

In the House of Representatives, U. S.,

November 15 (legislative day, November 14), 2002.

Resolved, That the bill from the Senate (S. 2017) entitled “An Act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *SECTION 1. TABLE OF CONTENTS.*

2 *The table of contents for this Act is as follows:*

TITLE I—INDIAN FINANCING ACT AMENDMENTS

Sec. 101. Short title.

Sec. 102. Findings and purpose.

Sec. 103. Amendments to Indian Financing Act.

***TITLE II—YANKTON SIOUX AND SANTEE SIOUX TRIBES EQUITABLE
COMPENSATION***

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Definitions.

Sec. 204. Yankton Sioux Tribe Development Trust Fund.

Sec. 205. Santee Sioux Tribe Development Trust Fund.

Sec. 206. Tribal plans.

Sec. 207. Eligibility of tribe for certain programs and services.

Sec. 208. Statutory construction.

Sec. 209. Authorization of appropriations.

Sec. 210. Extinguishment of claims.

***TITLE III—OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND
MUSEUM***

Sec. 301. Oklahoma Native American Cultural Center and Museum.

*TITLE IV—TRANSMISSION OF POWER FROM INDIAN LANDS IN
OKLAHOMA*

Sec. 401. Transmission of power from Indian lands in Oklahoma.

TITLE V—PECHANGA TRIBE

Sec. 501. Land of Pechanga Band of Luiseno Mission Indians.

*TITLE VI—CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS
CLAIMS SETTLEMENT ACT*

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Purposes.

Sec. 604. Definitions.

Sec. 605. Settlement and claims; appropriations; allocation of funds.

Sec. 606. Tribal trust funds.

Sec. 607. Attorney fees.

Sec. 608. Release of other tribal claims and filing of claims.

Sec. 609. Effect on claims.

TITLE VII—SEMINOLE TRIBE

Sec. 701. Approval not required to validate certain land transactions.

*TITLE VIII—JICARILLA APACHE RESERVATION RURAL WATER
SYSTEM*

Sec. 801. Short title.

Sec. 802. Purposes.

Sec. 803. Definitions.

Sec. 804. Jicarilla Apache Reservation rural water system.

Sec. 805. General authority.

Sec. 806. Project requirements.

Sec. 807. Authorization of appropriations.

Sec. 808. Prohibition on use of funds for irrigation purposes.

Sec. 809. Water rights.

TITLE IX—ROCKY BOY'S RURAL WATER SYSTEM

Sec. 901. Short title.

Sec. 902. Findings and purposes.

Sec. 903. Definitions.

Sec. 904. Rocky Boy's rural water system.

Sec. 905. Noncore system.

Sec. 906. Limitation on availability of construction funds.

Sec. 907. Connection charges.

Sec. 908. Authorization of contracts.

Sec. 909. Tiber Reservoir allocation to the tribe.

Sec. 910. Use of Pick-Sloan power.

Sec. 911. Water conservation plan.

Sec. 912. Water rights.

Sec. 913. Chippewa Cree Water System Operation, Maintenance, and Replacement Trust Fund.

Sec. 914. Authorization of appropriations.

TITLE X—MISCELLANEOUS

Sec. 1001. Santee Sioux Tribe, Nebraska, water system study.

Sec. 1002. Yurok Tribe and Hopland Band included in long term leasing.

1 **TITLE I—INDIAN FINANCING ACT**

2 **AMENDMENTS**

3 **SEC. 101. SHORT TITLE.**

4 *This Act may be cited as the “Indian Financing*
 5 *Amendments Act of 2002”.*

6 **SEC. 102. FINDINGS AND PURPOSE.**

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

8 *(1) the Indian Financing Act of 1974 (25 U.S.C.*
 9 *1451 et seq.) was intended to provide Native Amer-*
 10 *ican borrowers with access to commercial sources of*
 11 *capital that otherwise would not be available through*
 12 *the guarantee or insurance of loans by the Secretary*
 13 *of the Interior;*

14 *(2) although the Secretary of the Interior has*
 15 *made loan guarantees and insurance available, use of*
 16 *those guarantees and that insurance by lenders to*
 17 *benefit Native American business borrowers has been*
 18 *limited;*

19 *(3) 27 years after the date of enactment of the*
 20 *Indian Financing Act of 1974 (25 U.S.C. 1451 et*
 21 *seq.), the promotion and development of Native Amer-*
 22 *ican-owned business remains an essential foundation*

1 *for growth of economic and social stability of Native*
2 *Americans;*

3 *(4) use by commercial lenders of the available*
4 *loan insurance and guarantees may be limited by li-*
5 *quidity and other capital market-driven concerns;*
6 *and*

7 *(5) it is in the best interest of the insured and*
8 *guaranteed loan program of the Department of the*
9 *Interior—*

10 *(A) to encourage the orderly development*
11 *and expansion of a secondary market for loans*
12 *guaranteed or insured by the Secretary of the In-*
13 *terior; and*

14 *(B) to expand the number of lenders origi-*
15 *nating loans under the Indian Financing Act of*
16 *1974 (25 U.S.C. 1451 et seq.).*

17 *(b) PURPOSE.—The purpose of this Act is to reform*
18 *and clarify the Indian Financing Act of 1974 (25 U.S.C.*
19 *1451 et seq.) in order to—*

20 *(1) stimulate the use by lenders of secondary*
21 *market investors for loans guaranteed or insured*
22 *under a program administered by the Secretary of the*
23 *Interior;*

24 *(2) preserve the authority of the Secretary to ad-*
25 *minister the program and regulate lenders;*

1 (3) *clarify that a good faith investor in loans in-*
 2 *sured or guaranteed by the Secretary will receive ap-*
 3 *propriate payments;*

4 (4) *provide for the appointment by the Secretary*
 5 *of a qualified fiscal transfer agent to establish and*
 6 *administer a system for the orderly transfer of those*
 7 *loans; and*

8 (5)(A) *authorize the Secretary to promulgate reg-*
 9 *ulations to encourage and expand a secondary market*
 10 *program for loans guaranteed or insured by the Sec-*
 11 *retary; and*

12 (B) *allow the pooling of those loans as the sec-*
 13 *ondary market develops.*

14 **SEC. 103. AMENDMENTS TO INDIAN FINANCING ACT.**

15 (a) *LIMITATION ON LOAN AMOUNTS WITHOUT PRIOR*
 16 *APPROVAL.*—Section 204 of the Indian Financing Act of
 17 1974 (25 U.S.C. 1484) is amended in the last sentence by
 18 striking “\$100,000” and inserting “\$250,000”.

19 (b) *SALE OR ASSIGNMENT OF LOANS AND UNDER-*
 20 *LYING SECURITY.*—Section 205 of the Indian Financing
 21 Act of 1974 (25 U.S.C. 1485) is amended—

22 (1) *by striking “Any loan guaranteed” and in-*
 23 *serting the following:*

24 “(a) *IN GENERAL.*—Any loan guaranteed or insured”;
 25 *and*

1 (2) *by adding at the end the following:*

2 “(b) *INITIAL TRANSFERS.*—

3 “(1) *IN GENERAL.*—*The lender of a loan guaran-*
4 *teed or insured under this title may transfer to any*
5 *individual or legal entity—*

6 “(A) *all rights and obligations of the lender*
7 *in the loan or in the unguaranteed or uninsured*
8 *portion of the loan; and*

9 “(B) *any security given for the loan.*

10 “(2) *ADDITIONAL REQUIREMENTS.*—*With respect*
11 *to a transfer described in paragraph (1)—*

12 “(A) *the transfer shall be consistent with*
13 *such regulations as the Secretary shall promul-*
14 *gate under subsection (i); and*

15 “(B) *the lender shall give notice of the*
16 *transfer to the Secretary.*

17 “(3) *RESPONSIBILITIES OF TRANSFEREE.*—*On*
18 *any transfer under paragraph (1), the transferee*
19 *shall—*

20 “(A) *be deemed to be the lender for the pur-*
21 *pose of this title;*

22 “(B) *become the secured party of record;*
23 *and*

24 “(C) *be responsible for—*

1 “(i) performing the duties of the lend-
2 er; and

3 “(ii) servicing the loan in accordance
4 with the terms of the guarantee by the Sec-
5 retary of the loan.

6 “(c) *SECONDARY TRANSFERS.*—

7 “(1) *IN GENERAL.*—Any transferee under sub-
8 section (b) of a loan guaranteed or insured under this
9 title may transfer to any individual or legal entity—

10 “(A) all rights and obligations of the trans-
11 feree in the loan or in the unguaranteed or unin-
12 sured portion of the loan; and

13 “(B) any security given for the loan.

14 “(2) *ADDITIONAL REQUIREMENTS.*—With respect
15 to a transfer described in paragraph (1)—

16 “(A) the transfer shall be consistent with
17 such regulations as the Secretary shall promul-
18 gate under subsection (i); and

19 “(B) the transferor shall give notice of the
20 transfer to the Secretary.

21 “(3) *ACKNOWLEDGMENT BY SECRETARY.*—On re-
22 ceipt of a notice of a transfer under paragraph
23 (2)(B), the Secretary shall issue to the transferee an
24 acknowledgement by the Secretary of—

25 “(A) the transfer; and

1 “(B) the interest of the transferee in the
2 guaranteed or insured portion of the loan.

3 “(4) *RESPONSIBILITIES OF LENDER.*—Notwith-
4 standing any transfer permitted by this subsection,
5 the lender shall—

6 “(A) remain obligated on the guarantee
7 agreement or insurance agreement between the
8 lender and the Secretary;

9 “(B) continue to be responsible for servicing
10 the loan in a manner consistent with that guar-
11 antee agreement or insurance agreement; and

12 “(C) remain the secured creditor of record.

13 “(d) *FULL FAITH AND CREDIT.*—

14 “(1) *IN GENERAL.*—The full faith and credit of
15 the United States is pledged to the payment of all
16 loan guarantees and loan insurance made under this
17 title after the date of enactment of this subsection.

18 “(2) *VALIDITY.*—

19 “(A) *IN GENERAL.*—Except as provided in
20 subparagraph (B), the validity of a guarantee or
21 insurance of a loan under this title shall be in-
22 contestable if the obligations of the guarantee or
23 insurance held by a transferee have been ac-
24 knowledgeed under subsection (c)(3).

1 “(B) *EXCEPTION FOR FRAUD OR MISREPRE-*
 2 *SENTATION.*—Subparagraph (A) shall not apply
 3 *in a case in which a transferee has actual knowl-*
 4 *edge of fraud or misrepresentation, or partici-*
 5 *pates in or condones fraud or misrepresentation,*
 6 *in connection with a loan.*

7 “(e) *DAMAGES.*—Notwithstanding section 3302 of title
 8 31, United States Code, the Secretary may recover from a
 9 lender of a loan under this title any damages suffered by
 10 the Secretary as a result of a material breach of the obliga-
 11 tions of the lender with respect to a guarantee or insurance
 12 by the Secretary of the loan.

13 “(f) *FEEES.*—The Secretary may collect a fee for any
 14 loan or guaranteed or insured portion of a loan that is
 15 transferred in accordance with this section.

16 “(g) *CENTRAL REGISTRATION OF LOANS.*—On pro-
 17 mulgation of final regulations under subsection (i), the Sec-
 18 retary shall—

19 “(1) provide for a central registration of all
 20 guaranteed or insured loans transferred under this
 21 section; and

22 “(2) enter into 1 or more contracts with a fiscal
 23 transfer agent—

24 “(A) to act as the designee of the Secretary
 25 under this section; and

1 “(B) to carry out on behalf of the Secretary
 2 the central registration and fiscal transfer agent
 3 functions, and issuance of acknowledgements,
 4 under this section.

5 “(h) POOLING OF LOANS.—

6 “(1) IN GENERAL.—Nothing in this title pro-
 7 hibits the pooling of whole loans or interests in loans
 8 transferred under this section.

9 “(2) REGULATIONS.—In promulgating regula-
 10 tions under subsection (i), the Secretary may include
 11 such regulations to effect orderly and efficient pooling
 12 procedures as the Secretary determines to be nec-
 13 essary.

14 “(i) REGULATIONS.—Not later than 180 days after the
 15 date of enactment of this subsection, the Secretary shall de-
 16 velop such procedures and promulgate such regulations as
 17 are necessary to facilitate, administer, and promote trans-
 18 fers of loans and guaranteed and insured portions of loans
 19 under this section.”.

20 **TITLE II—YANKTON SIOUX AND**
 21 **SANTEE SIOUX TRIBES EQUI-**
 22 **TABLE COMPENSATION**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Yankton Sioux Tribe
 25 and Santee Sioux Tribe Equitable Compensation Act”.

