

106TH CONGRESS
2D SESSION

S. 2950

To authorize the Secretary of the Interior to establish the Sand Creek
Massacre National Historic Site in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. CAMPBELL introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior 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 Establishment Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) on November 29, 1864, a peaceful village of
9 Cheyenne and Northern and Southern Arapaho Indi-
10 ans along Sand Creek in southeastern Colorado ter-

1 ritory was attacked by approximately 700 volunteer
2 soldiers commanded by Colonel John M. Chivington;

3 (2) more than 150 Cheyenne and Arapaho were
4 killed in the attack, most of whom were women, chil-
5 dren, or elderly;

6 (3) during the massacre and the following day,
7 the soldiers committed atrocities on the dead before
8 withdrawing from the field;

9 (4) the site of the Sand Creek Massacre is of
10 great significance, to descendants of the victims of
11 the massacre and their respective tribes, for the
12 commemoration of ancestors at the site;

13 (5) the site is a reminder of the tragic extremes
14 sometimes reached in the 500 years of conflict be-
15 tween Native Americans and people of European
16 and other origins concerning the land that now com-
17 prises the United States;

18 (6) Congress, in enacting the Sand Creek Mas-
19 sacre National Historic Site Study Act of 1998
20 (Public Law 105–243; 112 Stat. 1579), directed the
21 National Park Service to complete a resources study
22 of the site;

23 (7) the study completed under that Act—

24 (A) identified the location and extent of
25 the area in which the massacre took place; and

1 (B) confirmed the national significance,
2 suitability, and feasibility of, and evaluated
3 management options for, that area, including
4 designation of the site as a unit of the National
5 Park System; and

6 (8) the study included an evaluation of environ-
7 mental impacts and preliminary cost estimates for
8 facility development, administration, and necessary
9 land acquisition.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to recognize the importance of the Sand
12 Creek Massacre as—

13 (A) a nationally significant element of
14 frontier military and Native American history;
15 and

16 (B) a symbol of the struggles of Native
17 American tribes to maintain their way of life on
18 ancestral land;

19 (2) to authorize, on acquisition of sufficient
20 land, the establishment of the site of the Sand Creek
21 Massacre as a national historic site; and

22 (3) to provide opportunities for tribes to be in-
23 volved in the formulation of general management
24 plans and educational programs for the national his-
25 toric site.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **DESCENDANT.**—The term “descendant”
4 means a member of a tribe, an ancestor of whom
5 was injured or killed in, or otherwise affected by, the
6 Sand Creek Massacre.

7 (2) **MANAGEMENT PLAN.**—The term “manage-
8 ment plan” means the management plan required to
9 be developed for the site under section 7(a).

10 (3) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior, acting through the Di-
12 rector of the National Park Service.

13 (4) **SITE.**—The term “site” means the Sand
14 Creek Massacre National Historic Site established
15 under section 4(a).

16 (5) **STATE.**—The term “State” means the State
17 of Colorado.

18 (6) **TRIBE.**—The term “tribe” means—
19 (A) the Cheyenne Tribe of Oklahoma;
20 (B) the Arapaho Tribe of Oklahoma;
21 (C) the Northern Cheyenne Tribe; or
22 (D) the Northern Arapaho Tribe.

23 **SEC. 4. ESTABLISHMENT.**

24 (a) **IN GENERAL.**—

25 (1) **DETERMINATION.**—On a determination by
26 the Secretary that land described in subsection

1 (b)(1) containing a sufficient quantity of resources
2 to provide for the preservation, memorialization,
3 commemoration, and interpretation of the Sand
4 Creek Massacre has been acquired by the National
5 Park Service, the Secretary shall establish the Sand
6 Creek Massacre National Historic Site, Colorado.

7 (2) PUBLICATION.—The Secretary shall publish
8 in the Federal Register a notice of the determination
9 of the Secretary under paragraph (1).

