVAILABILITY.—The map and legal  
16 description prepared under paragraph (2) shall be  
17 on file in the offices of the Director of the National  
18 Park Service, Department of the Interior, and other  
19 appropriate offices of the National Park Service.

20 (4) BOUNDARY REVISION.—The Secretary may,  
21 from time to time, make minor revisions in the  
22 boundary of the National Historic Site in accordance  
23 with section 7(e) of the Land and Water Conserva-  
24 tion Act of 1965 (16 U.S.C. 4601–9(e)).

25 (e) ADMINISTRATION.—

1           (1) IN GENERAL.—The Secretary shall manage  
2 the National Historic Site in accordance with this  
3 section and the law generally applicable to units of  
4 the National Park System, including the Act of Au-  
5 gust 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C.  
6 1 et seq.), and the Act of August 21, 1935 (49 Stat.  
7 666, chapter 593; 16 U.S.C. 461 et seq.).

8           (2) MANAGEMENT.—The Secretary shall man-  
9 age the National Historic Site for the following pur-  
10 poses, among others:

11                   (A) To protect and preserve the National  
12 Historic Site (including the topographic fea-  
13 tures important to the massacre site, artifacts  
14 and other physical remains of the massacre,  
15 and the visual scene) as closely as practicable to  
16 their condition at the time of the massacre.

17                   (B) To interpret the cultural and natural  
18 resources of the site in a manner that promotes  
19 public understanding and appreciation of the  
20 site so as to perpetuate the qualities and values  
21 of the site for future generations.

22           (3) CONSULTATION AND TRAINING.—The Sec-  
23 retary shall consult regularly with representatives of  
24 the Cheyenne Tribe and Arapaho Tribe on the for-  
25 mulation of the management plan under subsection

1       (g) and on preparation of educational programs  
2       made available to the public.

3           (4) COOPERATIVE AGREEMENTS.—The Sec-  
4       retary may enter into cooperative agreements with  
5       the Cheyenne Tribe and Arapaho Tribe or a subordi-  
6       nate board, committee, enterprise, or leader to carry  
7       out this section.

8       (f) ACQUISITION OF PROPERTY.—Within the bound-  
9       aries of the National Historic Site, the Secretary may ac-  
10      quire, in accordance with applicable procedures of the De-  
11      partment of the Interior, land and interests in land by do-  
12      nation, purchase at fair market value with donated or ap-  
13      propriated funds, or exchange, except that—

14           (1) no land or interest in land within the Na-  
15      tional Historic Site may be acquired without the  
16      consent of the owner; and

17           (2) any land or interest in land owned by the  
18      State of Colorado or any political subdivision of the  
19      State may be acquired only by donation.

20      (g) MANAGEMENT PLAN.—

21           (1) IN GENERAL.—Not later than 5 years after  
22      the date on which funds are made available to carry  
23      out this section, the Secretary shall prepare a gen-  
24      eral management plan for the National Historic  
25      Site.

1           (2) CONTENTS.—The plan shall provide for—

2                   (A) a resource protection program;

3                   (B) a visitor use plan that includes pro-  
4                   grams and facilities that will be provided for  
5                   public use, including the location and cost of  
6                   public facilities;

7                   (C) a research and curation plan; and

8                   (D) a highway signing program.

9           (3) PARTICIPATION.—The Secretary shall en-  
10           courage—

11                   (A) participation by the Cheyenne Tribe  
12                   and Arapaho Tribe in the formulation of edu-  
13                   cational programs for the National Historic  
14                   Site; and

15                   (B) participation by the State of Colorado  
16                   and other local and national entities willing to  
17                   share in the responsibilities of developing and  
18                   supporting the National Historic Site.

19           (h) AUTHORIZATION OF APPROPRIATIONS.—There  
20           are authorized to be appropriated such sums as are nec-  
21           essary to carry out this section.

22   **SECTION 1. SHORT TITLE.**

23           *This Act may be cited as the “Sand Creek Massacre*  
24   *National Historic Site Study Act of 1998”.*

1 **SEC. 2. FINDINGS.**

2 (a) *FINDINGS.*—Congress finds that—

3 (1) on November 29, 1864, Colonel John M.  
4 Chivington led a group of 700 armed soldiers to a  
5 peaceful Cheyenne village of more than 100 lodges on  
6 the Big Sandy, also known as Sand Creek, located  
7 within the Territory of Colorado, and in a running  
8 fight that ranged several miles upstream along the  
9 Big Sandy, slaughtered several hundred Indians in  
10 Chief Black Kettle’s village, the majority of whom  
11 were women and children;

12 (2) the incident was quickly recognized as a na-  
13 tional disgrace and investigated and condemned by 2  
14 congressional committees and a military commission;

15 (3) although the United States admitted guilt  
16 and reparations were provided for in article VI of the  
17 Treaty of Little Arkansas of October 14, 1865 (14  
18 Stat. 703) between the United States and the Chey-  
19 enne and Arapaho Tribes of Indians, those treaty ob-  
20 ligations remain unfulfilled;

21 (4) land at or near the site of the Sand Creek  
22 Massacre may be available for purchase from a will-  
23 ing seller; and

24 (5) the site is of great significance to the Chey-  
25 enne and Arapaho Indian descendants of those who  
26 lost their lives at the incident at Sand Creek and to

1        *their tribes, and those descendants and tribes deserve*  
2        *the right of open access to visit the site and rights of*  
3        *cultural and historical observance at the site.*

4        **SEC. 3. DEFINITIONS.**

5        *In this Act:*

6                (1) *SECRETARY.*—*The term “Secretary” means*  
7        *the Secretary of the Interior acting through the Direc-*  
8        *tor of the National Park Service.*

9                (2) *SITE.*—*The term “site” means the Sand*  
10        *Creek massacre site described in section 2.*

11                (3) *TRIBES.*—*The term “Tribes” means—*

12                        (A) *the Cheyenne and Arapaho Tribe of*  
13        *Oklahoma;*

14                        (B) *the Northern Cheyenne Tribe; and*

15                        (C) *the Northern Arapaho Tribe.*

16        **SEC. 4. STUDY.**

17                (a) *IN GENERAL.*—*Not later than 18 months after the*  
18        *date on which funds are made available for the purpose,*  
19        *the Secretary, in consultation with the Tribes and the State*  
20        *of Colorado, shall submit to the Committee on Energy and*  
21        *Natural Resources of the Senate and the Committee on Re-*  
22        *sources of the House of Representatives a resource study of*  
23        *the site.*

24                (b) *CONTENTS.*—*The study under subsection (a)*  
25        *shall—*

1           (1) *identify the location and extent of the mas-*  
2           *sacre area and the suitability and feasibility of des-*  
3           *ignating the site as a unit of the National Park Sys-*  
4           *tem; and*

5           (2) *include cost estimates for any necessary ac-*  
6           *quisition, development, operation and maintenance,*  
7           *and identification of alternatives for the management,*  
8           *administration, and protection of the area.*

9   **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10        *There are authorized to be appropriated such sums as*  
11        *are necessary to carry out this Act.*

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to study 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, and for other purposes.”.

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