1 **SEC. 202. FINDINGS.**

2 *Congress finds that—*

3 *(1) by enacting the Act of December 22, 1944,*
4 *commonly known as the “Flood Control Act of 1944”*
5 *(58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)*
6 *Congress approved the Pick-Sloan Missouri River*
7 *Basin program (referred to in this section as the*
8 *“Pick-Sloan program”)—*

9 *(A) to promote the general economic devel-*
10 *opment of the United States;*

11 *(B) to provide for irrigation above Sioux*
12 *City, Iowa;*

13 *(C) to protect urban and rural areas from*
14 *devastating floods of the Missouri River; and*

15 *(D) for other purposes;*

16 *(2) the waters impounded for the Fort Randall*
17 *and Gavins Point projects of the Pick-Sloan program*
18 *have inundated the fertile, wooded bottom lands along*
19 *the Missouri River that constituted the most produc-*
20 *tive agricultural and pastoral lands of, and the home-*
21 *land of, the members of the Yankton Sioux Tribe and*
22 *the Santee Sioux Tribe;*

23 *(3) the Fort Randall project (including the Fort*
24 *Randall Dam and Reservoir) overlies the western*
25 *boundary of the Yankton Sioux Tribe Indian Reserva-*
26 *tion;*

1 (4) *the Gavins Point project (including the Gav-*
2 *ins Point Dam and Reservoir) overlies the eastern*
3 *boundary of the Santee Sioux Tribe;*

4 (5) *although the Fort Randall and Gavins Point*
5 *projects are major components of the Pick-Sloan pro-*
6 *gram, and contribute to the economy of the United*
7 *States by generating a substantial amount of hydro-*
8 *power and impounding a substantial quantity of*
9 *water, the reservations of the Yankton Sioux Tribe*
10 *and the Santee Sioux Tribe remain undeveloped;*

11 (6) *the United States Army Corps of Engineers*
12 *took the Indian lands used for the Fort Randall and*
13 *Gavins Point projects by condemnation proceedings;*

14 (7) *the Federal Government did not give the*
15 *Yankton Sioux Tribe and the Santee Sioux Tribe an*
16 *opportunity to receive compensation for direct dam-*
17 *ages from the Pick-Sloan program, even though the*
18 *Federal Government gave 5 Indian reservations up-*
19 *stream from the reservations of those Indian tribes*
20 *such an opportunity;*

21 (8) *the Yankton Sioux Tribe and the Santee*
22 *Sioux Tribe did not receive just compensation for the*
23 *taking of productive agricultural Indian lands*
24 *through the condemnation referred to in paragraph*
25 *(6);*

1 (9) *the settlement agreement that the United*
 2 *States entered into with the Yankton Sioux Tribe and*
 3 *the Santee Sioux Tribe to provide compensation for*
 4 *the taking by condemnation referred to in paragraph*
 5 *(6) did not take into account the increase in property*
 6 *values over the years between the date of taking and*
 7 *the date of settlement; and*

8 (10) *in addition to the financial compensation*
 9 *provided under the settlement agreements referred to*
 10 *in paragraph (9)—*

11 (A) *the Yankton Sioux Tribe should receive*
 12 *an aggregate amount equal to \$23,023,743 for*
 13 *the loss value of 2,851.40 acres of Indian land*
 14 *taken for the Fort Randall Dam and Reservoir*
 15 *of the Pick-Sloan program; and*

16 (B) *the Santee Sioux Tribe should receive*
 17 *an aggregate amount equal to \$4,789,010 for the*
 18 *loss value of 593.10 acres of Indian land located*
 19 *near the Santee village.*

20 **SEC. 203. DEFINITIONS.**

21 *In this title:*

22 (1) *INDIAN TRIBE.*—*The term “Indian tribe” has*
 23 *the meaning given that term in section 4(e) of the In-*
 24 *Indian Self-Determination and Education Assistance*
 25 *Act (25 U.S.C. 450b(e)).*

1 (2) *SANTEE SIOUX TRIBE*.—*The term “Santee*
 2 *Sioux Tribe” means the Santee Sioux Tribe of Ne-*
 3 *braska.*

4 (3) *YANKTON SIOUX TRIBE*.—*The term “Yankton*
 5 *Sioux Tribe” means the Yankton Sioux Tribe of*
 6 *South Dakota.*

7 **SEC. 204. YANKTON SIOUX TRIBE DEVELOPMENT TRUST**
 8 **FUND.**

9 (a) *ESTABLISHMENT*.—*There is established in the*
 10 *Treasury of the United States a fund to be known as the*
 11 *“Yankton Sioux Tribe Development Trust Fund” (referred*
 12 *to in this section as the “Fund”). The Fund shall consist*
 13 *of any amounts deposited in the Fund under this title.*

14 (b) *FUNDING*.—*On the first day of the 11th fiscal year*
 15 *that begins after the date of enactment of this Act, the Sec-*
 16 *retary of the Treasury shall, from the General Fund of the*
 17 *Treasury, deposit into the Fund established under sub-*
 18 *section (a)—*

19 (1) \$23,023,743; and

20 (2) *an additional amount that equals the*
 21 *amount of interest that would have accrued on the*
 22 *amount described in paragraph (1) if such amount*
 23 *had been invested in interest-bearing obligations of*
 24 *the United States, or in obligations guaranteed as to*
 25 *both principal and interest by the United States, on*

1 *the first day of the first fiscal year that begins after*
 2 *the date of enactment of this Act and compounded an-*
 3 *nually thereafter.*

4 *(c) INVESTMENT OF TRUST FUND.—It shall be the*
 5 *duty of the Secretary of the Treasury to invest such portion*
 6 *of the Fund as is not, in the Secretary of Treasury’s judg-*
 7 *ment, required to meet current withdrawals. Such invest-*
 8 *ments may be made only in interest-bearing obligations of*
 9 *the United States or in obligations guaranteed as to both*
 10 *principal and interest by the United States. The Secretary*
 11 *of the Treasury shall deposit interest resulting from such*
 12 *investments into the Fund.*

13 *(d) PAYMENT OF INTEREST TO TRIBE.—*

14 *(1) WITHDRAWAL OF INTEREST.—Beginning on*
 15 *the first day of the 11th fiscal year after the date of*
 16 *enactment of this Act and, on the first day of each*
 17 *fiscal year thereafter, the Secretary of the Treasury*
 18 *shall withdraw the aggregate amount of interest de-*
 19 *posited into the Fund for that fiscal year and transfer*
 20 *that amount to the Secretary of the Interior for use*
 21 *in accordance with paragraph (2). Each amount so*
 22 *transferred shall be available without fiscal year limi-*
 23 *tation.*

24 *(2) PAYMENTS TO YANKTON SIOUX TRIBE.—*

1 (A) *IN GENERAL.*—*The Secretary of the In-*
 2 *terior shall use the amounts transferred under*
 3 *paragraph (1) only for the purpose of making*
 4 *payments to the Yankton Sioux Tribe, as such*
 5 *payments are requested by that Indian tribe*
 6 *pursuant to tribal resolution.*

7 (B) *LIMITATION.*—*Payments may be made*
 8 *by the Secretary of the Interior under subpara-*
 9 *graph (A) only after the Yankton Sioux Tribe*
 10 *has adopted a tribal plan under section 206.*

11 (C) *USE OF PAYMENTS BY YANKTON SIOUX*
 12 *TRIBE.*—*The Yankton Sioux Tribe shall use the*
 13 *payments made under subparagraph (A) only*
 14 *for carrying out projects and programs under the*
 15 *tribal plan prepared under section 206.*

16 (e) *TRANSFERS AND WITHDRAWALS.*—*Except as pro-*
 17 *vided in subsections (c) and (d)(1), the Secretary of the*
 18 *Treasury may not transfer or withdraw any amount depos-*
 19 *ited under subsection (b).*

20 **SEC. 205. SANTEE SIOUX TRIBE DEVELOPMENT TRUST**
 21 **FUND.**

22 (a) *ESTABLISHMENT.*—*There is established in the*
 23 *Treasury of the United States a fund to be known as the*
 24 *“Santee Sioux Tribe Development Trust Fund” (referred to*

1 *in this section as the “Fund”). The Fund shall consist of*
 2 *any amounts deposited in the Fund under this title.*

3 *(b) FUNDING.—On the first day of the 11th fiscal year*
 4 *that begins after the date of enactment of this Act, the Sec-*
 5 *retary of the Treasury shall, from the General Fund of the*
 6 *Treasury, deposit into the Fund established under sub-*
 7 *section (a)—*

8 *(1) \$4,789,010; and*

9 *(2) an additional amount that equals the*
 10 *amount of interest that would have accrued on the*
 11 *amount described in paragraph (1) if such amount*
 12 *had been invested in interest-bearing obligations of*
 13 *the United States, or in obligations guaranteed as to*
 14 *both principal and interest by the United States, on*
 15 *the first day of the first fiscal year that begins after*
 16 *the date of enactment of this Act and compounded an-*
 17 *nually thereafter.*

18 *(c) INVESTMENT OF TRUST FUND.—It shall be the*
 19 *duty of the Secretary of the Treasury to invest such portion*
 20 *of the Fund as is not, in the Secretary of Treasury’s judg-*
 21 *ment, required to meet current withdrawals. Such invest-*
 22 *ments may be made only in interest-bearing obligations of*
 23 *the United States or in obligations guaranteed as to both*
 24 *principal and interest by the United States. The Secretary*

1 *of the Treasury shall deposit interest resulting from such*
 2 *investments into the Fund.*

3 *(d) PAYMENT OF INTEREST TO TRIBE.—*

4 *(1) WITHDRAWAL OF INTEREST.—Beginning on*
 5 *the first day of the 11th fiscal year after the date of*
 6 *enactment of this Act and, on the first day of each*
 7 *fiscal year thereafter, the Secretary of the Treasury*
 8 *shall withdraw the aggregate amount of interest de-*
 9 *posited into the Fund for that fiscal year and transfer*
 10 *that amount to the Secretary of the Interior for use*
 11 *in accordance with paragraph (2). Each amount so*
 12 *transferred shall be available without fiscal year limi-*
 13 *tation.*

14 *(2) PAYMENTS TO SANTEE SIOUX TRIBE.—*

15 *(A) IN GENERAL.—The Secretary of the In-*
 16 *terior shall use the amounts transferred under*
 17 *paragraph (1) only for the purpose of making*
 18 *payments to the Santee Sioux Tribe, as such*
 19 *payments are requested by that Indian tribe*
 20 *pursuant to tribal resolution.*

21 *(B) LIMITATION.—Payments may be made*
 22 *by the Secretary of the Interior under subpara-*
 23 *graph (A) only after the Santee Sioux Tribe has*
 24 *adopted a tribal plan under section 206.*

1 (C) *USE OF PAYMENTS BY SANTEE SIOUX*
 2 *TRIBE.*—*The Santee Sioux Tribe shall use the*
 3 *payments made under subparagraph (A) only*
 4 *for carrying out projects and programs under the*
 5 *tribal plan prepared under section 206.*

6 (e) *TRANSFERS AND WITHDRAWALS.*—*Except as pro-*
 7 *vided in subsections (c) and (d)(1), the Secretary of the*
 8 *Treasury may not transfer or withdraw any amount depos-*
 9 *ited under subsection (b).*

10 **SEC. 206. TRIBAL PLANS.**

11 (a) *IN GENERAL.*—*Not later than 24 months after the*
 12 *date of enactment of this Act, the tribal council of each of*
 13 *the Yankton Sioux and Santee Sioux Tribes shall prepare*
 14 *a plan for the use of the payments to the tribe under section*
 15 *204(d) or 205(d) (referred to in this subsection as a “tribal*
 16 *plan”).*

17 (b) *CONTENTS OF TRIBAL PLAN.*—*Each tribal plan*
 18 *shall provide for the manner in which the tribe covered*
 19 *under the tribal plan shall expend payments to the tribe*
 20 *under section 204(d) or 205(d) to promote—*

21 (1) *economic development;*

22 (2) *infrastructure development;*

23 (3) *the educational, health, recreational, and so-*
 24 *cial welfare objectives of the tribe and its members; or*

1 (4) *any combination of the activities described in*
 2 *paragraphs (1), (2), and (3).*

3 (c) *TRIBAL PLAN REVIEW AND REVISION.*—

4 (1) *IN GENERAL.*—*Each tribal council referred to*
 5 *in subsection (a) shall make available for review and*
 6 *comment by the members of the tribe a copy of the*
 7 *tribal plan for the Indian tribe before the tribal plan*
 8 *becomes final, in accordance with procedures estab-*
 9 *lished by the tribal council.*

10 (2) *UPDATING OF TRIBAL PLAN.*—*Each tribal*
 11 *council referred to in subsection (a) may, on an an-*
 12 *nual basis, revise the tribal plan prepared by that*
 13 *tribal council to update the tribal plan. In revising*
 14 *the tribal plan under this paragraph, the tribal coun-*
 15 *cil shall provide the members of the tribe opportunity*
 16 *to review and comment on any proposed revision to*
 17 *the tribal plan.*

18 (3) *CONSULTATION.*—*In preparing the tribal*
 19 *plan and any revisions to update the plan, each trib-*
 20 *al council shall consult with the Secretary of the Inte-*
 21 *rior and the Secretary of Health and Human Serv-*
 22 *ices.*

23 (4) *ANNUAL REPORTS.*—*Each tribe shall submit*
 24 *an annual report to the Secretary describing any ex-*

7 **SEC. 207. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
8 **AND SERVICES.**

13 (1) *the Yankton Sioux Tribe or Santee Sioux*
14 *Tribe is otherwise entitled because of the status of the*
15 *tribe as a federally recognized Indian tribe; or*

(b) *EXEMPTIONS FROM TAXATION.*—No payment made pursuant to this title shall be subject to any Federal or State income tax.

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1 **SEC. 208. STATUTORY CONSTRUCTION.**

2 *Nothing in this title may be construed as diminishing*
 3 *or affecting any water right of an Indian tribe, except as*
 4 *specifically provided in another provision of this title, any*
 5 *treaty right that is in effect on the date of enactment of*
 6 *this Act, or any authority of the Secretary of the Interior*
 7 *or the head of any other Federal agency under a law in*
 8 *effect on the date of enactment of this Act.*

9 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated such sums as*
 11 *are necessary to carry out this title, including such sums*
 12 *as may be necessary for the administration of the Yankton*
 13 *Sioux Tribe Development Trust Fund under section 204*
 14 *and the Santee Sioux Tribe Development Trust Fund under*
 15 *section 205.*

16 **SEC. 210. EXTINGUISHMENT OF CLAIMS.**

17 *Upon the deposit of funds under sections 204(b) and*
 18 *205(b), all monetary claims that the Yankton Sioux Tribe*
 19 *or the Santee Sioux Tribe of Nebraska has or may have*
 20 *against the United States for loss of value or use of land*
 21 *related to lands described in section 202(a)(10) resulting*
 22 *from the Fort Randall and Gavins Point projects of the*
 23 *Pick-Sloan Missouri River Basin program shall be extin-*
 24 *guished.*

1 **TITLE III—OKLAHOMA NATIVE**
 2 **AMERICAN CULTURAL CEN-**
 3 **TER AND MUSEUM**

4 **SEC. 301. OKLAHOMA NATIVE AMERICAN CULTURAL CEN-**
 5 **TER AND MUSEUM.**

6 (a) *FINDINGS.*—Congress makes the following findings:

7 (1) *In order to promote better understanding be-*
 8 *tween Indian and non-Indian citizens of the United*
 9 *States, and in light of the Federal Government's con-*
 10 *tinuing trust responsibilities to Indian tribes, it is*
 11 *appropriate, desirable, and a proper function of the*
 12 *Federal Government to provide grants for the develop-*
 13 *ment of a museum designated to display the heritage*
 14 *and culture of Indian tribes.*

15 (2) *In recognition of the unique status and his-*
 16 *tory of Indian tribes in the State of Oklahoma and*
 17 *the role of the Federal Government in such history, it*
 18 *is appropriate and proper for the museum referred to*
 19 *in paragraph (1) to be located in the State of Okla-*
 20 *homa.*

21 (b) *GRANT.*—

22 (1) *IN GENERAL.*—The Secretary shall offer to
 23 award financial assistance equaling not more than
 24 \$33,000,000 and technical assistance to the Authority
 25 to be used for the development and construction of a

1 *Native American Cultural Center and Museum in*
 2 *Oklahoma City, Oklahoma.*

3 (2) *AGREEMENT.*—*To be eligible to receive a*
 4 *grant under paragraph (1), the appropriate official of*
 5 *the Authority shall—*