10 (b) BOUNDARY.—

11 (1) MAP AND ACREAGE.—The site shall consist
12 of approximately 12,480 acres in Kiowa County,
13 Colorado, the site of the Sand Creek Massacre, as
14 generally depicted on the map entitled, “Boundary
15 of the Sand Creek Massacre Site”, numbered,
16 SAND 80,009 IR, and dated July 1, 2000.

17 (2) LEGAL DESCRIPTION.—The Secretary shall
18 prepare a legal description of the land and interests
19 in land described in paragraph (1).

20 (3) PUBLIC AVAILABILITY.—The map prepared
21 under paragraph (1) and the legal description pre-
22 pared under paragraph (2) shall be on file and avail-
23 able for public inspection in the appropriate offices
24 of the National Park Service.

1 (4) BOUNDARY REVISION.—The Secretary may,
2 as necessary, make minor revisions to the boundary
3 of the site in accordance with section 7(c) of the
4 Land and Water Conservation Act of 1965 (16
5 U.S.C. 460*l*–9(c)).

6 **SEC. 5. ADMINISTRATION.**

7 (a) IN GENERAL.—The Secretary shall manage the
8 site in accordance with—

9 (1) this Act;

10 (2) the Act entitled “An Act to establish a Na-
11 tional Park Service, and for other purposes”, ap-
12 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1
13 et seq.);

14 (3) the Act of August 21, 1935 (16 U.S.C. 461
15 et seq.); and

16 (4) other laws generally applicable to manage-
17 ment of units of the National Park System.

18 (b) MANAGEMENT.—The Secretary shall manage the
19 site—

20 (1) to protect and preserve the site, including—

21 (A) the topographic features that the Sec-
22 retary determines are important to the site;

23 (B) artifacts and other physical remains of
24 the Sand Creek Massacre; and

1 (C) the cultural landscape of the site, in a
2 manner that preserves, as closely as practicable,
3 the cultural landscape of the site as it appeared
4 at the time of the Sand Creek Massacre;

5 (2)(A) to interpret the natural and cultural re-
6 source values associated with the site; and

7 (B) provide for public understanding and ap-
8 preciation of, and preserve for future generations,
9 those values; and

10 (3) to memorialize, commemorate, and provide
11 information to visitors to the site to—

12 (A) enhance cultural understanding about
13 the site; and

14 (B) assist in minimizing the chances of
15 similar incidents in the future.

16 (c) CONSULTATION AND TRAINING.—

17 (1) IN GENERAL.—In developing the manage-
18 ment plan and preparing educational programs for
19 the public about the site, the Secretary shall consult
20 with the tribes and the State.

21 (2) AGREEMENTS.—The Secretary may enter
22 into cooperative agreements with the tribes (includ-
23 ing boards, committees, enterprises, and traditional
24 leaders of the tribes) and the State to carry out this
25 Act.

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

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

4 (1) through purchase (including purchase with
5 donated or appropriated funds) only from a willing
6 seller; and

7 (2) by donation, exchange, or other means, ex-
8 cept that any land or interest in land owned by the
9 State (including a political subdivision of the State)
10 may be acquired only by donation.

11 (b) AGRICULTURE; RANCHING.—The Secretary shall
12 permit traditional agricultural and ranching activities con-
13 ducted at the site on the date of enactment of this Act
14 to continue on privately owned land within the designated
15 boundary of the site in effect on the date of enactment
16 of this Act.

17 (c) PRIORITY FOR ACQUISITION.—The Secretary
18 shall give priority to the acquisition of land containing the
19 marker in existence on the date of enactment of this Act,
20 which states “Sand Creek Battleground, November 29
21 and 30, 1864”, within the boundary of the site.

22 (d) COST-EFFECTIVENESS.—

23 (1) IN GENERAL.—In acquiring land for the
24 site, the Secretary, to the maximum extent prac-
25 ticable, shall use cost-effective alternatives to Fed-
26 eral fee ownership, including—

1 (A) the acquisition of conservation ease-
2 ments; and

3 (B) other means of acquisition that are
4 consistent with local zoning requirements.