6 (A) *enter into a grant agreement with the*
 7 *Secretary which shall specify the duties of the*
 8 *Authority under this section, including provi-*
 9 *sions for continual maintenance of the Center by*
 10 *the Authority without the use of Federal funds;*
 11 *and*

12 (B) *demonstrate, to the satisfaction of the*
 13 *Secretary, that the Authority has raised, or has*
 14 *commitments from private persons or State or*
 15 *local government agencies for, an amount that is*
 16 *equal to not less than 66 percent of the cost to*
 17 *the Authority of the activities to be carried out*
 18 *under the grant.*

19 (3) *LIMITATION.*—*The amount of any grant*
 20 *awarded under paragraph (1) shall not exceed 33 per-*
 21 *cent of the cost of the activities to be funded under the*
 22 *grant.*

23 (4) *IN-KIND CONTRIBUTION.*—*When calculating*
 24 *the cost share of the Authority under this title, the*
 25 *Secretary shall reduce such cost share obligation by*

1 *the fair market value of the approximately 300 acres*
 2 *of land donated by Oklahoma City for the Center, if*
 3 *such land is used for the Center.*

4 *(c) DEFINITIONS.—For the purposes of this title:*

5 *(1) AUTHORITY.—The term “Authority” means*
 6 *the Native American Cultural and Educational Au-*
 7 *thority of Oklahoma, an agency of the State of Okla-*
 8 *homa.*

9 *(2) CENTER.—The term “Center” means the Na-*
 10 *tive American Cultural Center and Museum author-*
 11 *ized pursuant to this section.*

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

14 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*
 15 *authorized to be appropriated to the Secretary to grant as-*
 16 *sistance under subsection (b)(1), \$8,250,000 for each of fis-*
 17 *cal years 2003 through 2006.*

18 **TITLE IV—TRANSMISSION OF**
 19 **POWER FROM INDIAN LANDS**
 20 **IN OKLAHOMA**

21 **SEC. 401. TRANSMISSION OF POWER FROM INDIAN LANDS**
 22 **IN OKLAHOMA.**

23 *To the extent the Southwestern Power Administration*
 24 *makes transmission capacity available without replacing*
 25 *the present capacity of existing users of the Administra-*

tion's transmission system, the Administrator of the Southwestern Power Administration shall take such actions as may be necessary, in accordance with all applicable Federal law, to make the transmission services of the Administration available for the transmission of electric power generated at facilities located on land within the jurisdictional area of any Oklahoma Indian tribe (as determined by the Secretary of the Interior) recognized by the Secretary as eligible for trust land status under 25 CFR Part 151. The owner or operator of the generation facilities concerned shall reimburse the Administrator for all costs of such actions in accordance with standards applicable to payment of such costs by other users of the Southwestern Power Administration transmission system.

TITLE V—PECHANGA TRIBE

SEC. 501. LAND OF PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) *LIMITATION ON CONVEYANCE.*—Land described in subsection (b) (or any interest in that land) shall not be voluntarily or involuntarily transferred or otherwise made available for condemnation until the date on which—

(1)(A) the Secretary of the Interior renders a final decision on the fee to trust application pending on the date of the enactment of this title concerning the land; and

1 (B) *final decisions have been rendered regarding*
 2 *all appeals relating to that application decision; or*

3 (2) *the fee to trust application described in para-*
 4 *graph (1)(A) is withdrawn.*

5 (b) *DESCRIPTION OF LAND.—The land referred to in*
 6 *subsection (a) is land located in Riverside County, Cali-*
 7 *fornia, that is held in fee by the Pechanga Band of Luiseno*
 8 *Mission Indians, as described in Document No. 211130 of*
 9 *the Office of the Recorder, Riverside County, California,*
 10 *and recorded on May 15, 2001.*

11 (c) *RULE OF CONSTRUCTION.—Nothing in this section*
 12 *designates, or shall be used to construe, any land described*
 13 *in subsection (b) (or any interest in that land) as an Indian*
 14 *reservation, Indian country, Indian land, or reservation*
 15 *land (as those terms are defined under any Federal law*
 16 *(including a regulation)) for any purpose under any Fed-*
 17 *eral law.*

18 ***TITLE VI—CHEROKEE, CHOCTAW,***
 19 ***AND CHICKASAW NATIONS***
 20 ***CLAIMS SETTLEMENT ACT***

21 ***SEC. 601. SHORT TITLE.***

22 *This title may be cited as the “Cherokee, Choctaw, and*
 23 *Chickasaw Nations Claims Settlement Act”.*

24 ***SEC. 602. FINDINGS.***

25 *The Congress finds the following:*

1 (1) *It is the policy of the United States to pro-*
2 *mote tribal self-determination and economic self-suffi-*
3 *ciency and to encourage the resolution of disputes*
4 *over historical claims through mutually agreed-to set-*
5 *tlements between Indian Nations and the United*
6 *States.*

7 (2) *There are pending before the United States*
8 *Court of Federal Claims certain lawsuits against the*
9 *United States brought by the Cherokee, Choctaw, and*
10 *Chickasaw Nations seeking monetary damages for the*
11 *alleged use and mismanagement of tribal resources*
12 *along the Arkansas River in eastern Oklahoma.*

13 (3) *The Cherokee Nation, a federally recognized*
14 *Indian tribe with its present tribal headquarters*
15 *south of Tahlequah, Oklahoma, having adopted its*
16 *most recent constitution on June 26, 1976, and hav-*
17 *ing entered into various treaties with the United*
18 *States, including but not limited to the Treaty at*
19 *Hopewell, executed on November 28, 1785 (7 Stat.*
20 *18), and the Treaty at Washington, D.C., executed on*
21 *July 19, 1866 (14 Stat. 799), has maintained a con-*
22 *tinuous government-to-government relationship with*
23 *the United States since the earliest years of the*
24 *Union.*

1 (4) *The Choctaw Nation, a federally recognized*
 2 *Indian tribe with its present tribal headquarters in*
 3 *Durant, Oklahoma, having adopted its most recent*
 4 *constitution on July 9, 1983, and having entered into*
 5 *various treaties with the United States of America,*
 6 *including but not limited to the Treaty at Hopewell,*
 7 *executed on January 3, 1786 (7 Stat. 21), and the*
 8 *Treaty at Washington, D.C., executed on April 28,*
 9 *1866 (7 Stat. 21), has maintained a continuous gov-*
 10 *ernment-to-government relationship with the United*
 11 *States since the earliest years of the Union.*

12 (5) *The Chickasaw Nation, a federally recognized*
 13 *Indian tribe with its present tribal headquarters in*
 14 *Ada, Oklahoma, having adopted its most recent con-*
 15 *stitution on August 27, 1983, and having entered into*
 16 *various treaties with the United States of America,*
 17 *including but not limited to the Treaty at Hopewell,*
 18 *executed on January 10, 1786 (7 Stat. 24), and the*
 19 *Treaty at Washington, D.C., executed on April 28,*
 20 *1866 (7 Stat. 21), has maintained a continuous gov-*
 21 *ernment-to-government relationship with the United*
 22 *States since the earliest years of the Union.*

23 (6) *In the first half of the 19th century, the Cher-*
 24 *okee, Choctaw, and Chickasaw Nations were forcibly*
 25 *removed from their homelands in the southeastern*

1 *United States to lands west of the Mississippi in the*
2 *Indian Territory that were ceded to them by the*
3 *United States. From the “Three Forks” area near*
4 *present day Muskogee, Oklahoma, downstream to the*
5 *point of confluence with the Canadian River, the Ar-*
6 *kansas River flowed entirely within the territory of*
7 *the Cherokee Nation. From that point of confluence*
8 *downstream to the Arkansas territorial line, the Ar-*
9 *kansas River formed the boundary between the Cher-*
10 *okee Nation on the left side of the thread of the river*
11 *and the Choctaw and Chickasaw Nations on the right.*

12 *(7) Pursuant to the Act of April 30, 1906 (34*
13 *Stat. 137), tribal property not allotted to individuals*
14 *or otherwise disposed of, including the bed and banks*
15 *of the Arkansas River, passed to the United States in*
16 *trust for the use and benefit of the respective Indian*
17 *Nations in accordance with their respective interests*
18 *therein.*

19 *(8) For more than 60 years after Oklahoma*
20 *statehood, the Bureau of Indian Affairs believed that*
21 *Oklahoma owned the Riverbed from the Arkansas*
22 *State line to Three Forks, and therefore took no action*
23 *to protect the Indian Nations’ Riverbed resources such*
24 *as oil, gas, and Drybed Lands suitable for grazing*
25 *and agriculture.*

1 (9) *Third parties with property near the Arkan-*
2 *sas River began to occupy the Indian Nations’*
3 *Drybed Lands—lands that were under water at the*
4 *time of statehood but that are now dry due to changes*
5 *in the course of the river.*

6 (10) *In 1966, the Indian Nations sued the State*
7 *of Oklahoma to recover their lands. In 1970, the Su-*
8 *preme Court of the United States decided in the case*
9 *of Choctaw Nation vs. Oklahoma (396 U.S. 620), that*
10 *the Indian Nations retained title to their respective*
11 *portions of the Riverbed along the navigable reach of*
12 *the river.*

13 (11) *In 1987, the Supreme Court of the United*
14 *States in the case of United States vs. Cherokee Na-*
15 *tion (480 U.S. 700) decided that the riverbed lands*
16 *did not gain an exemption from the Federal Govern-*
17 *ment’s navigational servitude and that the Cherokee*
18 *Nation had no right to compensation for damage to*
19 *its interest by exercise of the Government’s servitude.*

20 (12) *In 1989, the Indian Nations filed lawsuits*
21 *against the United States in the United States Court*
22 *of Federal Claims (Case Nos. 218–89L and 630–89L),*
23 *seeking damages for the United States’ use and mis-*
24 *management of tribal trust resources along the Arkan-*
25 *sas River. Those actions are still pending.*

1 (13) *In 1997, the United States filed quiet title*
2 *litigation against individuals occupying some of the*
3 *Indian Nations' Drybed Lands. That action, filed in*
4 *the United States District Court for the Eastern Dis-*
5 *trict of Oklahoma, was dismissed without prejudice*
6 *on technical grounds.*

7 (14) *Much of the Indian Nations' Drybed Lands*
8 *have been occupied by a large number of adjacent*
9 *landowners in Oklahoma. Without Federal legislation,*
10 *further litigation against thousands of such land-*
11 *owners would be likely and any final resolution of*
12 *disputes would take many years and entail great ex-*
13 *pense to the United States, the Indian Nations, and*
14 *the individuals and entities occupying the Drybed*
15 *Lands and would seriously impair long-term eco-*
16 *nomic planning and development for all parties.*

17 (15) *The Councils of the Cherokee and Choctaw*
18 *Nations and the Legislature of the Chickasaw Nation*
19 *have each enacted tribal resolutions which would, con-*
20 *tingent upon the passage of this title and the satisfac-*
21 *tion of its terms and in exchange for the moneys ap-*
22 *propriated hereunder—*

23 (A) *settle and forever release their respective*
24 *claims against the United States asserted by*

1 *them in United States Court of Federal Claims*
 2 *Case Nos. 218–89L and 630–89L; and*

3 *(B) forever disclaim any and all right, title,*
 4 *and interest in and to the Disclaimed Drybed*
 5 *Lands, as set forth in those enactments of the re-*
 6 *spective councils of the Indian Nations.*

7 *(16) The resolutions adopted by the respective*
 8 *Councils of the Cherokee, Choctaw, and Chickasaw*
 9 *Nations each provide that, contingent upon the pas-*
 10 *sage of the settlement legislation and satisfaction of*
 11 *its terms, each Indian Nation agrees to dismiss, re-*
 12 *lease, and forever discharge its claims asserted*
 13 *against the United States in the United State Court*
 14 *of Federal Claims, Case Nos. 218–89L and 630–89L,*
 15 *and to forever disclaim any right, title, or interest of*
 16 *the Indian Nation in the Disclaimed Drybed Lands,*
 17 *in exchange for the funds appropriated and allocated*
 18 *to the Indian Nation under the provisions of the set-*
 19 *tlement legislation, which funds the Indian Nation*
 20 *agrees to accept in full satisfaction and settlement of*
 21 *all claims against the United States for the damages*
 22 *sought in the aforementioned claims asserted in the*
 23 *United States Court of Federal Claims, and as full*
 24 *and fair compensation for disclaiming its right, title,*
 25 *and interest in the Disclaimed Drybed Lands.*

1 (17) *In those resolutions, each Indian Nation ex-*
 2 *pressly reserved all of its beneficial interest and title*
 3 *to all other Riverbed lands, including minerals, as de-*
 4 *termined by the Supreme Court in Choctaw Nation v.*
 5 *Oklahoma, 397 U.S. 620 (1970), and further reserved*
 6 *any and all right, title, or interest that each Nation*
 7 *may have in and to the water flowing in the Arkan-*
 8 *sas River and its tributaries.*

9 **SEC. 603. PURPOSES.**

10 *The purposes of this title are to resolve all claims that*
 11 *have been or could have been brought by the Cherokee, Choc-*
 12 *taw, and Chickasaw Nations against the United States, and*
 13 *to confirm that the Indian Nations are forever disclaiming*
 14 *any right, title, or interest in the Disclaimed Drybed*
 15 *Lands, which are contiguous to the channel of the Arkansas*
 16 *River as of the date of the enactment of this title in certain*
 17 *townships in eastern Oklahoma.*

18 **SEC. 604. DEFINITIONS.**

19 *For the purposes of this title, the following definitions*
 20 *apply:*

21 (1) *DISCLAIMED DRYBED LANDS.—The term*
 22 *“Disclaimed Drybed Lands” means all Drybed Lands*
 23 *along the Arkansas River that are located in Town-*
 24 *ship 10 North in Range 24 East, Townships 9 and*
 25 *10 North in Range 25 East, Township 10 North in*

1 *Range 26 East, and Townships 10 and 11 North in*
 2 *Range 27 East, in the State Oklahoma.*

3 (2) *DRYBED LANDS.*—*The term “Drybed Lands”*
 4 *means those lands which, on the date of enactment of*
 5 *this title, lie above and contiguous to the mean high*
 6 *water mark of the Arkansas River in the State of*
 7 *Oklahoma. The term “Drybed Lands” is intended to*
 8 *have the same meaning as the term “Upland Claim*
 9 *Area” as used by the Bureau of Land Management*
 10 *Cadastral Survey Geographic Team in its prelimi-*
 11 *nary survey of the Arkansas River. The term “Drybed*
 12 *Lands” includes any lands so identified in the*
 13 *“Holway study.”*

14 (3) *INDIAN NATION; INDIAN NATIONS.*—*The term*
 15 *“Indian Nation” means the Cherokee Nation, Choc-*
 16 *taw Nation, or Chickasaw Nation, and the term “In-*
 17 *dian Nations” means all 3 tribes collectively.*

18 (4) *RIVERBED.*—*The term “Riverbed” means the*
 19 *Drybed Lands and the Wetbed Lands and includes all*
 20 *minerals therein.*

21 (5) *SECRETARY.*—*The term “Secretary” means*
 22 *the Secretary of the Interior.*

23 (6) *WETBED LANDS.*—*The term “Wetbed Lands”*
 24 *means those Riverbed lands which lie below the mean*
 25 *high water mark of the Arkansas River in the State*

1 of Oklahoma as of the date of the enactment of this
 2 title, exclusive of the Drybed Lands. The term Wetbed
 3 Land is intended to have the same meaning as the
 4 term “Present Channel Claim Areas” as utilized by
 5 the Bureau of Land Management Cadastral Survey
 6 Geographic Team in its preliminary survey of the Ar-
 7 kansas River.

8 **SEC. 605. SETTLEMENT AND CLAIMS; APPROPRIATIONS; AL-**
 9 **LOCATION OF FUNDS.**

10 (a) *EXTINGUISHMENT OF CLAIMS.*—Pursuant to their
 11 respective tribal resolutions, and in exchange for the benefits
 12 conferred under this title, the Indian Nations shall, on the
 13 date of enactment of this title, enter into a consent decree
 14 with the United States that waives, releases, and dismisses
 15 all the claims they have asserted or could have asserted in
 16 their cases numbered 218–89L and 630–89L pending in the
 17 United States Court of Federal Claims against the United
 18 States, including but not limited to claims arising out of
 19 any and all of the Indian Nations’ interests in the Dis-
 20 claimed Drybed Lands and arising out of construction,
 21 maintenance and operation of the McClellan-Kerr Naviga-
 22 tion Way. The Indian Nations and the United States shall
 23 lodge the consent decree with the Court of Federal Claims
 24 within 30 days of the enactment of this title, and shall move
 25 for entry of the consent decree at such time as all appro-

1 *priations by Congress pursuant to the authority of this title*
 2 *have been made and deposited into the appropriate tribal*
 3 *trust fund account of the Indian Nations as described in*
 4 *section 606. Upon entry of the consent decree, all the Indian*
 5 *Nations' claims and all their past, present, and future*
 6 *right, title, and interest to the Disclaimed Drybed Lands,*
 7 *shall be deemed extinguished. No claims may be asserted*
 8 *in the future against the United States pursuant to sections*
 9 *1491, 1346(a)(2), or 1505 of title 28, United States Code,*
 10 *for actions taken or failed to have been taken by the United*
 11 *States for events occurring prior to the date of the extin-*
 12 *guishment of claims with respect to the Riverbed.*

13 *(b) RELEASE OF TRIBAL CLAIMS TO CERTAIN DRYBED*
 14 *LANDS.—*

15 *(1) IN GENERAL.—Upon the deposit of all funds*
 16 *authorized for appropriation under subsection (c) for*
 17 *an Indian Nation into the appropriate trust fund ac-*
 18 *count described in section 606—*

19 *(A) all claims now existing or which may*
 20 *arise in the future with respect to the Disclaimed*
 21 *Drybed lands and all right, title, and interest*
 22 *that the Indian Nations and the United States*
 23 *as trustee on behalf of the Indian Nation may*
 24 *have to the Disclaimed Drybed Lands, shall be*
 25 *deemed extinguished;*

1 (B) any interest of the Indian Nations or
2 the United States as trustee on their behalf in
3 the Disclaimed Drybed Lands shall further be ex-
4 tinguished pursuant to the Trade and Inter-
5 course Act of 1790, Act of July 22, 1790 (ch. 33,
6 1 Stat. 137), and all subsequent amendments
7 thereto (as codified at 25 U.S.C. 177);

8 (C) to the extent parties other than the In-
9 dian Nations have transferred interests in the
10 Disclaimed Drybed Lands in violation of the
11 Trade and Intercourse Act, Congress does hereby
12 approve and ratify such transfers of interests in
13 the Disclaimed Drybed Lands to the extent that
14 such transfers otherwise are valid under law;
15 and

16 (D) the Secretary is authorized to execute
17 an appropriate document citing this title, suit-
18 able for filing with the county clerks, or such
19 other county official as appropriate, of those
20 counties wherein the foregoing described lands
21 are located, disclaiming any tribal or Federal
22 interest on behalf of the Indian Nations in such
23 Disclaimed Drybed Lands. The Secretary is au-
24 thorized to file with the counties a plat or map
25 of the disclaimed lands should the Secretary de-

1 *termine that such filing will clarify the extent of*
 2 *lands disclaimed. Such a plat or map may be*
 3 *filed regardless of whether the map or plat has*
 4 *been previously approved for filing, whether or*
 5 *not the map or plat has been filed, and regard-*
 6 *less of whether the map or plat constitutes a*
 7 *final determination by the Secretary of the ex-*
 8 *tent of the Indian Nations' original claim to the*
 9 *Disclaimed Drybed Lands. The disclaimer filed*
 10 *by the United States shall constitute a dis-*
 11 *claimer of the Disclaimed Drybed Lands for pur-*
 12 *poses of the Trade and Intercourse Act (25*
 13 *U.S.C. 177).*

14 *(2) SPECIAL PROVISIONS.—Notwithstanding any*
 15 *provision of this title—*

16 *(A) the Indian Nations do not relinquish*
 17 *any right, title, or interest in any lands which*
 18 *constitute the Wetbed Lands subject to the navi-*
 19 *gational servitude exercised by the United States*
 20 *on the Wetbed Lands. By virtue of the exercise*
 21 *of the navigational servitude, the United States*
 22 *shall not be liable to the Indian Nations for any*
 23 *loss they may have related to the minerals in the*
 24 *Wetbed Lands;*

1 (B) no provision of this title shall be con-
2 strued to extinguish or convey any water rights
3 of the Indian Nations in the Arkansas River or
4 any other stream or the beneficial interests or
5 title of any of the Indian Nations in and to
6 lands held in trust by the United States on the
7 date of enactment of this title which lie above or
8 below the mean high water mark of the Arkansas
9 River, except for the Disclaimed Drybed Lands;
10 and

11 (C) the Indian Nations do not relinquish
12 any right, title, or interest in any lands or min-
13 erals of certain unallotted tracts which are iden-
14 tified in the official records of the Eastern Okla-
15 homa Regional Office, Bureau of Indian Affairs.
16 The disclaimer to be filed by the Secretary of the
17 Interior under section 605(b)(1) of this title shall
18 reflect the legal description of the unallotted
19 tracts retained by the Nations.

20 (3) SETOFF.—In the event the Court of Federal
21 Claims does not enter the consent decree as set forth
22 in subsection (a), the United States shall be entitled
23 to setoff against any claims of the Indian Nations as
24 set forth in subsection (a), any funds transferred to

1 *the Indian Nations pursuant to section 606, and any*
 2 *interest accrued thereon up to the date of setoff.*

3 (4) *QUIET TITLE ACTIONS.*—*Notwithstanding*
 4 *any other provision of law, neither the United States*
 5 *nor any department of the United States nor the In-*
 6 *dian Nations shall be made parties to any quiet title*
 7 *lawsuit or other lawsuit to determine ownership of or*
 8 *an interest in the Disclaimed Drybed Lands initiated*
 9 *by any private person or private entity after execu-*
 10 *tion of the disclaimer set out in section 605(b)(1). The*
 11 *United States will have no obligation to undertake*
 12 *any future quiet title actions or actions for the recov-*
 13 *ery of lands or funds relating to any Drybed Lands*
 14 *retained by the Indian Nation or Indian Nations*
 15 *under this title, including any lands which are*
 16 *Wetbed Lands on the date of enactment of this title,*
 17 *but which subsequently lie above the mean high water*
 18 *mark of the Arkansas River and the failure or dec-*
 19 *lination to initiate any quiet title action or to man-*
 20 *age any such Drybed Lands shall not constitute a*
 21 *breach of trust by the United States or be compen-*
 22 *sable to the Indian Nation or Indian Nations in any*
 23 *manner.*

24 (5) *LAND TO BE CONVEYED IN FEE.*—*To the ex-*
 25 *tent that the United States determines that it is able*

1 *to effectively maintain the McClellan-Kerr Navigation*
 2 *Way without retaining title to lands above the high*
 3 *water mark of the Arkansas River as of the date of*
 4 *enactment of this title, said lands, after being de-*
 5 *clared surplus, shall be conveyed in fee to the Indian*
 6 *Nation within whose boundary the land is located.*
 7 *The United States shall not be obligated to accept*
 8 *such property in trust.*

9 *(c) AUTHORIZATION FOR SETTLEMENT APPROPRIA-*
 10 *TIONS.—There is authorized to be appropriated an aggre-*
 11 *gate sum of \$40,000,000 as follows:*

12 *(1) \$10,000,000 for fiscal year 2004.*

13 *(2) \$10,000,000 for fiscal year 2005.*

14 *(3) \$10,000,000 for fiscal year 2006.*

15 *(4) \$10,000,000 for fiscal year 2007.*

16 *(d) ALLOCATION AND DEPOSIT OF FUNDS.—After pay-*
 17 *ment pursuant to section 607, the remaining funds author-*
 18 *ized for appropriation under subsection (c) shall be allo-*
 19 *cated among the Indian Nations as follows:*

20 *(1) 50 percent to be deposited into the trust fund*
 21 *account established under section 606 for the Cherokee*
 22 *Nation.*

23 *(2) 37.5 percent to be deposited into the trust*
 24 *fund account established under section 606 for the*
 25 *Choctaw Nation.*

1 (3) *12.5 percent to be deposited into the trust*
 2 *fund account established under section 606 for the*
 3 *Chickasaw Nation.*

4 **SEC. 606. TRIBAL TRUST FUNDS.**

5 (a) *ESTABLISHMENT, PURPOSE, AND MANAGEMENT OF*
 6 *TRUST FUNDS.—*

7 (1) *ESTABLISHMENT.—There are hereby estab-*
 8 *lished in the United States Treasury 3 separate tribal*
 9 *trust fund accounts for the benefit of each of the In-*
 10 *Indian Nations, respectively, for the purpose of receiv-*
 11 *ing all appropriations made pursuant to section*
 12 *605(c), and allocated pursuant to section 605(d).*

13 (2) *AVAILABILITY OF AMOUNTS IN TRUST FUND*
 14 *ACCOUNTS.—Amounts in the tribal trust fund ac-*
 15 *counts established by this section shall be available to*
 16 *the Secretary for management and investment on be-*
 17 *half of the Indian Nations and distribution to the In-*
 18 *Indian Nations in accordance with this title. Funds*
 19 *made available from the tribal trust funds under this*
 20 *section shall be available without fiscal year limita-*
 21 *tion.*

22 (b) *MANAGEMENT OF FUNDS.—*

23 (1) *LAND ACQUISITION.—*

24 (A) *TRUST LAND STATUS PURSUANT TO*
 25 *REGULATIONS.—The funds appropriated and al-*

1 *located to the Indian Nations pursuant to sec-*
 2 *tions 205(c) and (d), and deposited into trust*
 3 *fund accounts pursuant to section 606(a), to-*
 4 *gether with any interest earned thereon, may be*
 5 *used for the acquisition of land by the Indian*
 6 *Nations. The Secretary may accept such lands*
 7 *into trust for the beneficiary Indian Nation pur-*
 8 *suant to the authority provided in section 5 of*
 9 *the Act of June 18, 1934 (25 U.S.C. 465) and in*
 10 *accordance with the Secretary's trust land acqui-*
 11 *sition regulations at part 151 of title 25, Code*
 12 *of Federal Regulations, in effect at the time of*
 13 *the acquisition, except for those acquisitions cov-*
 14 *ered by paragraph (1)(B).*

15 *(B) REQUIRED TRUST LAND STATUS.—Any*
 16 *such trust land acquisitions on behalf of the*
 17 *Cherokee Nation shall be mandatory if the land*
 18 *proposed to be acquired is located within Town-*
 19 *ship 12 North, Range 21 East, in Sequoyah*
 20 *County, Township 11 North, Range 18 East, in*
 21 *McIntosh County, Townships 11 and 12 North,*
 22 *Range 19 East, or Township 12 North, Range 20*
 23 *East, in Muskogee County, Oklahoma, and not*
 24 *within the limits of any incorporated municipi-*
 25 *palty as of January 1, 2002, if—*

1 (i) the land proposed to be acquired
 2 meets the Department of the Interior's min-
 3 imum environmental standards and re-
 4 quirements for real estate acquisitions set
 5 forth in 602 DM 2.6, or any similar suc-
 6 cessor standards or requirements for real es-
 7 tate acquisitions in effect on the date of ac-
 8 quisition; and

9 (ii) the title to such land meets appli-
 10 cable Federal title standards in effect on the
 11 date of the acquisition.

12 (C) OTHER EXPENDITURE OF FUNDS.—The
 13 Indian Nations may elect to expend all or a por-
 14 tion of the funds deposited into its trust account
 15 for any other purposes authorized under para-
 16 graph (2).

17 (2) INVESTMENT OF TRUST FUNDS; NO PER CAP-
 18 ITA PAYMENT.—

19 (A) NO PER CAPITA PAYMENTS.—No money
 20 received by the Indian Nations hereunder may be
 21 used for any per capita payment.

22 (B) INVESTMENT BY SECRETARY.—Except
 23 as provided in this section and section 607, the
 24 principal of such funds deposited into the ac-
 25 counts established hereunder and any interest

1 *earned thereon shall be invested by the Secretary*
 2 *in accordance with current laws and regulations*
 3 *for the investing of tribal trust funds.*

4 (C) *USE OF PRINCIPAL FUNDS.—The prin-*
 5 *cipal amounts of said funds and any amounts*
 6 *earned thereon shall be made available to the In-*
 7 *dian Nation for which the account was estab-*
 8 *lished for expenditure for purposes which may*
 9 *include construction or repair of health care fa-*
 10 *cilities, law enforcement, cultural or other edu-*
 11 *cational activities, economic development, social*
 12 *services, and land acquisition. Land acquisition*
 13 *using such funds shall be subject to the provi-*
 14 *sions of subsections (b) and (d).*

15 (3) *DISBURSEMENT OF FUNDS.—The Secretary*
 16 *shall disburse the funds from a trust account estab-*
 17 *lished under this section pursuant to a budget adopt-*
 18 *ed by the Council or Legislature of the Indian Nation*
 19 *setting forth the amount and an intended use of such*
 20 *funds.*

21 (4) *ADDITIONAL RESTRICTION ON USE OF*
 22 *FUNDS.—None of the funds made available under this*
 23 *title may be allocated or otherwise assigned to author-*
 24 *ized purposes of the Arkansas River Multipurpose*
 25 *Project as authorized by the River and Harbor Act of*

1 1946, as amended by the Flood Control Act of 1948
 2 and the Flood Control Act of 1950.