5 (2) SUPPORT FACILITIES.—A support facility
6 for the site that is not within the designat-
7 ed boundary of the site may be located in Kiowa County, Col-
8 orado, subject to an agreement between the Sec-
9 retary and the Commissioners of Kiowa County, Col-
10 orado.

11 **SEC. 7. MANAGEMENT PLAN.**

12 (a) IN GENERAL.—Not later than 5 years after the
13 date on which funds are made available to carry out this
14 Act, the Secretary shall prepare a management plan for
15 the site.

16 (b) INCLUSIONS.—The management plan shall cover,
17 at a minimum—

18 (1) measures for the preservation of the re-
19 sources of the site;

20 (2) requirements for the type and extent of de-
21 velopment and use of the site, including, for each
22 development—

23 (A) the general location;

24 (B) timing and implementation require-
25 ments; and

1 (C) anticipated costs;

2 (3) requirements for offsite support facilities in
3 Kiowa County;

4 (4) identification of, and implementation com-
5 mitments for, visitor carrying capacities for all areas
6 of the site;

7 (5) opportunities for involvement by the tribes
8 and the State in the formulation of educational pro-
9 grams for the site; and

10 (6) opportunities for involvement by the tribes,
11 the State, and other local and national entities in
12 the responsibilities of developing and supporting the
13 site.

14 **SEC. 8. SPECIAL NEEDS OF DESCENDANTS.**

15 (a) IN GENERAL.—A descendant shall have special
16 rights of access to, and use of, federally acquired land
17 within the site, in accordance with the terms and condi-
18 tions of a written agreement between the Secretary and
19 the tribe of which the descendant is a member.

20 (b) COMMEMORATIVE NEEDS.—In addition to the
21 rights described in subsection (a), any special need of a
22 descendant shall be considered in park planning and oper-
23 ations, especially with respect to commemorative activities
24 in designated areas within the site.

1 **SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND**
2 **HISTORICAL OBSERVANCE.**

3 (a) ACCESS.—

4 (1) IN GENERAL.—The Secretary shall grant to
5 any descendant or other member of a tribe reason-
6 able access to federally acquired land within the site
7 for the purpose of carrying out a traditional, cul-
8 tural, or historical observance.

9 (2) NO FEE.—The Secretary shall not charge
10 any fee for access granted under paragraph (1).

11 (b) TEMPORARY MEASURES.—

12 (1) IN GENERAL.—In addition to access grant-
13 ed under subsection (a), the Secretary, on a request
14 by a tribe, may take such temporary measures as
15 are necessary, regarding 1 or more portions of feder-
16 ally acquired land within the site, to protect the pri-
17 vacy of any traditional, cultural, or historical observ-
18 ance of the tribe that is conducted on that land.

19 (2) DURATION; AREA.—A temporary measure
20 under paragraph (1) shall remain in effect only for
21 the duration of, and with respect to the area in the
22 site that is involved in, the carrying out of a tradi-
23 tional, cultural, or historical observance under para-
24 graph (1).

25 (c) SAND CREEK REPATRIATION SITE.—

1 (1) IN GENERAL.—The Secretary shall dedicate
2 a portion of the federally acquired land within the
3 site to the establishment and operation of a site at
4 which certain items referred to in paragraph (2)
5 that are repatriated under the Native American
6 Graves Protection and Repatriation Act (25 U.S.C.
7 300 et seq.) or any other provision of law may be
8 interred, reinterred, preserved, or otherwise pro-
9 tected.

10 (2) ACCEPTABLE ITEMS.—The items referred to
11 in paragraph (1) are any items associated with the
12 Sand Creek Massacre, such as—

- 13 (A) Native American human remains;
- 14 (B) associated funerary objects;
- 15 (C) unassociated funerary objects;
- 16 (D) sacred objects; and
- 17 (E) objects of cultural patrimony.

18 (d) TRIBAL CONSULTATION.—In exercising any au-
19 thority under this section, the Secretary shall consult with,
20 and solicit advice and recommendations from, descendants
21 and tribes located in the vicinity of the site.

22 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as are necessary to carry out this Act.

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