3 **SEC. 607. ATTORNEY FEES.**

4 (a) *PAYMENT.*—At the time the funds are paid to the
 5 Indian Nations, from funds authorized to be appropriated
 6 pursuant to section 605(c), the Secretary shall pay to the
 7 Indian Nations’ attorneys those fees provided for in the in-
 8 dividual tribal attorney fee contracts as approved by the
 9 respective Indian Nations.

10 (b) *LIMITATIONS.*—Notwithstanding subsection (a),
 11 the total fees payable to attorneys under such contracts with
 12 an Indian Nation shall not exceed 10 percent of that Indian
 13 Nation’s allocation of funds appropriated under section
 14 605(c).

15 **SEC. 608. RELEASE OF OTHER TRIBAL CLAIMS AND FILING**
 16 **OF CLAIMS.**

17 (a) *EXTINGUISHMENT OF OTHER TRIBAL CLAIMS.*—

18 (1) *IN GENERAL.*—As of the date of enactment of
 19 this title—

20 (A) all right, title, and interest of any In-
 21 dian nation or tribe other than any Indian Na-
 22 tion defined in section 604 (referred to in this
 23 section and section 609 as a “claimant tribe”) in
 24 or to the Disclaimed Drybed Lands, and any
 25 such right, title, or interest held by the United

1 *States on behalf of such a claimant tribe, shall*
 2 *be considered to be extinguished in accordance*
 3 *with section 177 of title 25, United States Code*
 4 *(section 2116 of the Revised Statutes);*

5 *(B) if any party other than a claimant*
 6 *tribe holds transferred interests in or to the Dis-*
 7 *claimed Drybed Lands in violation of section*
 8 *177 of title 25, United States Code (section 2116*
 9 *of the Revised Statutes), Congress approves and*
 10 *ratifies those transfers of interests to the extent*
 11 *that the transfers are in accordance with other*
 12 *applicable law; and*

13 *(C) the documents described in section*
 14 *605(b)(1)(D) shall serve to identify the geo-*
 15 *graphic scope of the interests extinguished by*
 16 *subparagraph (A).*

17 (2) *QUIET TITLE ACTIONS.—*

18 (A) *IN GENERAL.—Notwithstanding any*
 19 *other provision of law, after the date of enact-*
 20 *ment of this title, neither the United States (or*
 21 *any department or agency of the United States)*
 22 *nor any Indian Nation shall be included as a*
 23 *party to any civil action brought by any private*
 24 *person or private entity to quiet title to, or de-*

1 *termine ownership of an interest in or to, the*
 2 *Disclaimed Drybed Lands.*

3 (B) *FUTURE ACTIONS.*—*As of the date of*
 4 *enactment of this title, the United States shall*
 5 *have no obligation to bring any civil action to*
 6 *quiet title to, or to recover any land or funds re-*
 7 *lating to, the Drybed Lands (including any*
 8 *lands that are Wetbed Lands as of the date of en-*
 9 *actment of this title but that are located at any*
 10 *time after that date above the mean high water*
 11 *mark of the Arkansas River).*

12 (C) *NO BREACH OF TRUST.*—*The failure or*
 13 *declination by the United States to initiate any*
 14 *civil action to quiet title to or manage any*
 15 *Drybed Lands under this paragraph shall not—*

16 (i) *constitute a breach of trust by the*
 17 *United States; or*

18 (ii) *be compensable to a claimant tribe*
 19 *in any manner.*

20 (b) *CLAIMS OF OTHER INDIAN TRIBES.*—

21 (1) *LIMITED PERIOD FOR FILING CLAIMS.*—

22 (A) *IN GENERAL.*—*Not later than 180 days*
 23 *after the date of enactment of this title, any*
 24 *claimant tribe that claims that any title, inter-*
 25 *est, or entitlement held by the claimant tribe has*

1 *been extinguished by operation of section 605(a)*
 2 *or subsection 608(a) may file a claim against the*
 3 *United States relating to the extinguishment in*
 4 *the United States Court of Federal Claims.*

5 *(B) FAILURE TO FILE.—After the date de-*
 6 *scribed in subparagraph (A), a claimant tribe*
 7 *described in that subparagraph shall be barred*
 8 *from filing any claim described in that subpara-*
 9 *graph.*

10 *(2) SPECIAL HOLDING ACCOUNT.—*

11 *(A) ESTABLISHMENT.—There is established*
 12 *in the Treasury, in addition to the accounts es-*
 13 *tablished by section 606(a), an interest-bearing*
 14 *special holding account for the benefit of the In-*
 15 *dian Nations.*

16 *(B) DEPOSITS.—Notwithstanding any other*
 17 *provision of this title or any other law, of any*
 18 *funds that would otherwise be deposited in a*
 19 *tribal trust account established by section 606(a),*
 20 *10 percent shall—*

21 *(i) be deposited in the special holding*
 22 *account established by subparagraph (A);*
 23 *and*

24 *(ii) be held in that account for dis-*
 25 *tribution under paragraph (3).*

1 (3) *DISTRIBUTION OF FUNDS.*—

2 (A) *IN GENERAL.*—*Funds deposited in the*
 3 *special holding account established by paragraph*
 4 *(2)(A) shall be distributed in accordance with*
 5 *subparagraphs (B) through (D).*

6 (B) *CLAIM FILED.*—*If a claim under para-*
 7 *graph (1)(A) is filed by the deadline specified in*
 8 *that paragraph, on final adjudication of that*
 9 *claim—*

10 (i) *if the final judgment awards to a*
 11 *claimant an amount that does not exceed*
 12 *the amount of funds in the special holding*
 13 *account under paragraph (2) attributable to*
 14 *the Indian Nation from the allocation of*
 15 *which under section 605(d) the funds in the*
 16 *special holding account are derived—*

17 (I) *that amount shall be distrib-*
 18 *uted from the special holding account*
 19 *to the claimant tribe that filed the*
 20 *claim; and*

21 (II) *any remaining amount in the*
 22 *special holding account attributable to*
 23 *the claim shall be transferred to the*
 24 *appropriate tribal trust account for the*

1 *Indian Nation established by section*
 2 *606(a); and*

3 *(ii) if the final judgment awards to a*
 4 *claimant an amount that exceeds the*
 5 *amount of funds in the special holding ac-*
 6 *count attributable to the Indian Nation*
 7 *from the allocation of which under section*
 8 *605(d) the funds in the special holding ac-*
 9 *count are derived—*

10 *(I) the balance of funds in the*
 11 *special holding account attributable to*
 12 *the Indian Nation shall be distributed*
 13 *to the claimant tribe that filed the*
 14 *claim; and*

15 *(II) payment of the remainder of*
 16 *the judgment amount awarded to the*
 17 *claimant tribe shall be made from the*
 18 *permanent judgment appropriation es-*
 19 *tablished pursuant to section 1304 of*
 20 *title 31, United States Code.*

21 *(C) NO CLAIMS FILED.—If no claims under*
 22 *paragraph (1)(A) are filed by the deadline speci-*
 23 *fied that paragraph—*

24 *(i) any funds held in the special hold-*
 25 *ing account under paragraph (2) and at-*

1 tributed to that Indian Nation shall be de-
 2 posited in the appropriate tribal trust ac-
 3 count established by section 6(a); and

4 (ii) after the date that is 180 days
 5 after the date of enactment of this title,
 6 paragraph (2)(B) shall not apply to appro-
 7 priations attributed to that Indian Nation.

8 (c) *DECLARATION WITH RESPECT TO SCOPE OF*
 9 *RIGHTS, TITLE, AND INTERESTS.*—Congress declares
 10 that—

11 (1) subsection (b) is intended only to establish a
 12 process by which alleged claims may be resolved; and

13 (2) nothing in this section acknowledges, en-
 14 hances, or establishes any prior right, title, or interest
 15 of any claimant tribe in or to the Arkansas Riverbed.

16 **SEC. 609. EFFECT ON CLAIMS.**

17 This title shall not be construed to resolve any right,
 18 title, or interest of any Indian nation or of any claimant
 19 tribe, except their past, present, or future claims relating
 20 to right, title, or interest in or to the Riverbed and the obli-
 21 gations and liabilities of the United States thereto.

1 ***TITLE VII—SEMINOLE TRIBE***

2 ***SEC. 701. APPROVAL NOT REQUIRED TO VALIDATE CERTAIN***
 3 ***LAND TRANSACTIONS.***

4 (a) *TRANSACTIONS.—The Seminole Tribe of Florida*
 5 *may mortgage, lease, sell, convey, warrant, or otherwise*
 6 *transfer all or any part of any interest in any real property*
 7 *that—*

8 (1) *was held by the Tribe on September 1, 2002;*
 9 *and*

10 (2) *is not held in trust by the United States for*
 11 *the benefit of the Tribe.*

12 (b) *NO FURTHER APPROVAL REQUIRED.—Trans-*
 13 *actions under subsection (a) shall be valid without further*
 14 *approval, ratification, or authorization by the United*
 15 *States.*

16 (c) *TRUST LAND NOT AFFECTED.—Nothing in this*
 17 *section is intended or shall be construed to—*

18 (1) *authorize the Seminole Tribe of Florida to*
 19 *mortgage, lease, sell, convey, warrant, or otherwise*
 20 *transfer all or any part of an interest in any real*
 21 *property that is held in trust by the United States for*
 22 *the benefit of the Tribe; or*

23 (2) *affect the operation of any law governing*
 24 *mortgaging, leasing, selling, conveying, warranting,*

1 *or otherwise transferring any interest in such trust*
 2 *land.*

3 ***TITLE VIII—JICARILLA APACHE***
 4 ***RESERVATION RURAL WATER***
 5 ***SYSTEM***

6 ***SEC. 801. SHORT TITLE.***

7 *This title may be cited as the “Jicarilla Apache Res-*
 8 *ervation Rural Water System Act”.*

9 ***SEC. 802. PURPOSES.***

10 *The purposes of this title are as follows:*

11 *(1) To ensure a safe and adequate rural, munic-*
 12 *ipal, and water supply and wastewater systems for*
 13 *the residents of the Jicarilla Apache Reservation in*
 14 *the State of New Mexico in accordance with Public*
 15 *Law 106–243.*

16 *(2) To authorize the Secretary of the Interior,*
 17 *through the Bureau of Reclamation, in consultation*
 18 *and collaboration with the Jicarilla Apache Nation—*

19 *(A) to plan, design, and construct the water*
 20 *supply, delivery, and wastewater collection sys-*
 21 *tems on the Jicarilla Apache Reservation in the*
 22 *State of New Mexico; and*

23 *(B) to include service connections to facili-*
 24 *ties within the town of Dulce and the sur-*

1 rounding area, and to individuals as part of the
2 construction.

3 (3) *To require the Secretary, at the request of the*
4 *Jicarilla Apache Nation, to enter into a self-deter-*
5 *mination contract with the Jicarilla Apache Nation*
6 *under title I of the Indian Self-Determination and*
7 *Education Assistance Act (25 U.S.C. 450f et seq.)*
8 *under which—*

9 (A) *the Jicarilla Apache Nation shall plan,*
10 *design, and construct the water supply, delivery,*
11 *and wastewater collection systems, including*
12 *service connections to communities and individ-*
13 *uals; and*

14 (B) *the Bureau of Reclamation shall pro-*
15 *vide technical assistance and oversight responsi-*
16 *bility for such project.*

17 (4) *To establish a process in which the Jicarilla*
18 *Apache Nation shall assume title and responsibility*
19 *for the ownership, operation, maintenance, and re-*
20 *placement of the system.*

21 **SEC. 803. DEFINITIONS.**

22 *As used in this title:*

23 (1) *BIA.—The term “BIA” means the Bureau of*
24 *Indian Affairs, an agency within the Department of*
25 *the Interior.*

1 (2) *IRRIGATION*.—The term “irrigation” means
2 the commercial application of water to land for the
3 purpose of establishing or maintaining commercial
4 agriculture in order to produce field crops and vegeta-
5 bles for sale.

6 (3) *RECLAMATION*.—The term “Reclamation”
7 means the Bureau of Reclamation, an agency within
8 the Department of the Interior.

9 (4) *REPORT*.—The term “Report” means the re-
10 port entitled “Planning Report/Environmental As-
11 sessment, Water and Wastewater Improvements,
12 Jicarilla Apache Nation, Dulce, New Mexico”, dated
13 September 2001, which was completed pursuant to
14 Public Law 106–243.

15 (5) *RESERVATION*.—The term “Reservation”
16 means the Jicarilla Apache Reservation in the State
17 of New Mexico, including all lands and interests in
18 land that are held in trust by the United States for
19 the Tribe.

20 (6) *RURAL WATER SUPPLY PROJECT*.—The term
21 “Rural Water Supply Project” means a municipal,
22 domestic, rural, and industrial water supply and
23 wastewater facility area and project identified to
24 serve a group of towns, communities, cities, tribal res-
25 ervations, or dispersed farmsteads with access to

1 *clean, safe domestic and industrial water, to include*
 2 *the use of livestock.*

3 (7) *STATE.*—*The term “State” means the State*
 4 *of New Mexico.*

5 (8) *SECRETARY.*—*The term “Secretary” means*
 6 *the Secretary of the Interior, acting through the Bu-*
 7 *reau of Reclamation.*

8 (9) *TRIBE.*—*The term “Tribe” means the*
 9 *Jicarilla Apache Nation.*

10 ***SEC. 804. JICARILLA APACHE RESERVATION RURAL WATER***
 11 ***SYSTEM.***

12 (a) *CONSTRUCTION.*—*The Secretary, in consultation*
 13 *and collaboration with the Tribe, shall plan, design, and*
 14 *construct the Rural Water Supply Project to improve the*
 15 *water supply, delivery, and wastewater facilities to the*
 16 *town of Dulce, New Mexico, and surrounding communities*
 17 *for the purpose of providing the benefits of clean, safe, and*
 18 *reliable water supply, delivery, and wastewater facilities.*

19 (b) *SCOPE OF PROJECT.*—*The Rural Water Supply*
 20 *Project shall consist of the following:*

21 (1) *Facilities to provide water supply, delivery,*
 22 *and wastewater services for the community of Dulce,*
 23 *the Mundo Ranch Development, and surrounding*
 24 *areas on the Reservation.*

1 (2) *Pumping and treatment facilities located on*
 2 *the Reservation.*

3 (3) *Distribution, collection, and treatment facili-*
 4 *ties to serve the needs of the Reservation, including,*
 5 *but not limited to, construction, replacement, im-*
 6 *provement, and repair of existing water and waste-*
 7 *water systems, including systems owned by individual*
 8 *tribal members and other residents on the Reserva-*
 9 *tion.*

10 (4) *Appurtenant buildings and access roads.*

11 (5) *Necessary property and property rights.*

12 (6) *Such other electrical power transmission and*
 13 *distribution facilities, pipelines, pumping plants, and*
 14 *facilities as the Secretary deems necessary or appro-*
 15 *priate to meet the water supply, economic, public*
 16 *health, and environmental needs of the Reservation,*
 17 *including, but not limited to, water storage tanks,*
 18 *water lines, maintenance equipment, and other facili-*
 19 *ties for the Tribe on the Reservation.*

20 (c) *COST SHARING.—*

21 (1) *TRIBAL SHARE.—Subject to paragraph (3)*
 22 *and subsection (d), the tribal share of the cost of the*
 23 *Rural Water Supply Project is comprised of the costs*
 24 *to design and initiate construction of the wastewater*
 25 *treatment plant, to replace the diversion structure on*

1 *the Navajo River, and to construct raw water settling*
 2 *ponds, a water treatment plant, water storage plants,*
 3 *a water transmission pipeline, and distribution pipe-*
 4 *lines, and has been satisfied.*

5 (2) *FEDERAL SHARE.*—Subject to paragraph (3)
 6 *and subsection (d), the Federal share of the cost of the*
 7 *Rural Water Supply Project shall be all remaining*
 8 *costs of the project identified in the Report.*

9 (3) *OPERATION AND MAINTENANCE.*—The Fed-
 10 *eral share of the cost of operation and maintenance*
 11 *of the Rural Water Supply Project shall continue to*
 12 *be available for operation and maintenance in ac-*
 13 *cordance with the Indian Self-Determination Act, as*
 14 *set forth in this title.*

15 (d) *OPERATION, MAINTENANCE, AND REPLACEMENT*
 16 *AFTER COMPLETION.*—Upon determination by the Sec-
 17 *retary that the Rural Water Supply Project is substantially*
 18 *complete, the Tribe shall assume responsibility for and li-*
 19 *ability related to the annual operation, maintenance, and*
 20 *replacement cost of the project in accordance with this title*
 21 *and the Operation, Maintenance, and Replacement Plan*
 22 *under chapter IV of the Report.*

23 **SEC. 805. GENERAL AUTHORITY.**

24 *The Secretary is authorized to enter into contracts,*
 25 *grants, cooperative agreements, and other such agreements*

1 *and to promulgate such regulations as may be necessary*
 2 *to carry out the purposes and provisions of this title and*
 3 *the Indian Self-Determination Act (Public Law 93–638; 25*
 4 *U.S.C. 450 et seq.).*

5 **SEC. 806. PROJECT REQUIREMENTS.**

6 (a) *PLANS.—*

7 (1) *PROJECT PLAN.—Not later than 60 days*
 8 *after funds are made available for this purpose, the*
 9 *Secretary shall prepare a recommended project plan,*
 10 *which shall include a general map showing the loca-*
 11 *tion of the proposed physical facilities, conceptual en-*
 12 *gineering drawings of structures, and general stand-*
 13 *ards for design for the Rural Water Supply Project.*

14 (2) *OM&R PLAN.—The Tribe shall develop an*
 15 *operation, maintenance, and replacement plan, which*
 16 *shall provide the necessary framework to assist the*
 17 *Tribe in establishing rates and fees for customers of*
 18 *the Rural Water Supply Project.*

19 (b) *CONSTRUCTION MANAGER.—The Secretary,*
 20 *through Reclamation and in consultation with the Tribe,*
 21 *shall select a project construction manager to work with the*
 22 *Tribe in the planning, design, and construction of the Rural*
 23 *Water Supply Project.*

24 (c) *MEMORANDUM OF AGREEMENT.—The Secretary*
 25 *shall enter into a memorandum of agreement with the Tribe*

1 *that commits Reclamation and BIA to a transition plan*
2 *that addresses operations and maintenance of the Rural*
3 *Water Supply Project while the facilities are under con-*
4 *struction and after completion of construction.*

5 (d) *OVERSIGHT.—The Secretary shall have oversight*
6 *responsibility with the Tribe and its constructing entity*
7 *and shall incorporate value engineering analysis as appro-*
8 *priate to the Rural Water Supply Project.*

9 (e) *TECHNICAL ASSISTANCE.—The Secretary shall*
10 *provide such technical assistance as may be necessary to*
11 *the Tribe to plan, develop, and construct the Rural Water*
12 *Supply Project, including, but not limited to, operation and*
13 *management training.*

14 (f) *SERVICE AREA.—The service area of the Rural*
15 *Water Supply Project shall be within the boundaries of the*
16 *Reservation.*

17 (g) *OTHER LAW.—The planning, design, construction,*
18 *operation, and maintenance of the Rural Water Supply*
19 *Project shall be subject to the provisions of the Indian Self-*
20 *Determination Act (25 U.S.C. 450 et seq.).*

21 (h) *REPORT.—During the year that construction of the*
22 *Rural Water Supply Project begins and annually until*
23 *such construction is completed, the Secretary, through Rec-*
24 *lamation and in consultation with the Tribe, shall report*

1 *to Congress on the status of the planning, design, and con-*
 2 *struction of the Rural Water Supply Project.*

3 (i) *TITLE.—Title to the Rural Water Supply Project*
 4 *shall be held in trust for the Tribe by the United States*
 5 *and shall not be transferred or encumbered without a subse-*
 6 *quent Act of Congress.*

7 **SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) *IN GENERAL.—There is authorized to be appro-*
 9 *priated to carry out this title \$45,000,000 (January 2002*
 10 *dollars) plus or minus such amounts, if any, as may be*
 11 *justified by reason of changes in construction costs as indi-*
 12 *cated by engineering cost indexes applicable to the types*
 13 *of construction involved for the planning, design, and con-*
 14 *struction of the Rural Water Supply Project as generally*
 15 *described in the Report dated September 2001.*

16 (b) *CONDITIONS.—Funds may not be appropriated for*
 17 *the construction of any project authorized under this title*
 18 *until after—*

19 (1) *an appraisal investigation and a feasibility*
 20 *study have been completed by the Secretary and the*
 21 *Tribe; and*

22 (2) *the Secretary has determined that the plan*
 23 *required by section 806(a)(2) is completed.*

24 (c) *NEPA.—The Secretary shall not obligate funds for*
 25 *construction until after the requirements of the National*

1 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*

2 *are met with respect to the Rural Water Supply Project.*

3 **SEC. 808. PROHIBITION ON USE OF FUNDS FOR IRRIGATION**

4 **PURPOSES.**

5 *None of the funds made available to the Secretary for*

6 *planning or construction of the Rural Water Supply Project*

7 *may be used to plan or construct facilities used to supply*

8 *water for the purposes of irrigation.*

9 **SEC. 809. WATER RIGHTS.**

10 *The water rights of the Tribe are part of and included*

11 *in the Jicarilla Apache Tribe Water Rights Settlement Act*

12 *(Public Law 102-441). These rights are adjudicated under*

13 *New Mexico State law as a partial final judgment and de-*

14 *creed entered in the Eleventh Judicial District Court of New*

15 *Mexico. That Act and decree provide for sufficient water*

16 *rights under “historic and existing uses” to supply water*

17 *for the municipal water system. These water rights are rec-*

18 *ognized depletions within the San Juan River basin and*

19 *no new depletions are associated with the Rural Water Sup-*

20 *ply Project. In consultation with the United States Fish*

21 *and Wildlife Service, Reclamation has determined that*

22 *there shall be no significant impact to endangered species*

23 *as a result of water depletions associated with this project.*

24 *No other water rights of the Tribe shall be impacted by the*

25 *Rural Water Supply Project.*

1 ***TITLE IX—ROCKY BOY’S RURAL***
 2 ***WATER SYSTEM***

3 ***SEC. 901. SHORT TITLE.***

4 *This title may be cited as the “Rocky Boy’s/North Cen-*
 5 *tral Montana Regional Water System Act of 2002”.*

6 ***SEC. 902. FINDINGS AND PURPOSES.***

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

8 *(1) the water systems serving residents of the*
 9 *Rocky Boy’s Reservation in the State of Montana—*

10 *(A) do not meet minimum health and safety*
 11 *standards;*

12 *(B) pose a threat to public health and safe-*
 13 *ty; and*

14 *(C) are inadequate to supply the water*
 15 *needs of the Chippewa Cree Tribe;*

16 *(2) the United States has a responsibility to en-*
 17 *sure that adequate and safe water supplies are avail-*
 18 *able to meet the economic, environmental, water sup-*
 19 *ply, and public health needs of the Reservation;*

20 *(3) the entities administering the rural and mu-*
 21 *nicipal water systems in North Central Montana are*
 22 *having difficulty complying with regulations promul-*
 23 *gated under the Safe Drinking Water Act (42 U.S.C.*
 24 *300f et seq.); and*

1 (4) *The study, defined in section 903(k), identi-*
 2 *fies Lake Elwell, near Chester, Montana, as an avail-*
 3 *able, reliable, and safe rural and municipal water*
 4 *supply for serving the needs of the Reservation and*
 5 *North Central Montana.*

6 (b) *PURPOSES.—The purposes of this title are—*

7 (1) *to ensure a safe and adequate rural, munic-*
 8 *ipal, and industrial water supply for the residents of*
 9 *the Rocky Boy’s Reservation in the State of Montana;*

10 (2) *to assist the citizens residing in Chouteau,*
 11 *Glacier, Hill, Liberty, Pondera, Teton, and Toole*
 12 *Counties, Montana, but outside the Reservation, in*
 13 *developing safe and adequate rural, municipal, and*
 14 *industrial water supplies;*

15 (3) *to authorize the Secretary of the Interior—*

16 (A) *acting through the Commissioner of*
 17 *Reclamation to plan, design, and construct the*
 18 *core and noncore systems of the Rocky Boy’s/*
 19 *North Central Montana Regional Water System*
 20 *in the State of Montana; and*

21 (B) *acting through the Bureau of Indian*
 22 *Affairs to operate, maintain, and replace the*
 23 *core system and the on-Reservation water dis-*
 24 *tribution systems, including service connections*
 25 *to communities and individuals; and*

1 (4) *to authorize the Secretary, at the request of*
 2 *the Chippewa Cree Tribe, to enter into self-governance*
 3 *agreements with the Tribe under title IV of the In-*
 4 *dian Self-Determination and Education Assistance*
 5 *Act (25 U.S.C. 458aa et seq.), under which the*
 6 *Tribe—*

7 (A) *through the Bureau of Reclamation,*
 8 *will plan, design, and construct the core system*
 9 *of the Rocky Boy's/North Central Montana Re-*
 10 *gional Water System, and*

11 (B) *through the Bureau of Indian Affairs,*
 12 *will operate, maintain, and replace (including*
 13 *service connections to communities and individ-*
 14 *uals) the core system and the on-Reservation*
 15 *water distribution systems.*

16 **SEC. 903. DEFINITIONS.**

17 *In this title:*

18 (a) *AUTHORITY.—The term “Authority” means the*
 19 *North Central Montana Regional Water Authority estab-*
 20 *lished under State law, Mont. Code Ann. Sec. 75–6–301,*
 21 *et. seq. (2001), to allow public agencies to join together to*
 22 *secure and provide water for resale.*

23 (b) *CORE SYSTEM.—The term “core system” means a*
 24 *component of the water system as described in section*
 25 *904(d) and the final engineering report.*

1 (c) *FINAL ENGINEERING REPORT.*—The term “final
2 engineering report” means the final engineering report pre-
3 pared for the Rocky Boy’s/North Central Montana Regional
4 Water System, as approved by the Secretary of the Interior.

5 (d) *FUND.*—The term “fund” means the Chippewa
6 Cree Water System Operation, Maintenance, and Replace-
7 ment Trust Fund.

8 (e) *ON-RESERVATION WATER DISTRIBUTION SYS-*
9 *TEMS.*—The term “on-reservation water distribution sys-
10 tems” means that portion of the Rocky Boy’s/North Central
11 Montana Regional Water system served by the core system
12 and within the boundaries of the Rocky Boy’s Reservation.
13 The on-reservation water distribution systems are described
14 in section 904(f) and the final engineering report.

15 (f) *NONCORE SYSTEM.*—The term “noncore system”
16 means the rural water system for Chouteau, Glacier, Hill,
17 Liberty, Pondera, Teton, and Toole Counties, Montana, de-
18 scribed in section 905(c) and the final engineering report.

19 (g) *RESERVATION.*—

20 (1) *IN GENERAL.*—The term “Reservation”
21 means the Rocky Boy’s Reservation in the State of
22 Montana.

23 (2) *INCLUSIONS.*—The term “Reservation” in-
24 cludes all land and interests in land that are held in

1 *trust by the United States for the Tribe at the time*
 2 *of the enactment of this title.*

3 (h) *ROCKY BOY’S/NORTH CENTRAL MONTANA RE-*
 4 *GIONAL WATER SYSTEM.—The term “Rocky Boy’s/North*
 5 *Central Montana Regional Water System” means—*

6 (1) *the core system;*

7 (2) *the on-reservation water distribution systems;*

8 *and*

9 (3) *the non-core system.*

10 (i) *SECRETARY.—The term “Sec-*
 11 *retary” means the Secretary of the Interior.*

12 (j) *STATE.—The term “State” means the State of Mon-*
 13 *tana.*

14 (k) *STUDY.—The term “study” means the study enti-*
 15 *tled “North Central Montana Regional Water System Plan-*
 16 *ning/Environmental Report” dated May 2000.*

17 (l) *TRIBE.—The term “Tribe” means—*

18 (1) *the Chippewa Cree Tribe of the Rocky Boy’s*
 19 *Reservation; and*

20 (2) *all officers, agents, and departments of the*
 21 *Tribe.*

22 **SEC. 904. ROCKY BOY’S RURAL WATER SYSTEM.**

23 (a) *FINAL ENGINEERING REPORT.—The following re-*
 24 *ports will serve as the basis for the final engineering report*

1 *for the Rocky Boy's/North Central Montana Regional Water*
2 *System—*

3 (1) *pursuant to Public Law 104–204, a study,*
4 *described in section 903(k), that was conducted to*
5 *study the water and related resources in North Cen-*
6 *tral Montana and to evaluate alternatives for pro-*
7 *viding a municipal, rural and industrial supply of*
8 *water to the citizens residing in Chouteau, Glacier,*
9 *Hill, Liberty, Pondera, Teton, and Toole Counties,*
10 *Montana, residing both on and off the Reservation;*
11 *and*

12 (2) *pursuant to section 202 of Public Law 106–*
13 *163, the Tribe has conducted, through a self-govern-*
14 *ance agreements with the Secretary of Interior, acting*
15 *through the Bureau of Reclamation, a feasibility*
16 *study to evaluate alternatives for providing a munic-*
17 *ipal, rural and industrial supply of water to the Res-*
18 *ervation.*

19 (3) *The Secretary of Interior may require,*
20 *through the agreements described in subsection (g)*
21 *and section 905(d), that the final engineering report*
22 *include appropriate additional study and analyses.*

23 (b) *CORE SYSTEM.—*

1 (1) *IN GENERAL.*—*The Secretary is authorized to*
 2 *plan, design, construct, operate, maintain, and re-*
 3 *place the core system.*

4 (2) *FEDERAL SHARE.*—

5 (A) *The Federal share of the cost of plan-*
 6 *ning, design, and construction of the core system*
 7 *shall be—*

8 (i) *100 percent of the Tribal share of*
 9 *costs as identified in section 914; and*

10 (ii) *80 percent of the authority's share*
 11 *of the total cost for the core system as iden-*
 12 *tified in section 914; and*

13 (iii) *funded through annual appro-*
 14 *priations to the Bureau of Reclamation.*

15 (3) *AGREEMENTS.*—*Federal funds made avail-*
 16 *able to carry out this subsection may be obligated and*
 17 *expended only in accordance with the Agreements en-*
 18 *tered into under subsection (g).*

19 (c) *OPERATION, MAINTENANCE, AND REPLACEMENT*
 20 *(OM&R) CORE SYSTEM.*—*The cost of operation, mainte-*
 21 *nance, and replacement of the core system shall be allocated*
 22 *as follows—*

23 (1) *100 percent of the Tribe's share of the OM&R*
 24 *costs, as negotiated in the Agreements, shall be funded*
 25 *through the Chippewa Cree Water System Operation,*

1 *Maintenance, and Replacement Trust Fund estab-*
 2 *lished in section 913;*

3 (2) *100 percent of the Authority's share of the*
 4 *OM&R costs, as negotiated in the Cooperative Agree-*
 5 *ments, shall be funded by the Authority and fully re-*
 6 *imbursable to the Secretary.*

7 *Federal funds made available to carry out this subsection*
 8 *may be obligated and expended only in accordance with the*
 9 *Agreements entered into under subsection (g) and section*
 10 *905(d).*

11 (d) *CORE SYSTEM COMPONENTS.—As described in the*
 12 *final engineering report, the core system shall consist of—*

13 (1) *intake, pumping, water storage, and treat-*
 14 *ment facilities;*

15 (2) *transmission pipelines, pumping stations,*
 16 *and storage facilities;*

17 (3) *appurtenant buildings, maintenance equip-*
 18 *ment, and access roads;*

19 (4) *all property and property rights necessary*
 20 *for the facilities described in this subsection;*

21 (5) *all interconnection facilities at the core pipe-*
 22 *line to the noncore system; and*

23 (6) *electrical power transmission and distribu-*
 24 *tion facilities necessary for services to core system fa-*
 25 *cilities.*

1 (e) *AUTHORITY TO ACQUIRE PROPERTY.*—Where, in
 2 *carrying out the provisions of this title for construction of*
 3 *the core system, it becomes necessary to acquire any rights*
 4 *or property, the Authority, acting pursuant to State law,*
 5 *Mont. Code Ann. Sec. 75–6–313 (2001), is hereby author-*
 6 *ized to acquire the same by condemnation under judicial*
 7 *process, and to pay such sums which may be needed for*
 8 *that purpose. Nothing in this section shall apply to land*
 9 *held in trust by the United States.*

10 (f) *ON-RESERVATION WATER DISTRIBUTION*
 11 *SYSTEMS—*

12 (1) *IN GENERAL.*—*The Secretary is authorized to*
 13 *operate, maintain, and replace the water distribution*
 14 *systems of the Reservation.*

15 (2) *OPERATION, MAINTENANCE, AND REPLACE-*
 16 *MENT.*—*The cost of operation, maintenance, and re-*
 17 *placement of the on-reservation water distribution*
 18 *systems shall be allocated as follows:*

19 (A) *Up to 100 percent of the Tribe’s share*
 20 *of the OM&R costs, as negotiated in the Agree-*
 21 *ments, shall be funded through the Chippewa*
 22 *Cree Water System Operation, Maintenance, and*
 23 *Replacement Trust Fund established in section*
 24 *913; and*

1 (3) *AGREEMENTS.*—*Federal funds made avail-*
 2 *able to carry out this subsection may be obligated and*
 3 *expended only in accordance with the Agreements en-*
 4 *tered into under subsection (g).*

5 (4) *COMPONENTS.*—*As described in the final en-*
 6 *gineering report, the on-reservation water distribution*
 7 *systems shall consist of—*

8 (A) *water systems in existence on the date*
 9 *of enactment of this title that may be purchased,*
 10 *improved, and repaired in accordance with the*
 11 *Agreements entered into under subsection (g);*

12 (B) *water systems owned by individual*
 13 *members of the Tribe and other residents of the*
 14 *Reservation;*

15 (C) *any water distribution system that is*
 16 *upgraded to current standards, disconnected*
 17 *from low-quality wells; and*

18 (D) *connections.*

19 (5) *CONSTRUCTION OF NEW FACILITIES, OR EX-*
 20 *PANSION OR REHABILITATION OF CURRENT FACILI-*
 21 *TIES.*—*The Tribe shall use \$10,000,000 of the*
 22 *\$15,000,000 appropriated pursuant to the Chippewa*
 23 *Cree Tribe of the Rocky Boy's Reservation Indian Re-*
 24 *served Water Rights Settlement and Water Supply*
 25 *Enhancement Act of 1999 (Public Law 106–163),*

1 *plus accrued interest, in the purchase, construction,*
 2 *expansion, or rehabilitation of the on-reservation*
 3 *water distribution systems.*

4 *(g) AGREEMENTS.—Federal funds made available to*
 5 *carry out subsections (b), (c), and (f) may be obligated and*
 6 *expended only in accordance with the agreements entered*
 7 *into under this subsection.*

8 *(1) IN GENERAL.—At the request of the Tribe,*
 9 *the Secretary shall enter into self-governance agree-*
 10 *ments under title IV of the Indian Self-Determination*
 11 *and Education Assistance Act (25 U.S.C. 458aa et*
 12 *seq.) with the Tribe, in accordance with this title—*

13 *(A) through the Bureau of Reclamation, to*
 14 *plan, design, and construct the core system; and*

15 *(B) through the Bureau of Indian Affairs,*
 16 *to operate, maintain, and replace the core system*
 17 *and the on-Reservation water distribution sys-*
 18 *tems.*

19 *(2) PROJECT OVERSIGHT ADMINISTRATION.—The*
 20 *amount of Federal funds that may be used to provide*
 21 *technical assistance and conduct the necessary con-*
 22 *struction oversight, inspection, and administration of*
 23 *activities in paragraph (1)(A) shall be negotiated*
 24 *with the Tribe and shall be an allowable project cost.*

1 (h) *SERVICE AREA.*—*The service area of the Rocky*
 2 *Boy’s Rural Water System shall be the core system and the*
 3 *Reservation.*

4 (i) *TITLE TO CORE SYSTEM.*—*Title to the core*
 5 *system—*

6 (1) *shall be held in trust by the United States for*
 7 *the Tribe; and*

8 (2) *shall not be transferred unless a transfer is*
 9 *authorized by an Act of Congress enacted after the*
 10 *date of enactment of this title.*

11 (j) *TECHNICAL ASSISTANCE.*—*The Secretary is au-*
 12 *thorized to provide such technical assistance as is necessary*
 13 *to enable the Tribe to—*

14 (1) *plan, design, and construct the core system,*
 15 *including management training. Such technical as-*
 16 *sistance shall be deemed as a core system project con-*
 17 *struction cost; and*

18 (2) *operate, maintain, and replace the core sys-*
 19 *tem and the on-reservation water distribution sys-*
 20 *tems. Such technical assistance shall be deemed as a*
 21 *core system and an on-reservation water distribution*
 22 *systems operation, maintenance, and replacement*
 23 *cost, as appropriate.*

1 **SEC. 905. NONCORE SYSTEM.**

2 (a) *IN GENERAL.*—*The Secretary is authorized to*
 3 *enter into Cooperative Agreements with the Authority to*
 4 *provide Federal funds for the planning, design, and con-*
 5 *struction of the noncore system in Chouteau, Glacier, Hill,*
 6 *Liberty, Pondera, Teton, and Toole Counties, Montana, out-*
 7 *side the Reservation.*

8 (b) *FEDERAL SHARE.*—

9 (1) *PLANNING, DESIGN, AND CONSTRUCTION.*—
 10 *The Federal share of the cost of planning, design, and*
 11 *construction of the noncore system shall be 80 percent*
 12 *and will be funded through annual appropriations to*
 13 *the Bureau of Reclamation.*

14 (2) *OPERATION, MAINTENANCE, AND REPLACE-*
 15 *MENT OF NON-CORE SYSTEM COMPONENTS.*—*The cost*
 16 *of operation, maintenance, and replacement associ-*
 17 *ated with water deliveries to the noncore system shall*
 18 *not be a Federal responsibility and shall be borne by*
 19 *the Authority.*

20 (3) *COOPERATIVE AGREEMENTS.*—*Federal funds*
 21 *made available to carry out this section may be obli-*
 22 *gated and expended only in accordance with the Co-*
 23 *operative Agreements entered into under subsection*
 24 *(d).*

25 (c) *COMPONENTS.*—*As described in the final engineer-*
 26 *ing report, the components of the noncore system on which*

1 *Federal funds may be obligated and expended under this*
 2 *section shall include—*

3 *(1) storage, pumping, and pipeline facilities;*

4 *(2) appurtenant buildings, maintenance equip-*
 5 *ment, and access roads;*

6 *(3) all property and property rights necessary*
 7 *for the facilities described in this subsection;*

8 *(4) electrical power transmission and distribu-*
 9 *tion facilities necessary for service to noncore system*
 10 *facilities; and*

11 *(5) other facilities and services customary to the*
 12 *development of a rural water distribution system in*
 13 *the State.*

14 *(d) COOPERATIVE AGREEMENTS.—*

15 *(1) IN GENERAL.—The Secretary is authorized to*
 16 *enter into the Cooperative Agreements with the Au-*
 17 *thority to provide Federal funds and necessary assist-*
 18 *ance for the planning, design, and construction of the*
 19 *non-core system. The Secretary is further authorized*
 20 *to enter into a tri-partite Cooperative Agreement with*
 21 *the Authority and the Tribe addressing the allocation*
 22 *of operation, maintenance and replacement costs for*
 23 *the core system and action that can be undertaken to*
 24 *keep those costs within reasonable levels.*

1 (2) *MANDATORY PROVISIONS.—The Cooperative*
 2 *Agreements under paragraph (1) shall specify, in a*
 3 *manner that is acceptable to the Secretary and the*
 4 *Authority—*

5 *(A) the responsibilities of each party to the*
 6 *agreements for—*

7 *(i) the final engineering report;*

8 *(ii) engineering and design;*

9 *(iii) construction;*

10 *(iv) water conservation measures;*

11 *(v) environmental and cultural re-*
 12 *source compliance activities; and*

13 *(vi) administration of contracts relat-*
 14 *ing to performance of the activities de-*
 15 *scribed in clauses (i) through (v);*

16 *(B) the procedures and requirements for ap-*
 17 *proval and acceptance of the design and con-*
 18 *struction and for carrying out other activities*
 19 *described in subparagraph (A); and*

20 *(C) the rights, responsibilities, and liabil-*
 21 *ities of each party to the agreements.*

22 (3) *PROJECT OVERSIGHT ADMINISTRATION.—The*
 23 *amount of Federal funds that may be used to provide*
 24 *technical assistance and to conduct the necessary con-*
 25 *struction oversight, inspection, and administration of*

1 *activities in paragraph (1) shall be negotiated with*
 2 *the Authority, and shall be an allowable project cost.*

3 *(e) SERVICE AREA.—*

4 *(1) IN GENERAL.—Except as provided in para-*
 5 *graph (2), the service area of the noncore system shall*
 6 *be generally defined as the area—*

7 *(A) north of the Missouri River and Dutton,*
 8 *Montana;*

9 *(B) south of the border between the United*
 10 *States and Canada;*

11 *(C) west of Havre, Montana;*

12 *(D) east of Cut Bank Creek in Glacier*
 13 *County, Montana; and*

14 *(E) as further defined in the final engineer-*
 15 *ing report, referenced in section 904(a).*

16 *(2) EXCLUSIONS FROM SERVICE AREA.—The*
 17 *service area of the noncore system shall not include*
 18 *the area inside the Reservation.*

19 *(f) LIMITATION ON USE OF FEDERAL FUNDS.—The*
 20 *operation, maintenance, and replacement expenses for the*
 21 *noncore system—*

22 *(1) shall not be a Federal responsibility;*

23 *(2) shall be borne by the Authority; and*

1 (3) *the Secretary may not obligate or expend*
 2 *any Federal funds for the OM&R of the non-core sys-*
 3 *tem.*

4 (g) *TITLE TO NONCORE SYSTEM.—Title to the noncore*
 5 *system shall be held by the Authority.*

6 (h) *AUTHORITY TO ACQUIRE PROPERTY.—Where, in*
 7 *carrying out the provisions of this title for construction of*
 8 *the noncore system, it becomes necessary to acquire any*
 9 *rights or property, the Authority, acting pursuant to State*
 10 *law, Mont. Code Ann. Sec. 75–6–313 (2001), is hereby au-*
 11 *thorized to acquire the same by condemnation under judi-*
 12 *cial process, and to pay such sums which may be needed*
 13 *for that purpose. Nothing in this section shall apply to land*
 14 *held in trust by the United States.*

15 **SEC. 906. LIMITATION ON AVAILABILITY OF CONSTRUCTION**
 16 **FUNDS.**

17 *The Secretary shall not obligate funds for construction*
 18 *of the core system or the noncore system until—*

19 (1) *the requirements of the National Environ-*
 20 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
 21 *are met with respect to the core system and the*
 22 *noncore system;*

23 (2) *the date that is 90 days after the date of sub-*
 24 *mission to Congress of a final engineering report ap-*
 25 *proved and transmitted by the Secretary; and*

1 (3) *the Secretary publishes a written finding*
 2 *that the water conservation plan developed under sec-*
 3 *tion 911(a) includes prudent and reasonable water*
 4 *conservation measures for the operation of the Rocky*
 5 *Boy's/North Central Montana Regional Water System*
 6 *that have been shown to be economically and finan-*
 7 *cially feasible.*

8 **SEC. 907. CONNECTION CHARGES.**

9 *The cost of connection of nontribal community water*
 10 *distribution systems and individual service systems to*
 11 *transmission lines of the core system and noncore system*
 12 *shall be the responsibility of the entities receiving water*
 13 *from the transmission lines.*

14 **SEC. 908. AUTHORIZATION OF CONTRACTS.**

15 *The Secretary is authorized to enter into contracts*
 16 *with the Authority for water from Lake Elwell providing*
 17 *for the repayment of its respective share of the construction,*
 18 *operation, maintenance and replacement costs of Tiber dam*
 19 *and reservoir, as determined by the Secretary, in accord-*
 20 *ance with Federal Reclamation Law (Act of June 17, 1902,*
 21 *32 Stat. 388, and acts amendatory thereof and supple-*
 22 *mental thereto).*

23 **SEC. 909. TIBER RESERVOIR ALLOCATION TO THE TRIBE.**

24 (a) *NO DIMINISHMENT OF STORAGE.—In providing*
 25 *for the delivery of water to the noncore system, the Secretary*

1 *shall not diminish the 10,000 acre-feet per year of water*
 2 *stored for the Tribe pursuant to section 201 of the Chippewa*
 3 *Cree Tribe of The Rocky Boy's Reservation Indian Reserved*
 4 *Water Rights Settlement and Water Supply Enhancement*
 5 *Act of 1999 (Public Law 106–163) in Lake Elwell, Lower*
 6 *Marias Unit, Upper Missouri Division, Pick-Sloan Mis-*
 7 *souri Basin Program, Montana.*

8 (b) *DRAW OF SUPPLY; PURCHASE OF ADDITIONAL*
 9 *WATER.—In providing for delivery of water to Rocky Boy's*
 10 *Indian Reservation for the purposes of this title, the Tribe*
 11 *shall draw its supply from the 10,000 acre-feet per year*
 12 *of water stored for the Tribe pursuant to section 201 of the*
 13 *Chippewa Cree Tribe of The Rocky Boy's Reservation In-*
 14 *dian Reserved Water Rights Settlement and Water Supply*
 15 *Act of 1999 (Public Law 106–163) in Lake Elwell, Lower*
 16 *Marias Unit, Upper Missouri Division, Pick-Sloan Mis-*
 17 *souri Basin Program, Montana. Nothing in this title shall*
 18 *prevent the Tribe from entering into contracts with the Sec-*
 19 *retary for the purchase of additional water from Lake*
 20 *Elwell.*

21 **SEC. 910. USE OF PICK-SLOAN POWER.**

22 *The Secretary of the Interior, in cooperation with the*
 23 *Secretary of Energy, is directed to make Pick-Sloan Mis-*
 24 *souri Basin Program preference power available, for the*

1 *purposes of this title. Power shall be made available when*
 2 *pumps are energized and/or upon completion of the Project.*

3 **SEC. 911. WATER CONSERVATION PLAN.**

4 *(a) IN GENERAL.—The Tribe and the Authority shall*
 5 *develop and incorporate into the final engineering report*
 6 *a water conservation plan that contains—*

7 *(1) a description of water conservation objectives;*

8 *(2) a description of appropriate water conserva-*
 9 *tion measures; and*

10 *(3) a time schedule for implementing the water*
 11 *conservation measures to meet the water conservation*
 12 *objectives.*

13 *(b) PURPOSE.—The water conservation plan under*
 14 *subsection (a) shall be designed to ensure that users of water*
 15 *from the core system, on-reservation water distribution sys-*
 16 *tems, and the noncore system will use the best practicable*
 17 *technology and management techniques to conserve water.*

18 *(c) COORDINATION OF PROGRAMS.—Section 210(a)*
 19 *and (c) of the Reclamation Reform Act of 1982 (43 U.S.C.*
 20 *390jj(a) and (c)) shall apply to activities under Section 911*
 21 *of this title.*

22 **SEC. 912. WATER RIGHTS.**

23 *This title does not—*

1 (1) *impair the validity of or preempt any provi-*
2 *sion of State water law or any interstate compact*
3 *governing water;*

4 (2) *alter the right of any State to any appro-*
5 *priated share of the water of any body of surface or*
6 *ground water, whether determined by any past or fu-*
7 *ture interstate compact or by any past or future legis-*
8 *lative or final judicial allocation;*

9 (3) *preempt or modify any Federal or State law*
10 *or interstate compact concerning water quality or dis-*
11 *posal;*

12 (4) *confer on any non-Federal entity the author-*
13 *ity to exercise any Federal right to the water of any*
14 *stream or to any ground water resource; or*

15 (5) *affect any right of the Tribe to water, located*
16 *within or outside the external boundaries of the Res-*
17 *ervation, based on a treaty, compact, Executive*
18 *Order, Agreements, Act of Congress, aboriginal title,*
19 *the decision in *Winters v. United States*, 207 U.S.*
20 *564 (1908) (commonly known as the ‘Winters Doc-*
21 *trine’), or other law.*

1 **SEC. 913. CHIPPEWA CREE WATER SYSTEM OPERATION,**
 2 **MAINTENANCE, AND REPLACEMENT TRUST**
 3 **FUND.**

4 (a) *ESTABLISHMENT OF TRUST FUND.*—*There is es-*
 5 *tablished in the Treasury of the United States a trust fund*
 6 *to be known as the “Chippewa Cree Water System Oper-*
 7 *ation, Maintenance, and Replacement Trust Fund”, to be*
 8 *managed and invested by the Secretary.*

9 (b) *CONTENTS OF FUND.*—*The Fund shall consist of—*

10 (1) *the amount of \$15,000,000 as the Federal*
 11 *share, as authorized to be appropriated in section*
 12 *914(c);*

13 (2) *the Tribe shall deposit into the Fund*
 14 *\$5,000,000 of the \$15,000,000 appropriated pursuant*
 15 *to the Chippewa Cree Tribe of the Rocky Boy’s Res-*
 16 *ervation Indian Reserved Water Rights Settlement*
 17 *and Water Supply Enhancement Act of 1999 (Public*
 18 *Law 106–163); and*

19 (3) *such interest as may accrue, until expended*
 20 *according to subsections (d) and (f).*

21 (c) *MANAGEMENT OF THE FUND.*—*The Secretary shall*
 22 *manage the Fund, make investments from the Fund, and*
 23 *make monies available from the Fund for distribution to*
 24 *the Tribe consistent with the American Indian Trust Fund*
 25 *Management Reform Act of 1994 (25 U.S.C. 4001 et seq.)*

1 *(referred to in this section as the “Trust Fund Reform*
 2 *Act”), and this title.*

3 *(d) USE OF FUND.—The Tribe shall use accrued inter-*
 4 *est, only, from the Fund for operation, maintenance, and*
 5 *replacement of the core system and the on-reservation dis-*
 6 *tribution, only, pursuant to an operation, maintenance and*
 7 *replacement plan approved by the Secretary.*

8 *(e) INVESTMENT OF FUND.—The Secretary shall, after*
 9 *consulting with the Tribe on the investment of the Fund,*
 10 *invest amounts in the Fund in accordance with—*

11 *(1) the Act of April 1, 1880 (21 Stat. 70, chapter*
 12 *41; 25 U.S.C. 161);*

13 *(2) the first section of the Act of February 12,*
 14 *1929 (25 U.S.C. 161a);*

15 *(3) the first section of the Act of June 24, 1938*
 16 *(25 U.S.C. 162a); and*

17 *(4) subsection (b).*

18 *(f) EXPENDITURES AND WITHDRAWAL.—*

19 *(1) TRIBAL MANAGEMENT PLAN.—*

20 *(A) WITHDRAWAL BY TRIBE.—The Tribe*
 21 *may withdraw all or part of the Fund on ap-*
 22 *proval by the Secretary of a tribal management*
 23 *plan as described in the Trust Fund Reform Act.*

24 *(B) REQUIREMENTS.—In addition to the*
 25 *requirements under the Trust Fund Reform Act,*

1 *the tribal management plan shall require that*
 2 *the Tribe spend any funds only in accordance*
 3 *with the purposes described in subsections 913(d)*
 4 *and (f).*

5 (2) *ENFORCEMENT.*—*The Secretary may take ju-*
 6 *dicial or administrative action to enforce the provi-*
 7 *sions of any tribal management plan to ensure that*
 8 *any monies withdrawn from the Fund under the plan*
 9 *are used in accordance with this title.*

10 (3) *LIABILITY.*—*If the Tribe exercises the right to*
 11 *withdraw monies from the Fund pursuant to the*
 12 *Trust Fund Reform Act, neither the Secretary nor the*
 13 *Secretary of the Treasury shall retain any liability*
 14 *for the expenditure or investment of the monies with-*
 15 *drawn.*

16 (4) *OPERATION, MAINTENANCE, AND REPLACE-*
 17 *MENT PLAN.*—*Expenditures of accrued interest, only,*
 18 *from the Fund may be made for operation, mainte-*
 19 *nance, and replacement plan approved by the Sec-*
 20 *retary.*

21 (A) *IN GENERAL.*—*The Tribe shall submit*
 22 *to the Secretary for approval an operation,*
 23 *maintenance, and replacement plan for any*
 24 *funds made available to it under this section.*

1 (B) *DESCRIPTION.*—*The plan shall describe*
 2 *the manner in which, and the purposes for*
 3 *which, funds made available to the Tribe will be*
 4 *used.*

5 (C) *APPROVAL.*—*On receipt of an expendi-*
 6 *ture plan under subparagraph (A), the Secretary*
 7 *shall, in a timely manner, approve the plan if*
 8 *the Secretary determines that the plan is reason-*
 9 *able and consistent with this title.*

10 (5) *AVAILABILITY.*—*Funds made available from*
 11 *the fund under this section shall be available without*
 12 *fiscal year limitation.*

13 (6) *ANNUAL REPORT.*—*The Tribe shall submit to*
 14 *the Secretary an annual report that describes all ex-*
 15 *penditures from the Fund during the year covered by*
 16 *the report.*

17 (g) *NO PER CAPITA DISTRIBUTIONS.*—*No part of the*
 18 *Fund shall be distributed on a per capita basis to members*
 19 *of the Tribe.*

20 **SEC. 914. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *CORE SYSTEM.*—*There is authorized to be appro-*
 22 *priated \$129,280,000 to the Bureau of Reclamation for the*
 23 *planning, design, and construction of the core system. The*
 24 *Tribal portion of the costs shall be 76 percent. The*
 25 *Authority's portion of the costs shall be 24 percent.*

1 (b) *ON-RESERVATION WATER DISTRIBUTION SYS-*
 2 *TEMS.—The Tribe shall use \$10,000,000 of the \$15,000,000*
 3 *appropriated pursuant to the Chippewa Cree Tribe of the*
 4 *Rocky Boy’s Reservation Indian Reserved Water Rights*
 5 *Settlement and Water Supply Enhancement Act of 1999*
 6 *(Public Law 106–163), plus accrued interest, in the pur-*
 7 *chase, construction, expansion or rehabilitation of the on-*
 8 *reservation water distribution systems.*

9 (c) *CHIPPEWA CREE WATER SYSTEM OPERATION,*
 10 *MAINTENANCE, AND REPLACEMENT TRUST FUND.—For the*
 11 *Federal contribution to the Fund, established in section 913,*
 12 *there is authorized to be appropriated to the Bureau of In-*
 13 *dian Affairs the sum of \$7,500,000 each year for fiscal year*
 14 *2005 and 2006.*

15 (d) *NONCORE SYSTEM.—There is authorized to be ap-*
 16 *propriated \$73,600,000 to the Bureau of Reclamation for*
 17 *the planning, design, and construction of the noncore sys-*
 18 *tem.*

19 (e) *COST INDEXING.—The sums authorized to be ap-*
 20 *propriated under this section may be increased or decreased*
 21 *by such amounts as are justified by reason of ordinary fluc-*
 22 *tuations in development costs incurred after the date of en-*
 23 *actment of this title, as indicated by engineering cost indi-*
 24 *ces applicable for the type of construction involved.*

1 ***TITLE X—MISCELLANEOUS***

2 ***SEC. 1001. SANTEE SIOUX TRIBE, NEBRASKA, WATER SYS-***
 3 ***TEM STUDY.***

4 (a) *STUDY.*—Pursuant to reclamation laws, the Sec-
 5 retary of the Interior (hereafter in this section referred to
 6 as the “Secretary”), through the Bureau of Reclamation
 7 and in consultation with the Santee Sioux Tribe of Ne-
 8 braska (hereafter in this section referred to as the “Tribe”),
 9 shall conduct a feasibility study to determine the most fea-
 10 sible method of developing a safe and adequate municipal,
 11 rural, and industrial water treatment and distribution sys-
 12 tem for the Santee Sioux Tribe of Nebraska that could serve
 13 the tribal community and adjacent communities and incor-
 14 porate population growth and economic development activi-
 15 ties for a period of 40 years.

16 (b) *COOPERATIVE AGREEMENT.*—At the request of the
 17 Tribe, the Secretary shall enter into a cooperative agree-
 18 ment with the Tribe for activities necessary to conduct the
 19 study required by subsection (a) regarding which the Tribe
 20 has unique expertise or knowledge.

21 (c) *REPORT.*—Not later than 1 year after funds are
 22 made available to carry out this section, the Secretary shall
 23 transmit to Congress a report containing the results of the
 24 study required by subsection (a).

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to the Secretary \$500,000 to*
 3 *carry out this section.*

4 **SEC. 1002. YUOK TRIBE AND HOPLAND BAND INCLUDED IN**
 5 **LONG TERM LEASING.**

6 (a) *IN GENERAL.*—*The first section of the Act entitled*
 7 *“An Act to authorize the leasing of restricted Indian lands*
 8 *for public, religious, educational, recreational, residential,*
 9 *business, and other purposes requiring the grant of long-*
 10 *term leases”, approved August 9, 1955 (25 U.S.C. 415(a))*
 11 *is amended by inserting “lands held in trust for the Yurok*
 12 *Tribe, lands held in trust for the Hopland Band of Pomo*
 13 *Indians of the Hopland Rancheria,” after “Pueblo of Santa*
 14 *Clara,”.*

15 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 16 *section (a) shall apply to any lease entered into or renewed*
 17 *after the date of the enactment of this title.*

Attest:

Clerk.

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2D SESSION

S. 2017

AMENDMENT